

February 10, 2022

ATTORNEY GENERAL RAOUL PETITIONS SUPREME COURT TO ORDER ADAMS COUNTY JUDGE TO CORRECT SENTENCE IN SEXUAL ASSAULT CONVICTION

Raoul Urges Illinois Supreme Court to Require Judge to Comply with Mandatory Sentencing Ranges and Impose a Lawful Sentence

Chicago — Attorney General Kwame Raoul today filed a petition for a writ of mandamus urging the Illinois Supreme Court to order Judge Robert K. Adrian to impose a lawful sentence in an Adams County sexual assault case that has attracted national attention.

Attorney General Raoul [filed the mandamus complaint](#) and a [motion](#) for supervisory order today asking the Illinois Supreme Court to direct Judge Adrian to sentence Drew S. Clinton in accordance with state law. Adrian found Clinton guilty of felony criminal sexual assault following a bench trial in October 2021. On January 3, 2022, Adrian vacated Clinton's conviction, which resulted in Clinton being released from the county jail.

"The mandatory sentencing range set by the Illinois General Assembly for felony criminal sexual assault is four to 15 years in prison. In addition to the insensitivity to the victim in this case, the judge's decision to vacate the conviction and call the 148 days Clinton served in county jail 'plenty of punishment,' demonstrates an abuse of power," Raoul said. "I appreciate our collaboration with the Adams County State's Attorney and the Illinois Office of the State's Attorney Appellate Prosecutor. I am urging the Illinois Supreme Court to direct the judge to sentence the defendant in accordance with state law."

Clinton was charged with three counts of criminal sexual assault for assaulting a minor female at a graduation party in Quincy, Illinois. The 16-year-old victim was unable to give consent when she was assaulted by Clinton, who was 18 years old at the time. Adrian found Clinton guilty of one count of criminal sexual assault, a felony, after a bench trial that included testimony from the victim and witnesses at the party. However, when sentencing Clinton, Adrian plainly stated his intention to not sentence Clinton to prison, as mandated by Illinois' mandatory minimum sentencing requirements, saying the almost five months Clinton had already served in the county jail was "plenty of punishment." Instead, Adrian vacated the conviction and released Clinton from custody. Raoul's mandamus complaint urges the court to order Judge Adrian to reinstate the verdict and issue a sentence consistent with the mandatory sentencing range set in statute.

"Victims of sexual assault often make the decision to not come forward because they believe that the criminal justice system will not believe them nor protect them. The victim in this case took the brave steps of reporting the crime, cooperating with the investigation, and testifying at trial. Because of her courage, the defendant was convicted of his crime. There is nothing more frustrating and disheartening to our community, this victim, and to all victims of sexual assault when any defendant avoids the legal consequences of his conduct," Adams County State's Attorney Gary Farha said. "We appreciate the hard work of the Attorney General and the Appellate Prosecutor's Office in ensuring that this brave young woman have the opportunity to hold her attacker responsible."

In the complaint, Raoul points out that criminal sexual assault is a Class 1 felony with a statutory sentence range of four to 15 years in prison. Raoul argues that Adrian exceeded his authority when he concluded – in defiance of the General Assembly's intent – that 148 days in county jail was a "just sentence" due to Clinton's age and lack of criminal record. Raoul points out that by refusing to enforce a valid criminal statute, the judge acted as a quasi-legislator and usurped the authority of the legislative branch while

undermining confidence in the judicial process. Raoul further argues that Judge Adrian's comments at the sentencing hearing demonstrate his own recognition that he lacked the authority to depart from the mandatory minimum sentencing range.

Judge Adrian's sentence attracted national attention and widespread criticism.

No. _____

E-FILED
2/10/2022 2:10 PM
CYNTHIA A. GRANT
SUPREME COURT CLERKIN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Original Mandamus
ex rel. Gary L. Farha,	)	Complaint
State's Attorney of Adams County, Illinois,)	
)	
Movant-Petitioner,	)	Underlying Case
	)	No. 21 CF 396
v.	)	Circuit Court of the
	)	Eighth Judicial Circuit,
THE HONORABLE ROBERT K. ADRIAN,	)	Adams County, Illinois
Circuit Court Judge of the Eighth)	
Judicial Circuit, and DREW S. CLINTON,	)	The Honorable
	)	Robert K. Adrian,
Respondents.	)	Judge Presiding.

**MOTION FOR LEAVE TO FILE ORIGINAL
MANDAMUS COMPLAINT**

The People of the State of Illinois seek leave to file the attached original mandamus complaint pursuant to Supreme Court Rules 381. Contrary to 720 ILCA 5/11-1.20(b)(1) and 730 ILCS 5/5-4.5-30(a), the Honorable Robert K. Adrian (“respondent”) sentenced Drew Clinton to 148 days in county jail rather than four to fifteen years in the Illinois Department of Corrections, as mandated by statute.¹

On October 15, 2021, following a bench trial, respondent found Clinton guilty of one count of criminal sexual assault. SR119.² On January 3, 2022, respondent

¹ The People have contemporaneously filed, in the alternative, a motion for supervisory order.

² “SR_” refers to the supporting record from the underlying case, *People v. Clinton*, No. 21 CF 396, in the Circuit Court of the 8th Judicial Circuit, Adams

purported to reverse that ruling and find Clinton not guilty. SR127. But respondent's remarks on that day made plain that he was not, in fact, reversing the finding of guilty, but rather refusing to sentence Clinton within the range required by statute. SR143.

Criminal sexual assault is a Class 1 felony, carrying a sentence of four to fifteen years in prison. 720 ILCA 5/11-1.20(b)(1); 730 ILCS 5/5-4.5-30(a). But respondent refused to impose that sentence, stating:

By law, the Court is supposed to sentence this young man to the Department of Corrections. This Court will not do that. That is not just. There is no way for what happened in this case that this teenager should go to the Department of Corrections. I will not do that.

SR143. Instead, respondent concluded, because "Clinton has served almost five months in the county jail[,] . . . that is plenty of punishment." *Id.* In reaching this conclusion, respondent stated his intention to deny the People an opportunity to appeal:

The Court could find that the sentencing statute for this offense is unconstitutional as applied to this Defendant. But that's not going to solve the problem because, if the Court does that, this Court will be reversed by the Appellate Court.

SR143. In other words, respondent purported to find Clinton not guilty, not because the People failed to prove an element of the offense beyond a reasonable doubt but rather to impose a sentence outside of the statutory range while avoiding subjecting that sentence to appellate review.

County, which is filed with this complaint.

“Mandamus is an appropriate remedy to compel compliance with mandatory legal standards.” *People ex rel. Birkett v. Konetski*, 233 Ill. 2d 185, 192-93 (2009) (citation omitted). Respondent was required to impose a sentence of four to fifteen years, but he did not do so. Mandamus therefore is appropriate here. Accordingly, for these reasons and those set forth in the proposed complaint for mandamus, the People request leave to file the attached original mandamus complaint seeking an order of mandamus compelling the Honorable Robert K. Adrian to (1) vacate the January 3, 2022 order, and (2) enter an order sentencing Clinton to a term of years within the statutorily required range of four to fifteen years.

Of Counsel

GARY L. FARHA
State’s Attorney of Adams County

PATRICK DELFINO
Director

DAVID J. ROBINSON
Chief Deputy Director

LINDA SUSAN MCCLAIN
State’s Attorneys
Appellate Prosecutor

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

JANE ELINOR NOTZ
Solicitor General of Illinois

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

By: /s/ Garson S. Fischer
GARSON S. FISCHER
Assistant Attorney General
100 West Randolph Street,
12th Floor
Chicago, Illinois 60601-3218
(773) 590-6911
eserve.criminalappeals@ilag.gov

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

By: /s/ Garson S. Fischer
GARSON S. FISCHER
Assistant Attorney General

CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. The undersigned certifies that on February 10, 2022, the foregoing **Motion for Leave to File Original Mandamus Complaint and attached Original Mandamus Complaint** was electronically filed with the Clerk, Illinois Supreme Court, through the Odyssey eFileIL system, which will serve the following:

Andrew C. Schnack, III
Schnack Law Offices
510 Vermont Street
Quincy, Illinois 62301
(217) 224-4000
schlaw@adams.net

The Honorable Robert K. Adrian
Adams County Circuit Courthouse
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2100
radrian@illinoiscourts.gov

/s/ Garson S. Fischer
Attorney for Movant-Petitioner
People of the State of Illinois

Alvarez v. Howard, 2016 IL 120729, ¶¶ 12-13 (citing *People ex rel. Birkett v. Konetski*, 233 Ill. 2d 185, 192-93 (2009)); see also *Jorgenson*, 216 Ill. 2d at 362. “Although mandamus generally provides affirmative rather than prohibitory relief, the writ can be used to compel the undoing of an act,” *Howard*, 2016 IL 120729, ¶ 12 (citation omitted), and “to compel compliance with mandatory legal standards,” *Konetski*, 233 Ill. 2d at 192-93. A writ of mandamus will be awarded if the petitioner establishes a clear right to the relief sought, a clear duty of the public official to act, and clear authority in the public official to comply with the writ. *Howard*, 2016 IL 120729, ¶ 12.

Relevant here, it is “quite settled that the sentencing provisions of the Unified Code of Corrections are mandatory and *mandamus* will lie to compel compliance with them.” *Jorgenson*, 216 Ill. 2d at 362; see also *City of Chicago v. Roman*, 184 Ill. 2d 504, 510 (1998) (“court exceeds its authority if it orders a lesser sentence than what the statute mandates”). Thus, mandamus has long been used “to correct lower courts’ departures from mandatory sentencing schemes.” *Jorgenson*, 216 Ill. 2d at 362; accord *People v. Castleberry*, 2015 IL 116961, ¶ 27; *People ex rel. Daley v. Strayhorn*, 119 Ill. 2d 331, 337 (1988). Applying these principles here, the Court should order respondent to follow the mandatory sentencing requirement established by the General Assembly.

BACKGROUND

Clinton was charged with three counts of criminal sexual assault of C.V. in violation of 720 ILCS 5/11-1.20. SR11.¹ Counts one and two alleged that Clinton penetrated the vagina of his minor victim with his penis through the use or threat of force (Count 1) while knowing that she was unable to give knowing consent (Count 2). *Id.* Count three alleged that Clinton penetrated the vagina of his minor victim with his finger knowing that she was unable to give knowing consent. *Id.* Clinton waived his right to a jury, pleaded not guilty, and proceeded to a bench trial. SR96-97.

At trial, C.V. testified that she was a 16-year-old high school sophomore on May 30, 2021, when the attack occurred. SR162-63. On that date, she attended a graduation party in her hometown of Quincy, Illinois. SR164. C.V. and her friends arrived at the party at about 11 p.m. and found 20 to 30 other young people gathered around a pool behind the house. SR165-66. There was alcohol at the party, and C.V. consumed “like six” “small bottles of alcohol.” SR168. After consuming the second bottle, C.V. began vomiting, “and then later on in the night, it just got worse.” *Id.*

C.V. stripped down to her underwear and joined eight to ten other people in the pool, where she continued drinking. SR169-70. Eventually, someone helped

¹ “SR_” refers to the supporting record from the underlying case, *People v. Clinton*, No. 21 CF 396, in the Circuit Court of the 8th Judicial Circuit, Adams County, which is filed with this complaint.

C.V. out of the pool, and C.V. vomited again. SR170. A friend helped C.V. back into her clothes, and someone carried her to the backseat of a car. SR171, 173-74. The next thing C.V. remembered was arriving at a friend's house and being carried inside, where she was placed on the couch in the basement game room. SR175-78. C.V. then fell asleep. *Id.*

C.V. was awoken by “something over [her] face and somebody . . . on top of [her].” SR179. Someone was holding a couch cushion over C.V.'s face and penetrating her vagina with his penis. *Id.* C.V. told her attacker to stop, and when he did not stop, she rolled off the couch and fled to a basement bedroom. *Id.* As she fled, she was able to identify Clinton as her attacker. SR180. Clinton quickly pulled up his pants and started playing video games, “acting like nothing just happened.” SR182-83.

C.V. had met Clinton at the party. SR180. She did not talk to him at the party after they were introduced (on cross-examination she acknowledged that she gave him one of her small bottles of alcohol when they met, SR202), but he was one of five people in the car that drove C.V. to her friend's house. SR181. She had no contact with him at the house before he attacked her. SR182.

When C.V. entered the basement bedroom, she found three friends. SR184. She told them that Clinton “raped [her] and just got up and acted like nothing had happened.” *Id.* C.V. then called a friend to pick her up and told the friend that she “had just been raped and [did] not want to be in the

same house as him and . . . want[ed] to go home.” SR185-86. Ian Frese and another friend drove C.V. home, and they all slept in the camper that was parked outside her house because C.V. “didn’t want to go inside and wake up [her] parents.” SR186.

When C.V. began feeling sick to her stomach, she finally went into her home. SR186-87. Her dad woke up, she told him what happened, and they called the police. SR187. An officer came to their house, and C.V. gave the officer a statement and the clothes she had been wearing at the time of the attack. SR187, 189. C.V. then went to the hospital where she told a nurse what happened, and they collected physical evidence. SR188-89.

Clinton testified in his defense. He was 18 years old at the time of the crime. SR246. He had graduated from high school a year earlier, and while he had spent much of his life in Quincy, he moved to Taylor, Michigan during his sophomore year of high school. SR247. Nevertheless, Clinton maintained friendships with several people in Quincy and had taken the train from Taylor to visit them on the weekend of the attack. SR251. Clinton’s account of the party was largely similar to C.V.’s. Like C.V., Clinton remembered that the two met briefly at the party, C.V. gave Clinton one or two drinks, and they did not “spend any significant amount of time” together at the party. SR264, 267. Clinton saw C.V. swimming in the pool in her underwear and throwing up near the house

afterwards. SR268, 270. Eventually, he left the party with C.V. and some mutual friends. SR272.

Although Clinton's description of the party was largely consistent with C.V.'s, his version of what happened when they arrive at the friend's home differed significantly. According to Clinton, the group stood outside for approximately 30 minutes because C.V. did not want to go inside. SR276. During that time, Clinton testified, C.V. was not vomiting and was conversing with the group. *Id.* He agreed with C.V. that she was carried into the house and placed on a couch in the game room. SR277-79. Clinton and C.V.'s friends then sought instructions on how to care for C.V. in her intoxicated state from one of their sisters, who "worked at the hospital." SR280. At that point, according to Clinton, C.V. was awake and spoke with him about the fact that she was feeling sick. SR279, 281.

Clinton and C.V. were alone in the game room for several hours. SR283-84. Clinton testified that C.V. did not fall asleep and was talking to him the entire time. SR285. Every five minutes, Clinton asked C.V. if she was okay, and she repeatedly assured him she was fine. SR285-86. Eventually, he sat on the end of the couch and put her feet in his lap. SR287. Clinton then started rubbing C.V.'s thighs "and making sure she was okay." SR289. Clinton testified that C.V. then helped him pull down her sweatpants and underwear. SR291-92. Clinton acknowledged that he penetrated C.V.'s vagina with his finger. SR292. He also acknowledged that at some point, C.V. told him to stop; according to his testimony,

Clinton stopped and went to play video games. SR293, 297. C.V. then fell asleep for 20 minutes. SR297. When she woke up, she got up and left the room.

SR298. Clinton denied ever lowering his pants or penetrating C.V.'s vagina with his penis. SR293-94.

After hearing C.V.'s and Clinton's testimony, as well as testimony from other witnesses to the evening's events and regarding the physical evidence gathered from C.V.'s and Clinton's bodies and clothing, respondent found Clinton guilty of count three: penetrating C.V.'s vagina with his finger knowing that she was unable to give knowing consent. SR119.

Defense counsel filed two post-trial motions. The first argued that the court should enter a judgment of not guilty on count three because: (1) the prosecutor made prejudicial comments in closing arguments; (2) Clinton was "denied equal protection of the laws"; (3) witnesses suffered from "bias and prejudice," resulting in inconsistent statements "and outright lies to the court"; and (4) the verdict was against the manifest weight of the evidence. SR120-21. The second motion argued that the minimum sentence of four years in prison was unconstitutional (1) on its face because mandatory minimum sentences violate separation of powers principles, and (2) as applied to Clinton "based upon the Defendants [*sic*] lack of criminal record, his educational abilities, and all other mitigating factors." SR122-23.

Respondent heard arguments on both motions and then ruled from the bench, stating:

This Court is required to do justice. This Court is required to do justice by the public, it's required to do justice by me, and it's required to do justice by God. It's a mandatory sentence to the Department of Corrections. This happened when this teenager -- because he was and is a teenager, was two weeks past 18 years old. He has no prior record, none whatsoever. By law, the Court is supposed to sentence this young man to the Department of Corrections. This Court will not do that. That is not just. There is no way for what happened in this case that this teenager should go to the Department of Corrections. I will not do that.

SR142-43. Respondent then concluded, "Mr. Clinton has served almost five months in the county jail, 148 days. For what happened in this case, that is plenty of punishment. That would be a just sentence." SR143.

ARGUMENT

Mandamus is appropriate because respondent's order is inconsistent with the statutory requirement of mandatory sentencing. "The remedy of mandamus . . . permits the State to challenge criminal sentencing orders where it is alleged that the circuit court violated a mandatory sentencing requirement, but precludes the State from challenging ordinary, discretionary sentencing decisions." *Castleberry*, 2015 IL 116961, ¶ 27; *see also Jorgenson*, 216 Ill. 2d at 362 (mandamus available "to correct lower courts' departures from mandatory sentencing schemes"); *Strayhorn*, 119 Ill. 2d at 337 (mandamus appropriate to compel judge to follow sentencing statute).

Criminal sexual assault is a Class 1 felony, carrying a mandatory minimum sentence of four years in prison. 720 ILCA 5/11-1.20(b)(1); 730 ILCS 5/5-4.5-30(a). There can be no question that the General Assembly had authority to set this mandatory term. “[T]his [C]ourt has repeatedly recognized that the legislature has the power to prescribe penalties for defined offenses, and that power necessarily includes the authority to prescribe mandatory sentences, even if such sentences restrict the judiciary’s discretion in imposing sentences.” *People v. Coty*, 2020 IL 123972, ¶ 24. Moreover, nothing requires the legislature to give greater weight or consideration to factors such as an offender’s age, criminal record, or rehabilitative potential than to the seriousness of the offense. *Id.*; *People v. Rizzo*, 2016 IL 118599, ¶ 39. Instead, the legislature may consider the severity of an offense and determine that no set of mitigating circumstances could permit an appropriate punishment less than a mandatory minimum. *Rizzo*, 2016 IL 118599, ¶ 39; *People v. Huddleston*, 212 Ill. 2d 107, 145 (2004); *People v. Dunigan*, 165 Ill. 2d 235, 244-47 (1995).

In concluding that 148 days in county jail was a “just sentence” based on the view that Clinton’s age and lack of a criminal record carried greater weight than the severity of his crime, SR143, respondent violated this mandatory sentencing requirement and impermissibly substituted his own judgment for that of the General Assembly, which has concluded that no set

of mitigating circumstances could permit a sentence of less than four years in prison.

Respondent did not grant Clinton's motion to declare the sentencing statute unconstitutional as applied to him. Nor, as respondent recognized, SR143, would there be any ground to do so. The only basis for departing from a mandatory sentence that could conceivably apply here is under the "cruel or degrading standard" that gives effect to article I, section 11, of the Illinois Constitution. *Rizzo*, 2016 IL 118599, ¶ 28. Under that standard, a defendant must show that the challenged penalty is "so wholly disproportionate to the offense committed as to shock the moral sense of the community." *Coty*, 2020 IL 123972, ¶ 31 (internal quotations omitted); *accord Rizzo*, 2016 IL 118599, ¶¶ 28, 36-39, 41. For an as-applied challenge, the court also considers the particular offender and whether it shocks the moral sense of the community to apply the designated penalty to him, bearing in mind that the legislature may constitutionally consider the severity of an offense and determine that no set of mitigating circumstances could permit an appropriate punishment of less than the minimum. *See Rizzo*, 2016 IL 118599, ¶ 39; *Huddleston*, 212 Ill. 2d at 141-45.

Respondent recognized that this was the analysis he was required to undertake, but he chose not to do so, apparently in an effort to shield his order from appellate review. Respondent stated:

The Court could find that the sentencing statute for this offense is unconstitutional as applied to this Defendant. But that's not going to solve the problem because, if the Court does that, this Court will be reversed by the Appellate Court, and Mr. Clinton will end up in the Department of Corrections.

Mr. Clinton has served almost five months in the county jail, 148 days. For what happened in this case, that is plenty of punishment. That would be a just sentence. The Court can't do that.

But what the Court can do, because this was a bench trial, the Court will find that the People failed to prove their case on Count 3. The Court is going to reconsider its verdict, is going to find the Defendant not guilty on Count 3. And, therefore, the case -- the Defendant will be released from custody.

SR143. In other words, respondent recognized that he had no legitimate basis for departing from the mandatory minimum and thus purported to reverse his judgment as to Clinton's guilt on count three to evade appellate review.

To be sure, a court has inherent power to reconsider and correct its own rulings, including both interlocutory and final judgments. *People v. Mink*, 141 Ill. 2d 163, 171 (1990). But the record belies any argument that respondent did that here. Rather than reconsidering and "correcting" its prior finding of guilt, respondent stated that his ruling was contrived to impose a "just sentence" of 148 days in jail, far below the statutory minimum set by the General Assembly. And he acknowledged that he avoided the constitutional challenge so he could deny the appellate court an opportunity to review his order. SR143; *see also People v. Miller*, 202 Ill. 2d 328, 335 (2002) (recognizing this Court's jurisdiction pursuant to Rule 603 to review circuit court's finding that mandatory minimum is unconstitutional as

applied to defendant). In short, then, respondent declared that his judgment alone determined a “just sentence” for Clinton’s crime, thus ignoring the mandates of both the General Assembly and this Court.

But even taking respondent’s order as a reconsideration of its finding of guilt rather than an unlawful sentence, respondent still exceeded his authority. Respondent based his judgment not on the evidence introduced at trial, but on his realization that Clinton faced a mandatory minimum sentence of four years in prison. Whether a juror in a jury trial or a trial judge in a bench trial, the factfinder may consider only the evidence admitted at trial. *See People v. Wallenberg*, 24 Ill. 2d 350, 354 (1962) (“This court has held that the deliberations of the trial judge are limited to the record made before him during the course of the trial.”); *People v. Rivers*, 410 Ill. 410, 419 (1951) (trial judge in bench trial “is in the identical position of the jury and all the recognized rules for the protection of the defendant’s rights apply with equal force”); *see also* Illinois Pattern Jury Instruction, Criminal, No. 1.01 (“It is [jurors’] duty to determine the facts and to determine them only from the evidence in this case.”), No. 1.01A (“[Jurors] should not do any independent investigation or research on any subject or person relating to the case.”). Indeed, jurors are specifically instructed, “You are not to concern yourself with possible punishment or sentence for the offense charged during your deliberation.” Illinois Pattern Jury Instruction, Criminal, No. 1.01. Thus,

respondent was not free to reverse his judgment in reliance on extra-record information regarding the possible sentence for the offense.

Finally, to allow respondent's act to stand would be to endorse judicial nullification of mandatory sentencing requirements established by the legislature in the absence of a constitutional infirmity. "The historic position of the jury affords ample ground for tolerating the jury's assumption of the power to insure lenity." *United States v. Maybury*, 274 F.2d 899 (2d Cir. 1960). But a "judge is hardly the voice of the community," even when he sits as factfinder, and does not have the same authority. *Id.* at 903. Structurally, judicial nullification violates separation of powers principles because as long as the legislature acts within its constitutional authority to determine the scope of criminal conduct and appropriate penalties, the courts must give effect to those determinations. *United States v. Kozminski*, 487 U.S. 931, 939 (1988). By refusing to enforce a valid criminal statute, a judge acts as a quasi-legislator and usurps the authority of the legislative branch, while undermining confidence in the judicial process. *See Whalen v. United States*, 445 U.S. 684, 689 (1980).² Because respondent failed to comply with a mandatory

² Indeed, respondent's extra-judicial action has generated negative media coverage for Illinois's court system around the country and internationally. *See, e.g.*, Maria Cramer & Isabella Grullon Paz, *Judge Tosses Teen's Sexual Assault Conviction, Drawing Outrage*, The New York Times (Jan. 13, 2022) (available at <https://tinyurl.com/5n6w8ada>); Maria Luisa Paul & Meryl Kornfield, *Judge Criticized for Reversing Teen's Sexual Assault Verdict, Saying 148 Days in Jail is "Plenty"*, The Washington Post (Jan. 13, 2022) (available at <https://tinyurl.com/3h6y9s5d>); Maya Yang, *Illinois Judge Sparks Outrage by Reversing 18-year-old's Rape Conviction*, The Guardian (Jan. 13, 2022) (available at <https://tinyurl.com/2p93xcdw>).

sentencing requirement, this Court should direct respondent to impose the sentence that the General Assembly determined was appropriate.

CONCLUSION

Respondent found Clinton guilty of criminal sexual assault, but rather than impose the punishment of four to fifteen years in prison mandated by statute, he exceeded his authority and ordered Clinton released after only 148 days in jail. Therefore, this Court should issue an order of mandamus directing respondent to (1) vacate the order of January 3, 2022, and (2) sentence Clinton consistent with the mandatory sentencing range set by the General Assembly.

Of Counsel

GARY L. FARHA
State's Attorney of Adams County

PATRICK DELFINO
Director

DAVID J. ROBINSON
Chief Deputy Director

LINDA SUSAN MCCLAIN
State's Attorneys
Appellate Prosecutor

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

JANE ELINOR NOTZ
Solicitor General of Illinois

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

By: /s/ Garson S. Fischer
GARSON S. FISCHER
Assistant Attorney General
100 West Randolph Street,
12th Floor
Chicago, Illinois 60601-3218
(773) 590-6911
eserve.criminalappeals@ilag.gov

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

By: /s/ Garson S. Fischer
GARSON S. FISCHER
Assistant Attorney General

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE

Plaintiff/Petitioner

Circuit Court No: 2021CF396

v

CLINTON, DREW S

Defendant/Respondent

CERTIFICATION OF RECORD

The record for transfer has been prepared and certified in the form required for transmission to the receiving court.

It consists of:

1 Volume(s) of the Case Record, containing 335 pages.

3 Volumes(s) of the Confidential Case Record, containing 285 pages.

I do hereby certify that this certification of the record pursuant to 735 ILCS 5/2-106 to be a true and complete copy containing the originals of all papers filed in the case, including all orders entered, issued out of my office this 19th DAY OF January, 2022.

Lori R Geschwandner, Clerk of the Circuit Court

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE)		
	)	Plaintiff/Petitioner	Circuit Court No: 2021CF396
v)		
)		
)		
CLINTON, DREW S)		
	)	Defendant/Respondent	

CHANGE OF VENUE - TABLE OF CONTENTS

Page 1 of 3

<u>Title/Description</u>	<u>Page No</u>
INFORMATION	5 - 5
ORDER FILED.	6 - 6
AFFIDAVIT OF ASSETS & LIABILITIES	7 - 8
PRETRIAL RELEASE ORDER FILED.	9 - 9
STATUS HEARING	10 - 10
BILL OF INDICTMENT	11 - 12
NOTICE OF VICTIM'S ASSERTION OF RIGHTS	13 - 13
PLEADS NOT GUILTY	14 - 14
ADMONISHMENT SHEET FILED	15 - 15
ORDER FOR PRE-CONVICTION TESTING	16 - 17
CERTIFICATE OF COMPLIANCE	18 - 18
MOTION TO CONTINUE	19 - 19
NOTICE OF HEARING	20 - 20
MOTION FOR DISCOVERY	21 - 24
MOTION FOR SPEEDY TRIAL	25 - 26
MOTION FOR BILL OF PARTICULARS	27 - 29
SECOND MOTION FOR DISCOVERY BEFORE TRIAL	30 - 32
MOTION FOR BOND REDUCTION	33 - 35
NOTICE OF HEARING	36 - 39
AMENDED NOTICE OF HEARING	40 - 43
MOTION FOR SUBSTITUTION OF COUNSEL	44 - 44
SET FOR HEARING	45 - 45
PRE TRIAL ORDER	46 - 46
REMAINS AS SET ON 8/2/21	47 - 47
CONT'D TO SEPTEMBER JURY	48 - 48

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE)		
	)	Plaintiff/Petitioner	Circuit Court No: 2021CF396
v)		
)		
)		
CLINTON, DREW S)		
	)	Defendant/Respondent	

CHANGE OF VENUE - TABLE OF CONTENTS

Page 2 of 3

<u>Title/Description</u>	<u>Page No</u>
ORDER FOR GPS ELECTRONIC SURVEILLANCE	49 - 50
10% BOND	51 - 51
MOTION TO PROHIBIT	52 - 53
ORDER FILED.	54 - 54
PEOPLE'S DISCOVERY RESPONSE CERTIFICATE OF COMPLIANCE	55 - 57
PEOPLE'S FIRST MOTION IN LIMINE	58 - 60
PEOPLE'S SECOND MOTION IN LIMINE	61 - 61
PEOPLE'S THIRD MOTION IN LIMINE	62 - 64
PEOPLE'S FOURTH MOTION IN LIMINE	65 - 65
PEOPLE'S MOTION TO EXCLUDE	66 - 66
MOTION FOR BILL OF PARTICULARS	67 - 67
SUPPLEMENTAL	68 - 68
AMENDED SUPPLEMENTAL DISCOVERY	69 - 69
MOTION TO CONTINUE	70 - 70
CONT'D TO 8/23/21	71 - 71
ORDER	72 - 73
DEFENDANT'S DISCOVERY RESPONSE CERTIFICATE OF COMPLIANC	74 - 75
SUBPOENA - TO ISSUE	76 - 86
SECOND SUPPLEMENTAL DISCOVERY RESPONSE	87 - 87
AMENDED THIRD MOTION IN LIMINE	88 - 90
SET FOR HEARING	91 - 91
PRETRIAL MOTIONS	92 - 92
ORDER FILED.	93 - 93
REMAINS SET FOR JURY	94 - 94
APPEARS W/COUNSEL	95 - 95

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE)		
	)	Plaintiff/Petitioner	Circuit Court No: 2021CF396
v)		
)		
)		
CLINTON, DREW S)		
	)	Defendant/Respondent	

CHANGE OF VENUE - TABLE OF CONTENTS

Page 3 of 3

<u>Title/Description</u>	<u>Page No</u>
WAIVER OF JURY	96 - 96
SET FOR BENCH TRIAL	97 - 97
PEOPLE'S EXHIBIT #12A (	98 - 104
PEOPLE'S EXHIBIT #12B	105 - 107
PEOPLE'S EXHIBIT #12C	108 - 109
PEOPLE'S EXHIBIT #12E	110 - 116
PSI ORDERED	117 - 118
BENCH TRIAL	119 - 119
POST TRIAL MOTION	120 - 121
MOTION	122 - 123
PEOPLE'S RESPONSE TO MOTION	124 - 125
PEOPLE'S RESPONSE TO POST TRIAL MOTION	126 - 126
NOT GUILTY	127 - 127
ROP SENTENCING HEARING 1/3/22	128 - 146
NOTICE OF FILING FOR EXPUNGEMENT	147 - 148
REQUEST TO EXPUNGE & IMPOUND	149 - 152
NOTICE OF MOTIONS	153 - 157
UNREDACTED TRANSCRIPTS	158 - 158
ROP EXCERPT 10/13/21 (REDACTED)	159 - 242
ROP EXCERT 10/15/21 (REDACTED)	243 - 335
ORDER	336 - 336

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
vs.)
)
DREW S. CLINTON,)
(DOB: 5/18/03))
Defendant.)

Case No. 21-CF-396

FILED

JUN 01 2021

Geri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

INFORMATION

On behalf of the People of the State of Illinois, Adams County State's Attorney Gary L. Farha charges:

That on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his penis into the vagina of C.J.V. by the use of force or threat of force, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(1). (F-1) (Category A Offense)

TRE:cae

[Signature]

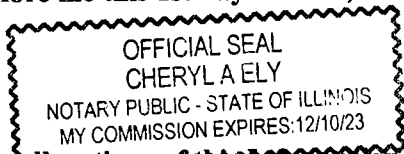
(Assistant) State's Attorney

STATE OF ILLINOIS)
) SS
COUNTY OF ADAMS)

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

[Signature]

Sworn to before me this 1st day of June, 2021.



[Signature]
_____ Notary Public

Based on the allegations of this information as well as the police report and attached affidavit of _____, the Court finds probable cause; arrest warrant to issue. Bail set in the sum of \$ _____.

DATED: _____

JUDGE

DATE OF ARREST: 5/31/21
CFN# QPD - Q21-11602

AO-4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

vs. Plaintiff.

Drew Clinton

Defendant.

21 CF 396 ORDER

APPEARANCE ORDER

Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

Defendant appears personally.

1. Todd Nelson appears as defense counsel for bond purposes only

2. Defendant acknowledges receipt of copy of Charging document and is advised of nature of charges, possible penalties, pertinent constitutional rights, and trial in absentia.

3. Defendant requests appointed counsel.

A. Affidavit of Assets and Liabilities is submitted.

B. Court finds defendant to be indigent and appoints Vanessa Pratt to represent defendant.

C. Court finds defendant is not indigent and denies request.

D. Defendant advised of possible obligation to repay County for Public Defender expenses.

4. Cause is continued to _____, 20____, at _____, in courtroom _____.

A. On motion of defendant.

B. On motion of People.

5. Bail Bond

A. is set at \$ 75,000 (10%).

B. is continued.

C. remains as previously set and defendant is remanded to custody of Sheriff

D. is reduced to \$ _____

Charge prepaid [] Faxed []
Counsel delivered [] Emailed []
Counsel [] V. Pratt []
Defendant []
Date 6/11/21
Deputy Clerk

6. Defendant pleads not guilty and cause is set for (jury trial / bench trial / hearing) on _____, 20____, at _____ before Judge _____

7. Cause is set for:

A. Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

B. Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. for consideration of recognizance bond. Defendant is eligible for a \$30.00 per day credit against the 10% cash bond required to secure release. After the \$30.00 per day credit is applied, Defendant would be eligible for a recognizance bond on or about the above date, provided the same is approved by the Court. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

C. Preliminary Hearing on June 7, 2021, at 3:30 p.m. in Courtroom 1A

8. The court finds that probable cause exists for the arrest of the defendant (_____ a.m./p.m.).

9. Pre-trial to be held on _____, 20____, at a time to be set by the clerk. Defendant must appear personally for pre-trial review or a warrant will be issue for his/her arrest.

10. Other: Def shall have no contact, direct or indirect w/ CV and stay 1,000 ft away from her and her residence

11. Other: XPTS order.

ENTER: 6/11, 2021

CC: S.A.O. []
Defendant []
Defendant's Counsel []
(A.C.S.D.) []

[Signature]
JUDGE

REPORTER:

CLERK:

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

FILED

vs

DREW CLINTON

Defendant.

Clara M. Schwendner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO

No. 21CF396

AFFIDAVIT OF ASSETS AND LIABILITIES

I, Drew Clinton, defendant in this case, on oath state that I am without enough income to hire and maintain counsel, and that I make the following statement TO SUPPORT MY REQUEST TO BE REPRESENTED BY COURT APPOINTED COUNSEL.

- 1. Name Drew S. Clinton Date of Birth 5/18/03
- 2. Address 9063 Monroe Blvd Phone No. 313-677-6890
- City Taylor State Mi Zip Code 48180

3. Family:

(A) Married Single Divorced Widowed Separated

(B) Names and Ages of all children in your care:

(C) Name of anyone else in your care and your relationship to them:

Name of Employer None

Address of Employer None

Occupation (what kind of job) None Length of Employment None

(PLEASE COMPLETE EVERY BLANK (BOTH SIDES) AND PRINT OR WRITE CLEARLY

EARNINGS/SOURCE OF INCOME:

(A) \$ _____ per week from job (hourly rate \$ _____)
average number of hours per week _____

- (B) \$ _____ per month from:
1. _____ Welfare/Public Aid
 2. _____ Disability (S.S.I. or other)
 3. _____ Workmen's Compensation or Unemployment Benefits
 4. _____ Pension, Trust, Annuity or Retirement Plan
 5. _____ Other Sources(state, fed., local or private benefit plan)

\$ 0 **TOTAL MONTHLY INCOME OR EARNINGS**

<u>ASSETS(what you own)</u>	<u>LIABILITIES(what you owe)</u>
What is the value of your:	
1. Home \$ _____	1. Monthly Rent or Mortgage \$ _____
2. Other Real Estate \$ _____	2. Monthly Car Payment \$ _____
3. Car(s): \$ _____ Make(s) _____ Year(s) _____	3. Food & Other Monthly Expenses \$ _____
4. Other Personal Property \$ _____ (jewelry, household contents, etc.)	4. Monthly Cable T.V. Bill \$ _____
5. Bank Accounts \$ _____	5. Monthly Payments and Other Debts \$ _____ To Whom Owed:
6. Cash on Hand \$ _____	_____
7. Total Value of Life or Other Insurance Policies \$ _____	_____
8. Total Value of Stocks, Bonds, Securities or Trusts \$ _____	_____
9. Other Assets \$ _____ List Item(s) Here: _____	_____
_____	_____
TOTAL VALUE OF ASSETS \$ <u>0</u>	TOTAL MONTHLY DEBTS \$ <u>0</u>

If released on Bond, cash amount posted \$ _____ My own with 100%
Source of Bond: family (defendant's money or borrowed from whom)

Under penalty of perjury, I certify the foregoing is true and correct.

Subscribed and sworn to before me _____, 20 _____

X [Signature]
(Sign full name)

Deputy Clerk

(Revised 8/28/02)

IN THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

JUN 11 2021

PEOPLE OF THE STATE OF ILLINOIS
Plaintiff

Case No(s): 21CF396

Drew Clinton

Defendant

~~PRETRIAL RELEASE ORDER~~
PRETRIAL RELEASE ORDER

In addition to the conditions of bail, which are listed on the defendant's bail bond, the defendant is ordered as a condition of bail to participate in the Pretrial Services Program, including:

The defendant shall:

- 1. Appear at all times and dates as directed by the Court.
- 2. Upon release from custody, report immediately to Pretrial Services (Probation Department), located in the Adams County Courthouse, 521 Vermont, Quincy, IL 62301. If released after regular business hours, report immediately to Pretrial Services the next business day.
- 3. Not leave the State of Illinois without permission of the Court.
- 4. Not violate any criminal statute, law or ordinance of any jurisdiction.
- 5. Report as directed to and remain under the supervision of Pretrial Services.
- 6. Abide by any directives of Pretrial Services.
- 7. Allow Pretrial Services to visit and/or telephone the defendant's residence or place of employment at any time.
- 8. Be cooperative and truthful with Pretrial Services in all matters, including signing releases of information as requested.
- 9. Notify Pretrial Services within 24 hours of any changes in the defendant's place of residence, phone numbers, e-mail, school, or employment status.
- 10. Notify Pretrial Services of any violation of bond conditions and/or police contacts within 24 hours.
- 11. Not have contact or communicate directly or indirectly, including third party contact with any codefendants, complaining witnesses or their family members or CVS
- 12. Refrain from having in their body the presence of any illicit or prescription drug unless prescribed by a physician.
- 13. Submit to substance abuse counseling as directed by Pretrial Services.
- 14. Undergo random urinalysis testing in a manner set forth by Pretrial Services. Refusal to be tested and/or positive results will be considered a violation of this order.
- 15. Abide by the terms and conditions of Electronic Home Monitoring, GPS Monitoring or SCRAM Monitoring.
- 16. Not consume or possess alcohol or enter any establishment whose primary business is the sale of alcohol.
- 17. Additional Conditions: _____

ENTER:

6/11/2021

CC: SA: ✓
Def: ✓
Prob. Dep.: ✓

[Signature]
Judge

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

vs.
Drew Clinton
Defendant(s).

NO. 21 CP 396
ORDER

PRELIMINARY HEARING / ARRAIGNMENT / PLEA ORDER

FILED

JUN 07 2021

Defendant appears and with lawyer, Vanessa Pratt, and People
appear by Laura Keck.

___ A. After hearing evidence and arguments, Court finds probable cause that Defendant committed felony offenses as charged.

___ B. Court finds no probable cause as to all counts; cause dismissed; bond discharged.

___ C. Defendant waives right to Preliminary Hearing in open court with counsel present and the Court finds said waiver to have
been made knowingly, voluntarily and freely.

___ D. Defendant is advised of the charges, possible penalties, pertinent constitutional rights, and trial and sentencing "in
absentia"; (Defendant is advised of extended maximum term; discretionary or mandatory consecutive sentencing;
mandatory DOC; mandatory Class X sentencing).

___ E. Defendant pleads not guilty and demands jury trial; trial set for _____, _____, at 9:00 AM
before Judge _____; pre-trial to be held on _____, _____, at a
time to be set by the clerk; status hearing set for _____ at _____ M; all motions to be filed by
_____, _____; discovery to be completed by _____, _____. The

Defendant must appear personally at the pre-trial and status hearing or a warrant will be issued for his/her arrest.

___ F. Parties advise Judge of proposed plea negotiation, namely: _____

Court conditionally concurs, and Defendant pleads guilty to offense of _____

Court finds plea to be knowingly, voluntarily and intelligently entered finds a factual basis and enters judgment on the plea.
Defendant advised of sentencing in absentia. Jury waiver filed. Cause set for sentencing on _____,
_____, at _____ M. PSI Ordered.

* 1:30 P G. On motion of Defendant over obj / People/Court, cause continued to June 16 2021, at
1:30 P M., for status of BOI in Courtroom 1B.

___ H. Other: _____

~~Bond continued~~ / Defendant remanded to Sheriff.

ENTER: 6/7 2021

[Handwritten Signature]
JUDGE

cc: SA _____
Def. _____
Atty _____
Sheriff _____
Prob. Dept. _____

VP

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS, ON June 10, 2021
Plaintiff,
vs. No. 21-CF-396
DREW S. CLINTON (DOB: 5/18/03),
Defendant.

FILED

JUN 10 2021

Jeri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

BILL OF INDICTMENT

The Grand Jurors summoned, drawn, qualified, certified, selected and sworn in and for the County of Adams in the State of Illinois, IN THE NAME AND BY THE AUTHORITY OF THE PEOPLE OF THE STATE OF ILLINOIS, upon their oaths, present that on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his penis into the vagina of C.J.V. by the use of force or threat of force, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(1), contrary to the statute and AGAINST THE PEACE AND DIGNITY OF THE SAME PEOPLE OF THE STATE OF ILLINOIS. (F-1) (Category A Offense)

SECOND COUNT: And the Grand Jurors aforesaid, IN THE NAME AND BY THE AUTHORITY OF THE SAME PEOPLE AFORESAID, upon their oaths aforesaid, do further present that on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his penis into the vagina of C.J.V. and he knew that she was unable to give knowing consent to the act, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(2), contrary to the statute and AGAINST THE PEACE AND DIGNITY OF THE SAME PEOPLE OF THE STATE OF ILLINOIS. (F-1) (Category A Offense)

THIRD COUNT: And the Grand Jurors aforesaid, IN THE NAME AND BY THE AUTHORITY OF THE SAME PEOPLE AFORESAID, upon their oaths aforesaid, do further present that on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his finger in the vagina of C.J.V. and he knew that she was unable to give knowing consent to the act, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(2), contrary to the statute and AGAINST THE PEACE AND DIGNITY OF THE SAME PEOPLE OF THE STATE OF ILLINOIS. (F-1) (Category A Offense)

[Signature]
FOREMAN
of the aforesaid Grand Jury

WITNESS

Jessica Hollensteiner

Let Warrant issue, returnable forthwith. Bail set in the sum of \$ 13,500.

ENTER: June 10, 2021



JUDGE

I, Lori Geschwandner, Clerk of the Circuit Court in and for said County, in the State aforesaid, do hereby certify that the within and foregoing is a true copy of a certain Bill of Indictment, with names of witnesses endorsed thereon, presented by the Grand Jurors in and for said County, on June 10, 2021 against Drew S. Clinton and returned into Court on the 10th day of June, 2021, for the crime of Criminal Sexual Assault (3 Counts).

Witness my hand and seal of said Circuit Court at Quincy, Illinois, this 10th day of June, 2021.

Lori Geschwandner

By: 

COUNTY OF ADAMS



FILED

JUN 15 2021

Lori R. Bachwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

GARY L. FARHA
State's Attorney

TODD R. EYLER
First Assistant State's Attorney

TERRY L. GIBSON
Victim Witness Coordinator

CHERYL A. ELY
Office Administrator

ANITA M. RODRIGUEZ
Sex Crimes & Drug Court
Prosecutor

LAURA K. KECK
Domestic Violence
Prosecutor

JAMIE L. FRIYE
Juvenile & Mental Health
Prosecutor

BRETT J. JANSEN
D.U.I., Traffic &
Conservation Prosecutor

JOSHUA L. JONES
Lead Trial Attorney

COUNTY: Adams CASE NAME: PEOPLE v. Drew S. Clinton CASE NO. 21 CF396
NOTICE OF VICTIM'S ASSERTION OF RIGHTS

Pursuant to Section 4.5(c.5) (1) of the Rights of Crime Victims and Witnesses Act [725 ILCS 12/4.5 (c-5) (1)], I assert the rights checked below that are guaranteed to me under Article I, Section 8.1 (a) of the Illinois Constitution. I understand that if I change my mind, I must complete and sign a new Notice of Victim's Assertion of Rights and give the form to the State's Attorney's Office.

Please Check Items

- The right to be treated with fairness and respect for my dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
- The right to notice and to a hearing before a court ruling on a request for access to any of my records, information, or communications which are privileged or confidential by law.
- The right to timely notification of all court proceedings.
- The right to communicate with the prosecution.
- The right to be heard at any post-arraignment court proceeding in which one of my rights is a issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.
- The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.
- The right to timely disposition of the case following the arrest of the accused.
- The right to be reasonably protected from the accused throughout the criminal justice process.
- The right to have my safety and my family's safety considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.
- The right to be present at the trial and all other court proceedings on the same basis as the accused, unless I will testify and the court determines that my testimony would be materially affected if I hear other testimony at the trial.
- The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of my choice.
- The right to restitution.

Printed Name of Victim: Cameron Vaughan

Signature of Victim: Cameron Vaughan

Date: June 14-21

ADAMS COUNTY COURTHOUSE: 521 Vermont Street:
Quincy, Illinois 62301
Phone (217) 277-2225: Fax (217) 277-2017
www.co.adams.il.us

4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

JUN 16 2021

NO. 21-CF-396

ORDER

vs. Drew S. Clinton

Defendant(s) R. Brooks
CLERK, ADAMS CO.

PRELIMINARY HEARING / ARRAIGNMENT / PLEA ORDER

Defendant appears and with lawyer, VRP, and People appear by 8770.

- A. After hearing evidence and arguments, Court finds probable cause that Defendant committed felony offenses as charged.
- B. Court finds no probable cause as to all counts; cause dismissed; bond discharged.
- C. Defendant waives right to Preliminary Hearing in open court with counsel present and the Court finds said waiver to have been made knowingly, voluntarily and freely.

D. Defendant is advised of the charges, possible penalties, pertinent constitutional rights, and trial and sentencing "in absentia"; (Defendant is advised of extended maximum term; discretionary or mandatory consecutive sentencing; mandatory DOC; mandatory Class X sentencing).

E. Defendant pleads not guilty and demands jury trial; trial set for 8-9, 2021, at 9:00 AM before Judge Henze; pre-trial to be held on ~~8-2~~ 7-30, 2021, at a 10 AM time to be set by the clerk; status hearing set for 7-14 at 10 A M; all motions to be filed by 7-9, 2021; discovery to be completed by 7-2, 2021. The Defendant must appear personally at the pre-trial and status hearing or a warrant will be issued for his/her arrest.

F. Parties advise Judge of proposed plea negotiation, namely: _____

Court conditionally concurs, and Defendant pleads guilty to offense of _____

Court finds plea to be knowingly, voluntarily and intelligently entered finds a factual basis and enters judgment on the plea. Defendant advised of sentencing in absentia. Jury waiver filed. Cause set for sentencing on _____, at _____ M. PSI Ordered.

G. On motion of Defendant/People/Court, cause continued to _____, _____, at _____ M., for _____ in Courtroom _____.

H. Other: Order for pre-conference hearing signed.

Bond continued / Defendant remanded to Sheriff.

ENTER: 6-16, 2021

Mark J. [Signature]
JUDGE

cc: SA
Def. VRP
Atty
Sheriff
Prob. Dept.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ABRAMS FOUNDATION ILLINOIS

FILED

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

v.

JUN 16 2021

No. 21 CF 396

Drew S. Clinton
Defendant

Dr. P. Bushweller
Clerk of Court
ILLINOIS, ADAMS CO.

Count 1: Criminal Sexual Assault Class: F-1 MSR 3 yrs to return
Normal Sentencing Range 4-15 Enhanced Range _____

Sentencing Enhancements: ___ extended term; ___ Cls X offender; ___ double enhance. X S.O.R.A. require
Truth in Sentencing: 50%, 75%, (85%) Eligible for Drug Court: yes/(no) Mental Health Ct: yes/(no)
Eligible for Conditional Discharge/ Probation: yes/(no) If yes, eligible for _____ months.

Count 2: Criminal Sexual Assault Class: F-1 MSR 3 yrs to return
(Ct. 2 is an alternative charge to Ct. 1)
Normal Sentencing Range 4-15 Enhanced Range _____

Sentencing Enhancements: ___ extended term; ___ Cls X offender; ___ double enhance. X S.O.R.A. require
Truth in Sentencing: 50%, 75%, (85%) Eligible for Drug Court: yes/(no) Mental Health Ct: yes/(no)
Eligible for Conditional Discharge/ Probation: yes/(no) If yes, eligible for _____ months.

Count 3: Criminal Sexual Assault Class: F-1 MSR 3 yrs to return
Normal Sentencing Range 4-15 Enhanced Range _____

Sentencing Enhancements: ___ extended term; ___ Cls X offender; ___ double enhance. X S.O.R.A. require
Truth in Sentencing: 50%, 75%, (85%) Eligible for Drug Court: yes/(no) Mental Health Ct: yes/(no)
Eligible for Conditional Discharge/ Probation: yes/(no) If yes, eligible for _____ months.

Prior Offenses that enhance sentence: _____

X Mandatory Consecutive Sentencing with IF convicted of Ct. 3, it is
mandatory consecutive to Ct. 1 or Ct. 2
_____ Discretionary Consecutive Sentencing with _____

Mandatory sentencing Provisions (ie. Jail time, Public Service Work, fines and assessments)
Schedule 4 Delinquent Fee \$1,314; pre-arrest hearing &
for the cost of 1984 & 7
Minimum and Maximum possible fine: \$75 - \$25,000

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.) NO. 21 CF 391
)
Drew S. Clinton,)
)
Defendant.)

FILED

JUN 16 2021

ORDER FOR PRE-CONVICTION TESTING
Pursuant to 720 ILCS 5/11-1.10(e)

R. Duchowicz
Clerk of Court
CLERK, ADAMS CO.

THE COURT makes the following FINDING: (check applicable subsection)

- (1) The defendant is charged with a violation of Section 11-1.20 (Criminal Sexual Assault), Section 11-1.30 (Aggravated Criminal Sexual Assault) or Section 11-1.40 (Predatory Criminal Sexual Assault of a Child) and the Court has found probable cause at a preliminary hearing; OR
- (2) A Bill of Indictment has been returned charging the defendant with a violation of Section 11-1.20, Section 11-1.30 or Section 11-1.40; OR
- (3) The defendant is charged with a violation of Section 11-1.20, Section 11-1.30 or Section 11-1.40 but the Court has found the defendant unfit to stand trial pursuant Section 104-16 of the Code of Criminal Procedure of 1963 prior to the preliminary hearing; OR
- (4) A request for the testing has been made by a named victim of a violation of Section 11-1.20, Section 11-1.30 or Section 11-1.40 in this case.

IT IS HEREBY ORDERED pursuant to the provisions of 720 ILCS 5/11-1.10(e) that the defendant herein shall undergo medical and laboratory testing for sexually transmittable diseases, including a test for infection with human immunodeficiency virus (HIV), or other identified causative agent of acquired immunodeficiency syndrome (AIDS), all testing shall consist of tests approved by the Illinois Department of Public Health.

IT IS FURTHER ORDERED that, in the event of a positive result for HIV infection, a reliable supplemental test based upon recommendations of the United States Centers for Disease Control and Prevention shall be administered.

IT IS HEREBY ORDERED that said test and examination shall be performed only by licensed medical personnel and shall include an analysis of any bodily fluids which the medical personnel deem appropriate and necessary, as well as a physical examination for the defendant's person.

ORDER FOR PRE-CONVICTION TESTING
PAGE 2

IT IS FURTHER ORDERED THAT THE Sheriff shall transport the defendant, if in custody, to and from the Quincy Medical Group ambulatory clinic where the necessary blood samples and examination shall be performed for the purposes stated herein, preferably on Tuesdays, Wednesdays or Fridays within 14 days of the entry of this order, except that tests shall not be performed less than 91 days from the crime date of 5-21-21. If the defendant is on bond, then the defendant shall report directly to a medical facility to initiate the testing by presenting a copy of this Order within 14 days of the date of this Order. The cost of such testing and examination in the sum of \$984.87, or other amount as billed to Adams County, Illinois and shall be paid by Adams County and shall be taxed as costs against the accused, if convicted.

IT IS FURTHER ORDERED that the results of the tests and any follow-up tests shall be kept strictly confidential by all medical personnel involved in the testing and must be delivered to the undersigned Judge in a sealed envelope by personal or certified mail delivery. The Judge shall deliver the results in a sealed envelope to the State's Attorney and to the defendant (or defendant's counsel, if represented by counsel). The State's Attorney shall deliver the results of testing to the victim.

IT IS FURTHER ORDERED that the Clerk of the Court forward copies of this order to defendant, defendant's attorney, the Adams County Sheriff if the defendant is incarcerated, the Adams County State's Attorney and Adams County State's Attorney Victim-Witness Coordinator.

THIS ORDER IS ENTERED within 48 hours of the finding as indicated above:

DATED: 6-16-21


JUDGE

I hereby certify that a copy hereof is
mailed, postage prepaid, Faxed
personally delivered Emailed
S.A.O. P.O. Counsel
Plaintiff Defendant
6-16-21 Kg
Deputy Clerk

ACSD

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

FILED

JUN 23 2021

Lori R. Hochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
)
)
DREW S. CLINTON,)
)
Defendant.)

No. 21-CF-396

CERTIFICATE OF COMPLIANCE

Now comes the Defendant and certifies to the Court that Defendant has complied with Supreme Court Rule 413 in providing discovery to the Prosecution. Defendant shall supplement this certification with any additional discovery if circumstances change.

DREW S. CLINTON, Defendant

By *Vanessa R. Pratt*
Vanessa R. Pratt

VANESSA R. PRATT
Attorney for DEFENDANT
521 Vermont Street
Quincy, IL 62301

Proof of Service

The undersigned certifies that a copy of the foregoing instrument was served upon the State's Attorney's Office by hand delivery on the 23rd day of June 2021.

DRP

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
)
DREW S. CLINTON,)
)
)
Defendant.)

No. 21 CF 396

FILED

JUN 25 2021

Lori A. Hochstetler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

MOTION TO CONTINUE JURY TRIAL

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois and moves to continue the jury trial in this case, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts, all F-1. One charge of Criminal Sexual Assault was initially filed by Information with the defendant having his first court appearance on June 1, 2021 following his May 31, 2021 arrest. On June 10, 2021, a Grand Jury returned a Bill of Indictment for the three counts of Criminal Sexual Assault, as stated.
2. On June 16, 2021, the defendant was arraigned, pled not guilty and set this case for the August 9, 2021 jury trial docket. Discovery for the August 9, 2021 jury trial docket is set for July 2, 2021.
3. There was physical evidence seized in this case which has been sent to the Illinois State Police forensic laboratory for examination for DNA evidence. The initial examination of the evidence has not taken place yet.
4. There is no possibility of the People meeting today's discovery deadline.
5. The defendant's initial 120-day speedy trial period will end on September 28, 2021. The People are initially asking to continue this case to the September 13 - 24, 2021 jury trial docket. It is anticipated that further continuances will ultimately be necessary to complete the DNA testing but the initial examination of the evidence should be completed before the September jury trial docket.

WHEREFORE, the undersigned prays for a continuance of the jury trial initially to the September 13 - 24, 2021 jury trial docket although it is likely that the People will need to request additional time beyond that docket to complete DNA testing, as permitted by Supreme Court Rule.

Dated: June 25, 2021

PEOPLE OF THE STATE OF ILLINOIS

[Signature]
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

25 DAY OF June, 2021

[Signature]

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
v.	)	NO. 21 CF 396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

FILED

JUN 25 2021

Jeri R. Schwandner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

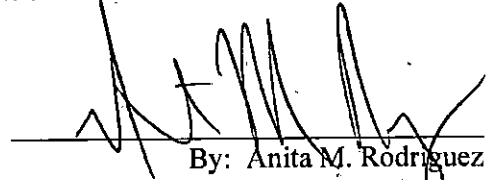
NOTICE OF HEARING

TO: Vanessa Pratt
Attorney for Defendant

You are hereby notified that on July 14, 2021 at 10:00 a.m., a representative of the Adams County State's Attorney's Office will appear before the Honorable Robert K. Adrian, or such other Judge as may be sitting in his stead, in courtroom 1B, Adams County Courthouse, 521 Vermont Street, Quincy, Illinois, for the purpose of a hearing on the People's Motion to Continue Jury Trial.

Dated: June 25, 2021

PEOPLE OF THE STATE OF ILLINOIS



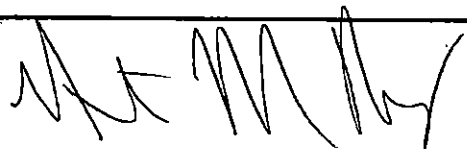
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-deliv

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 25 DAY OF June, 2021.



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR DISCOVERY TO DEFENDANT

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and moves this Court that the Administrative Order Relating to discovery in Felony Cases be applied to the State's Attorney to disclose and produce certain evidence which is essential and material to the preparation of the defense and pursuant to Supreme Court Rule

1. The names and last known addresses of all persons whom the State intend to call.
2. Any and all relevant written or recorded statements of persons whom the State intend to call as witnesses and all other reports prepared by law enforcement investigators including memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements.
3. Any memoranda reporting or summarizing oral statements made by person whom the State intends to call as witnesses.
4. Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.

5. A transcript of those portions of grand jury minutes containing testimony of the accused and relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.

6. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons, and statements of qualifications of the expert.

7. Any record of prior criminal convictions, which may be used for impeachment, or persons whom the State intends to call as witnesses at hearing or trial.

8. The State informing defense counsel of electronic surveillance (including wiretapping) of conversations to which the accused was a party, of his premises.

9. Any material or information or names of witnesses within its possession or control which tends to negate the guilt of the accused of the offense charged, or would tend to reduce his punishment therefore.

10. A copy of any warrant, complaint for warrant and affidavit used to obtain evidence pertaining to this case.

11. A copy of any warrant, complaint for warrant and affidavit used in affecting the arrest of this case.

12. A list of prior convictions which the State intends to use to impeach the defendant should he choose to testify in this cause.

13. The disclosure by the State of any evidence in its possession as to whether it will rely on prior acts or convictions of a similar nature for proof of intent, knowledge, identity, motive or other relevant purpose of the accused.

14. Disclosure of any and all promises, inducements or representations made by any persons the State intends to call as witnesses at trial, including but not limited to promises of no prosecution, immunity or promises of lesser sentences or recommendations for such to a prosecutor or court in exchange for testimony at trial or hearing or cooperation in the investigation of the above-entitled manner.

15. Disclosure of the name of the confidential source along with any and all video tapes, audio tapes, and recordings of the Defendant of the alleged incident.

DREW S. CLINTON, Defendant

By



Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant


IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR SPEEDY TRIAL

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and requests a speedy trial pursuant to 725 Illinois Compiled Statutes 5/103-5.

DREW S. CLINTON, Defendant

By  _____
 Andrew C. Schnack, III
 One of His Attorneys


SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR BILL OF PARTICULARS

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and state that he has been charged in the above-entitled cause of action.

Said Defendant alleges that the charge in said cause of action does not sufficiently inform him of the particular charge so that they are unable to properly prepare her defense.

WHEREFORE, said Defendant prays that this Honorable court grant to them the following for each count of said charge:

- a) That the People state with specificity the date of the alleged occurrence, if other than that specified in the charge;
- b) That the People state with specificity the place of the alleged occurrence;
- c) That the People state with specificity the time of the alleged occurrence as nearly as may be determined.

Defendant further states to this Honorable Court that all of the foregoing requested information is necessary to the Defendant in order to prepare a defense in said cause of action.

DREW S. CLINTON, Defendant

By: _____



Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
lawoffice@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	


SECOND MOTION FOR DISCOVERY BEFORE TRIAL

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Supreme Court Rule 412 and United States vs. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 LEd 2d 481 (1985), requests the People to disclose and produce the following:

1. Disclosure of any and all promises, inducements or representations made to any persons the prosecution intends to call as witnesses at trial, including but not limited to promises of no prosecution, immunity or promises of lesser sentences or recommendations for such to a prosecutor or court in exchange for testimony at trial or cooperation in the investigation of the above-entitled matter.

All of the above requested information is necessary to the Defendant in order to prepare a defense in this case.

DREW S. CLINTON, Defendant

By 
Andrew C. Schnack, III
One of His Attorneys

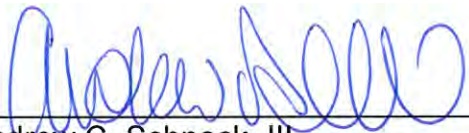
SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

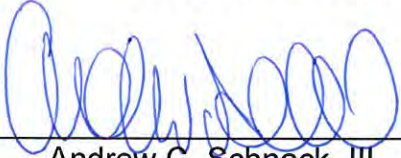
MOTION FOR BOND REDUCTION

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Illinois Compiled Statutes, 725 ILCS 5/110-6, requests that the bond previously set be reduced and for reasons states:

1. That the Defendant is 18 years old, his birthday being May 18, 2003.
2. That the Defendant just graduated from high school
3. That the Defendant has an aunt who works in the county clerk's office, Amy Eaton, who lives on Gayla Drive in Quincy, Adams County, Illinois who he will reside with while this matter is pending.
4. That the Defendant has no prior criminal records
5. That it is almost impossible to defend at 18-year-old boy who is in the Adams County Jail listening to seasoned, veteran adult inmates.
6. That it is necessary that the Defendant's attorney be able to speak with him on a regular basis in a private, face-to-face setting.

WHEREFORE, Defendant prays that his bond be reduces to an amount he can pay, which would be in approximately the amount of \$10,000.00 - \$15,000.00 with 10% rule to apply.

DREW S. CLINTON, Defendant

By 
Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY


PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

NOTICE OF HEARING

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301

YOU ARE HEREBY NOTIFIED that on the 14th day of July 14, 2021 at 8:45 a.m. or as soon as I can be heard, I will present to the presiding Judge in the Adams County Courthouse, Quincy, Adams County, Illinois, a Motion for Bond Reduction, copies of which are attached hereto and made apart hereof, and will at that time introduce evidence in support of said Motion and will request that the Court enter an Order as prayed for in said Motion, at which time and place you may appear should you see fit so to do.

DREW S. CLINTON, Defendant

By: 
Andrew C. Schnack, III
Attorney at Law

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that he served the above and foregoing instrument by e-filing true and correct copies of the same on this the 29 day of June, 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	


MOTION FOR BOND REDUCTION

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Illinois Compiled Statutes, 725 ILCS 5/110-6, requests that the bond previously set be reduced and for reasons states:

1. That the Defendant is 18 years old, his birthday being May 18, 2003.
2. That the Defendant just graduated from high school
3. That the Defendant has an aunt who works in the county clerk's office, Amy Eaton, who lives on Gayla Drive in Quincy, Adams County, Illinois who he will reside with while this matter is pending.
4. That the Defendant has no prior criminal records
5. That it is almost impossible to defend at 18-year-old boy who is in the Adams County Jail listening to seasoned, veteran adult inmates.
6. That it is necessary that the Defendant's attorney be able to speak with him on a regular basis in a private, face-to-face setting.

WHEREFORE, Defendant prays that his bond be reduces to an amount he can pay, which would be in approximately the amount of \$10,000.00 - \$15,000.00 with 10% rule to apply.

DREW S. CLINTON, Defendant

By 

Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

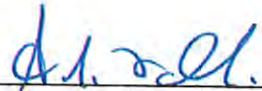
PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

AMENDED NOTICE OF HEARING

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301

YOU ARE HEREBY NOTIFIED that on the 7th day of July, 2021 at 8:45 a.m. or as soon as I can be heard, I will present to the presiding Judge in the 5dams County Courthouse, Quincy, Adams County, Illinois, a Motion for Bond Reduction, copies of which are attached hereto and made apart hereof, and will at that time introduce evidence in support of said Motion and will request that the Court enter an Order as prayed for in said Motion, at which time and place you may appear should you see fit so to do.

DREW S. CLINTON, Defendant

By: 
Andrew C. Schnack, III
Attorney at Law


SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that he served the above and foregoing instrument by e-filing true and correct copies of the same on this the 30 day of June, 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-306
)	
DREW S. CLINTON,)	
)	
Defendant.)	

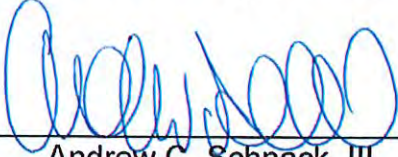
MOTION FOR BOND REDUCTION

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Illinois Compiled Statutes, 725 ILCS 5/110-6, requests that the bond previously set be reduced and for reasons states:

1. That the Defendant is 18 years old, his birthday being May 18, 2003.
2. That the Defendant just graduated from high school
3. That the Defendant has an aunt who works in the county clerk's office, Amy Eaton, who lives on Gayla Drive in Quincy, Adams County, Illinois who he will reside with while this matter is pending.
4. That the Defendant has no prior criminal records
5. That it is almost impossible to defend at 18-year-old boy who is in the Adams County Jail listening to seasoned, veteran adult inmates.
6. That it is necessary that the Defendant's attorney be able to speak with him on a regular basis in a private, face-to-face setting.

WHEREFORE, Defendant prays that his bond be reduces to an amount he can pay, which would be in approximately the amount of \$10,000.00 - \$15,000.00 with 10% rule to apply.

DREW S. CLINTON, Defendant

By 
Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF- 396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR SUBSTITUTION OF COUNSEL

Now comes VANESSA PRATT and moves that ANDREW C. SCHNACK, III be substituted in her stead as attorney for the Defendant.

Now comes ANDREW C. SCHNACK, III, Attorney at Law, and hereby enters her appearance herein as Attorney for the Defendant, DREW S. CLINTON.

VANESSA PRATT 
 521 Vermont Street Attorney at Law
 Quincy, IL 62301

SCHNACK LAW OFFICES 
 510 Vermont Street ANDREW C. SCHNACK, III
 Quincy, IL 62301 Attorney at Law

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

JUL 07 2021

NO.

21 CF 396

vs.

Drew Clifton

Abi R. Duchasombrne

ORDER

Defendant
Illinois Grand Court in Adams County
ILLINOIS, ADAMS CO.

PRELIMINARY HEARING / ARRAIGNMENT / PLEA ORDER

Defendant appears and with lawyer, ACS, and People appear by TE.

___ A. After hearing evidence and arguments, Court finds probable cause that Defendant committed felony offenses as charged.

___ B. Court finds no probable cause as to all counts; cause dismissed; bond discharged.

___ C. Defendant waives right to Preliminary Hearing in open court with counsel present and the Court finds said waiver to have been made knowingly, voluntarily and freely.

___ D. Defendant is advised of the charges, possible penalties, pertinent constitutional rights, and trial and sentencing "in absentia"; (Defendant is advised of extended maximum term; discretionary or mandatory consecutive sentencing; mandatory DOC; mandatory Class X sentencing).

___ E. Defendant pleads not guilty and demands jury trial; trial set for _____, _____, at 9:00 AM before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; status hearing set for _____ at _____ M; all motions to be filed by _____, _____; discovery to be completed by _____, _____. The

Defendant must appear personally at the pre-trial and status hearing or a warrant will be issued for his/her arrest.

___ F. Parties advise Judge of proposed plea negotiation, namely: _____

Court conditionally concurs, and Defendant pleads guilty to offense of _____

Court finds plea to be knowingly, voluntarily and intelligently entered finds a factual basis and enters judgment on the plea.

Defendant advised of sentencing in absentia. Jury waiver filed. Cause set for sentencing on _____, _____, at _____ M. PSI Ordered.

X G. On motion of Defendant People's Court, cause continued to 8/2/2021, _____, at 3:00 p M., for Hearing on Motion For in Courtroom 113.

H. Other: Bond Reduction
Court Date of 7/14/21 is vacated
Bond continued. Defendant remanded to Sheriff.

ENTER: 7/17/2021

Valerie Slav
JUDGE

- cc: SA
- Def.
- Atty CSS
- Sheriff
- Prob. Dept.

KC

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
DREW CLINTON,)
)
Defendant.)

FILED

JUL 21 2021

No. 2021-CF-396

Jeri B. Buchwaldner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PRE-TRIAL ORDER

As this case remains set for Pre-Trial Conference on Friday, July 30, 2021 and Jury Trial on Monday, August 9, 2021, it is hereby Ordered as follows:

1. Any pre-trial motions not already set for hearing before the presiding felony judge, shall be filed no later than close of business on Wednesday, July 28, 2021.
2. Proposed Jury Instructions, a Statement of the Case and proposed Witness Lists shall be exchanged and provided to the Court at the Pre-Trial Conference.

Entered: July 21, 2021

Holly J. Henze

Hon. Holly J. Henze

Copy: SAO
ACS
Def

I hereby certify that a copy hereof was:

Mailed, postage prepaid Faxed
 Personally delivered Emailed
 SAO PO Counsel
 Plaintiff Defendant

7/22/21
Date

Kg

Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois
(Plaintiff)

JUL 30 2021

Drew Clinton
(Defendant)

Shirley W. Schwemmer
(State's Attorney)

No. 21CF396

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: JWS Defendant appears by: AcSTW

Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)

2. On motion of People, the PRE-TRIAL CONFERENCE IS CONTINUED TO-
2 day of August at 3:00 P. M. Courtroom # 113
 (Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.

The parties stipulate and agree as follows:

- A) The expected length of trial is _____ days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is - WAIVED - REQUESTED;
- D) Twelve jurors with _____ ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- F) Special Setting:
- G) Pre-Trial Motions:

*Jury Instructions, Witness lists
& Statement of the case due by*

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ or
 plea (or bench trial setting) on the _____ day of _____ at _____ M.
 in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET. CDB 08-02-21

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before
 Judge _____; pre-trial to be held on _____, _____, at a
 time to be set by the clerk; discovery to be completed by _____

7. OTHER: Def announces ready for trial.
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 7.30.2021
 cc: SAC
 DEFENDANT:
 DEFENDANT'S ATTORNEY -

Drew Hensel
JUDGE

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois
(Plaintiff)

AUG 02 2021

vs.

Drew Clinton
(Defendant)

Abi R. Duchowich
Clerk Court in Adams County
ILLINOIS, ADAMS CO.

21 CF 396

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: A. Rodriguez Defendant appears by: Archer C. Schaeck III
Defendant: - Appears personally - Fails to appear
lodged

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)
- 2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO _____ day of _____ at _____ M. Courtroom # _____.
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
The parties stipulate and agree as follows:

- A) The expected length of trial is _____ days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
- D) Twelve jurors with _____ ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- F) Special Setting:
- G) Pre-Trial Motions:

All motions to be filed by August 13, 2021; Status hearing on Aug. 18, 2021 at 9:00 AM

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ day of _____ at _____ M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO Sept. 13, 2021, at 9:00 A.M. before Judge Hucker; pre-trial to be held on Sept. 3, 2021, at 9:00 time to be set by the clerk; discovery to be completed by Aug. 6, 2021

7. OTHER: People's Motion to continue jury trial is granted over objection
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED:
cc: SAO-

DEFENDANT-
DEFENDANT'S ATTORNEY

ACED

ACED

"GPS ordered -
1,000 Det away from
Judge's home & work"

Motion for bond reduction is granted.
Bond reduced to \$25,000 - 1020 to go

Hucker
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

People of the State of Illinois,
Plaintiff,

Vs.

Drew S. Clinton
Defendant.

FILED

AUG 02 2021

Case No. 2021 CF396

Shari R. Bachman

ORDER FOR GPS ELECTRONIC SURVEILLANCE MONITORING

The Defendant having been arrested for/charged with a domestic violence offense as set out in 725 ILCS 5/110-5(f), probable cause for said arrest and detention having been found and the Court having considered applicable statutory factors regarding bail IT IS HEREBY ORDERED:

1. Defendant shall, **prior to release on bond posted**, have an Electronic Surveillance Monitoring device (GPS) installed on his/her person through the approved Adams County Circuit Court provider CAM Systems (312-251-7004).
2. Defendant shall continuously wear the GPS as a condition of bond until further order of the Court.
3. Defendant shall contact CAM Systems and promptly execute any required contract or written agreement with CAM Systems regarding installation of the device.
4. Defendant shall fully comply with all terms and conditions of wearing the GPS and instructions from CAM and/or the Probation personnel, promptly pay all costs of the GPS and immediately notify CAM Systems of any problems or malfunction of the GPS.
5. Defendant shall not tamper with, obstruct, damage or alter the GPS or its equipment.
6. Defendant shall stay at least 1000 feet from the residence ^{+ employment} of the victim and the following locations all listed below:
7. a) 2641 Muncie Hill Drive, Quincy, IL
b) 3418 Broadway St. Quincy (Tropical Smartlie)
c) 6006 Broadway, Quincy, IL (Dicks Sporting Goods)
8. Defendant shall comply with the terms of any pending Order of Protection.

~~X~~ Upon request of Defendant and the Court having found the Defendant to be indigent, the Clerk of the Court is authorized to disburse fro Defendant's cash bond on deposit, the initial installation costs for CAM Systems for the GPS. Defendant acknowledges that any such disbursement shall not otherwise be refunded to Defendant or the assignee of the bond, notwithstanding any discharge or release of the bond deposit.

Defendant shall comply with all standard and other conditions of bond as imposed by any separate order.

Def shall reside in Adams Co, IL

I hereby certify I have read, understand and received a copy of the this order.

Date: 8-1-2021

Signed: _____

Enter: 8-1-2021

[Signature]

Judge

Cc: Def
SAO
PO
Def. Atty.
ACSD/Jail

I hereby certify that a copy has been
mailed, postage prepaid Faxed
personally delivered Emailed
AO PO Counsel *DSchnack*
Plaintiff Defendant
8/2/21 *Kg*

Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

NO.: 21CF396

Defendant's date of birth: x 5/18/03

vs.

Defendant: Drew Clinton

APPEARANCE BOND

The person named above, as DEFENDANT, and whose signature appears below, has been charged with the offense(s)

Crim sex assault/force

FILED

AUG 03 2021

Bond for this offense has been set at \$ 25,000 10% Jan. R. Hochwender dollars.
Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

Therefore, in consideration of being released from custody, the DEFENDANT, AGREES:

- 1 That he/she is indebted to the PEOPLE OF THE STATE OF ILLINOIS in the full amount of the appearance bond stated above.
- 2. That as security for the performance of this agreement, there has been deposited the following:
 10% BOND. The Defendant/ Depositor has deposited \$ 2,500 in cash 10% of the bond as stated above.
 RECOGNIZANCE or Individual Bond.
 REAL ESTATE BOND. (Separate sworn statement and schedule required.)

Approved _____

- 3. That the DEFENDANT SHALL;
 - A. Personally appear to answer the charge(s) at the Adams County Courthouse, Quincy, Illinois, on the 18 day of August, 21 at 9:00 M., Court room# 1B and appear each time as ordered by the Court, until discharged.
 - B. Submit himself/herself to the orders and process of the Court.
 - C. Not violate any criminal statute of any jurisdiction.
 - D. Not leave the State of Illinois without permission of the Court.
 - E. Give written notice of any address change to the Clerk of this Court within 24 hours.
 - F. Other Conditions: _____
 - G. Domestic violence Addendum on reverse page.

Date: _____ Time: _____

NOTICE TO PERSON PROVIDING BOND MONEY IF OTHER THAN THE DEFENDANT

I hereby acknowledge that I have posted bond for the defendant named above. I further understand that if the defendant fails to comply with the conditions of this bond, that the Court shall enter an Order declaring the bond to be forfeited and used to pay costs, attorney's fees, fines or other purposes authorized by the Court. I further understand that, within the discretion of the Court, part of all of the bond may be used to pay fines, costs, fees, and restitution in this case as well as similar financial obligations incurred by the defendant in other cases pending against the defendant, and any child support obligations of the defendant that are in arrears. I further understand that all or a portion of the bond posted may be used upon order of the court to pay for any evaluations and other expenses incurred by the defendant as a condition of bond.

Print Depositor's Name Amey M. Eaton
Signature Amey M. Eaton
Print Address 1328 Gayla Dr.
City, State, Zip Quincy IL 62305

ASSIGNMENT OF BOND BY THE DEFENDANT

I hereby authorize the return of the bond herein posted to the person shown above after all conditions of this bond have been met.

Signature of DEFENDANT: Amey M. Eaton

- White— Court Copy
- Canary— Defendant's Copy
- Pink— Police Copy
- Gold— Bond Assignment

(SEAL)

CERTIFICATE OF DEFENDANT

I, Defendant, do hereby state that I know and understand the terms and conditions of this appearance bond as shown on the FRONT AND REVERSE SIDE of this appearance bond form. I understand further that if at any time prior to the final disposition of the charge(s), I escape or am released on bond and fail to appear in Court when required I thereby waive my right to confront the witness against me; the trial and/or sentencing can proceed in my absence; I forfeit the security posted; judgment will be entered against me for the full amount of this bond, plus costs; a warrant may be issued, in which event additional bond may be required to be posted. I understand and accept the terms and conditions set forth above and on the reverse side on this appearance bond.

Signature of DEFENDANT Drew Clinton
Print Address x 1328 Gayla Dr
City, State, Zip Quincy IL 62305

Signed and acknowledged before me and bond received by me this 3 day of August 21.

Signature of OFFICIAL [Signature]

(OFFICIAL CAPACITY)

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,))	
)	
Plaintiff))	
)	
vs. )	)	No. 2021-CF-396
)	
DREW CLINTON,))	
)	
Defendant))	

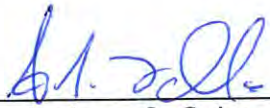
MOTION TO PROHIBIT

Now comes the Defendant, DREW CLINTON, by his attorneys Schnack Law Offices and moves this Honorable Court to prohibit the State's Attorney's Office or defense counsel from interjecting sympathy or prejudice into the case either during jury selection or at any time and more specifically states as follows:

1. That prohibits either party from talking about the age of the alleged victim in the above-entitled matter other than the fact that she was under 21 years of age and not legally old enough to drink alcoholic beverages.
2. That it would be unduly prejudicial to the defendant to have her age placed in front of the jury when the issue of her age is not relevant to any of the charges presently filed.

WHEREFORE, Defendant prays that the State be prohibited from interjecting statements to elicit sympathy or prejudice into the case with the jury during jury selection or any time during the trial in the above-entitled matter.

DREW CLINTON, Defendant

By: 

Andrew C. Schnack, III
One of his Attorneys

SCHNACK LAW OFFICES, PC
510 Vermont Street
Quincy, IL 62301
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

People

FILED

vs.

AUG 4 2021

2021 CF 396

Drew S. Clinton

Lori A. Bachwender
Clerk, Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.
Defendant.

ORDER

By agreement of the parties,
the text messages/Facebook messages which
were filed as an attachment to defendant's
Witness Disclosure are impounded in the
Court file pending any pretrial motion hearing
~~pending~~ regarding those messages and/or
until further order of the Court.

Enter: 8-4-2021

cc: SAO
Det.
ACS III

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed
Personally delivered Emailed
SAO PO Counsel Drew
Plaintiff Defendant
Date 8/4/21 Deputy Clerk Kg

Robert K. Cook
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.) NO. 2021 CF 396
)
DREW S. CLINTON,)
)
Defendant.)

FILED

AUG 09 2021

Jori R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S DISCOVERY RESPONSE
CERTIFICATE OF COMPLIANCE

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and responds to the Defendant's Discovery Motion, which is deemed to be filed by administrative order, and certifies that she has complied with discovery as follows:

1. The following persons may be called as witnesses at the trial of this case:
 - a. C.J.V.
 - b. Jessica Hollensteiner, Quincy Police Department
 - c. Thomas Culp, 93 Ridgewood Drive, Quincy, Illinois
 - d. Ratayia Bias
 - e. Cami Bross
 - f. Kristopher Billingsley, Quincy Police Department
 - g. J.D. Summers, Quincy Police Department
 - h. Scott Vaughan, 2641 Manor Hill Drive, Quincy, IL 62301
 - i. Rachel Vaughan, 2641 Manor Hill Drive, Quincy, IL 62301
 - j. Shaylon Sargent, 2028 Spruce St., Quincy, Il 62301
 - k. Ian Frese, 803 Eagle Trace, Quincy, IL 62305
 - l. Kenneth Culp, 930 Ridgewood Dr, Quincy, IL 62301
 - m. Tamra Culp, 930 Ridgewood Dr., Quincy, IL 62301
 - n. Hayden Merreighn, 1418 S. 34th St., Quincy, IL 62301
 - o. E. O'Brien, RN, Blessing Hospital
 - p. Dr. Melaina Chandou, Blessing Hospital
 - q. Brandy Tallman, RN, Blessing Hospital
 - r. Jessica Bolton, Child Advocacy Center, 1420 Harrison, Quincy, Illinois
 - s. Andrew Clinton
 - t. Dareea Patrick Paiva, ISP laboratory (address on report)
 - u. Svetlana Gershburg, ISP laboratory (address on report)
 - v. Dana Pitchford, ISP laboratory
 - w. Any expert witness from ISP laboratory performing additional DNA testing, if

- any. Name(s) will be provided as soon as known.
2. All police reports and investigative reports of other agencies have previously been provided. The People will continue to provide reports if they become available.
 3. The following items of physical evidence may be used at the trial of this cause:
 - a. The sexual assault evidence collection kit, QPD #004
 - b. Defendant's statement of rights form, 5/31/2021, 1541 hours
 - c. DVD of recorded interview of the defendant, QPD #020 (the actual interview portion begins at approximately 15:39 hours)
 - d. Clothing worn by C.J.V. during the assault, QPD evidence #001
 - e. Green blanket, QPD evidence #002
 - f. Green pillow case, QPD evidence #003
 - g. Urine specimen from C.J.V. collected at Blessing, QPD evidence #005
 - h. Defendant's buccal swab, QPD evidence #006
 - i. Buccal swabs from defendant's fingers, QPD evidence #009 - #016
 - j. Defendant's clothing including grey shorts, QPD #017, red shirt, QPD #018 and underwear, QPD #019
 - k. Body cam footage from J.D.Summers has been requested and will be provided as soon as it is available – including statements taken from C.J.V., Scott Vaughan, Shaylon Sargent and Ian Frese, if any.
 - l. Consent to search form (930 Ridgewood Dr.) signed by Kenneth Culp
 - m. CAC recorded interview of C.V., 6-2-2021 by Jessica Bolton
 - n. Digital medical records of C.V., pages 1 – 35.
 - o. DVD of jail calls involving the defendant as more fully-described in Supplemental Report #4 of CFN 2021-11602
 - p. DVD of photographs of 930 Ridgewood.
 - q. Grand Jury Transcript, 6-10-21
 - r. ISP laboratory report #1 dated 7-6-2021 by Dareea Patrick Paiva
 - s. ISP laboratory report #2 dated 7-9-2021 by Svetlana Gershburg
 - t. ISP laboratory report #3 dated 7-14-2021 by Dana Pitchford
 - u. ISP laboratory report #4 dated 7-19-2021 by Svetlana Gershburg
 - v. Please note: Supreme Court Rule 417 materials from the Illinois State Police Laboratory will be made available upon specific request from defense counsel and a court order will need to be obtained.
 - w. A current C.V. of experts Svetlana Garshburg, Dana Pitchford and Dareea Paiva will be obtained and provided, if requested.
 - x. Additional DNA testing on any items listed above may be requested and performed and any additional results, if any, will be provided as soon as received.
 4. There is no information as requested in paragraphs 8, 11, 13 and 14.
 5. A record check will be conducted in Adams County for prior convictions of the listed witnesses which can be used for impeachment. Findings will be provided.

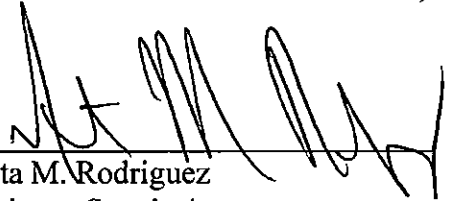
- 6. The following reports of expert witnesses have been provided: reports as stated above
- 7. If the Defendant chooses to testify at trial, the People will seek to impeach the Defendant with the following prior convictions: None known

Specific disclosure is requested of the Defendant of any prior convictions which could be used for impeachment of the Defendant which are not listed here from any jurisdiction.

WHEREFORE, the undersigned certifies that she has fully responded to Defendant's Discovery Motion and has fully complied with the discovery laws of this State. As additional information becomes available, it will be provided to defense counsel in a timely manner.

DATED: August 9, 2021

PEOPLE OF THE STATE OF ILLINOIS,

By: 
 Anita M. Rodriguez
 Assistant State's Attorney

GARY L. FARHA
 Adams County State's Attorney
 521 Vermont
 Quincy, IL 62301
 (217) 277-2225

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CASE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID. BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 9 DAY OF August, 2021

hard-copy



IN THE CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 13 2021

PEOPLE OF THE STATE OF ILLINOIS)
)
 vs.)
)
 DREW S. CLINTON,)
)
 Defendant.)

No. 2021 CF 396

Ari R. Buchwald
Clerk of Court & Adm. Clerk
ILLINOIS, ADAMS CO.

PEOPLE'S FIRST MOTION IN LIMINE

NOW COME THE PEOPLE OF THE STATE OF ILLINOIS, by their attorney, Gary Farha, State's Attorney of Adams County, Illinois, by Assistant State's Attorney Anita Rodriguez, and moves this Honorable Court to prohibit and bar defense counsel or the Defendant or any witness from alluding to, referring to or in any manner bringing before the jury, whether as a panel or jury selected to try this case, any of the following matters:

1. Any plea negotiations between the People of the State of Illinois and the Defendant.
2. The punishment that the Defendant may receive in the event of conviction.
3. That the Defendant, if convicted, will always have a record as a convicted felon, including no statement or suggestion that the defendant has no prior criminal record.
4. Suggestions that the decision as to whether the defendant will testify is made by the defendant's attorney.
5. Evidence from any witness, including calling said witness to the witness stand who has not been previously provided in discovery and listed as a witness by the defense.

6. Character evidence from any witness not specifically limited to opinion and reputation evidence of character for truth and veracity, and specifically precluding testimony concerning specific instances of conduct unless the Court finds that the specific acts of conduct of the defendant or the victim are regarding a “pertinent trait of character.” Ill. R. Evid. 404.

7. Any act of misconduct on the part of any witness for the People of the State of Illinois, not amounting to a final conviction for a felony or a misdemeanor involving moral turpitude.

8. Any evidence concerning the reputation, or the person’s opinion, of any witness for the People of the State of Illinois for truth and veracity, until such time as the People have had the opportunity to test the qualifications of the person offering such evidence outside of the presence of the jury

9. Any evidence that would be in violation of the Court’s rulings on any pretrial motions, whether those motions were filed by the People or by the defense.

10. Use in evidence or for impeachment of any witness, any books, papers, documents, photographs, or tangible objects not previously provided in discovery, as of this date, or immediately after a hearing on this motion, as provided in S. Ct. Rule 413(d)(ii).

11. Any matter or allegation of fact of impeachment which the defense cannot perfect. *People vs. Lewis, 2017 IL App (4th) 150124, ¶37; People vs. Williams, 204 Ill. 2d 191, 208.*

12. Any definition or suggestion of how the jury should define or not define reasonable doubt. *See People vs. Speight, 153 Ill.2d 365, 374 (1992)* (“The law in Illinois

is clear that neither court nor counsel should attempt to define the reasonable doubt standard for the jury"); *People vs. Malone*, 126 Ill.App.2d 265 (1st Dist. 1970) (holding that since the court is prohibited from defining reasonable doubt, it is within the trial court's discretion to deny defense counsel an opportunity to comment on the meaning of reasonable doubt).

The above matters should not be mentioned unless and until the Defendant's attorney first approaches the bench and makes known to the Court and the attorney for the People of the State of Illinois, outside the presence and hearing of the jury, that said attorney intends to offer such proof, thus permitting the jury to be retired and the evidence and objections heard, and the Court to rule on the admissibility of such evidence, before it is placed before the jury, thus preventing prejudicial error no subsequent instruction could cure.

WHEREFORE, the People pray that this motion, in all things as requested, be granted.

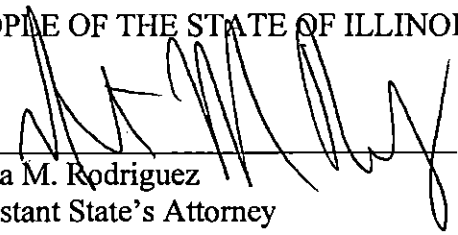
Dated: August 12, 2021

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

By:

Anita M. Rodriguez
Assistant State's Attorney



GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, IL 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE DELIVERED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 13 DAY OF August 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 13 2021

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
DREW S. CLINTON,)
)
) Defendant.)

No 2021 CF 396

Alex R. Buchwalter
Clerk of Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

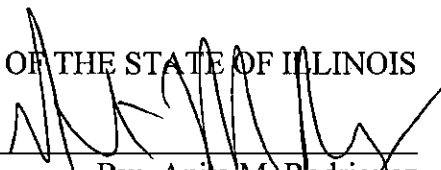
PEOPLE'S SECOND MOTION IN LIMINE
(pursuant to 725 ILCS 5/115-7, rape shield)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court, pursuant to 725 ILCS 5/115-7, to prohibit the introduction of certain evidence at trial, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts to C.J.V.
2. That pursuant to statute, the defense should be prohibited, in advance of trial, from implying in questions asked of witnesses or from eliciting testimony from C.J.V. or from any other witness, that C.J.V. engaged in sexual activity with any individual, other than the defendant, either before or after the time of the charged crimes nor should there be evidence permitted of reputation evidence.
3. That in the event the defendant intends to offer evidence of prior sexual activity between himself and C.J.V., he should be required to present an offer of proof at an in camera hearing prior to trial, as required by 725 ILCS 5/115-7b.
4. That there is no constitutional reason why such evidence should be permitted.

WHEREFORE, the People pray that the victim in this case be afforded the protections of the rape shield statute, 725 ILCS 5/115-7, as stated above.

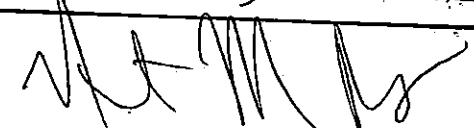
Dated: August 12, 2021

PEOPLE OF THE STATE OF ILLINOIS

By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE
THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED ON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SAID ATTORNEYS WITH POSTAGE FULLY PAID AND DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE IN THE COUNTY OF ILLINOIS, ON THE 13 DAY OF August, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)	
)	
	)	Plaintiff,
Vs.	)	No 2021 CF 396
)	
)	
DREW S. CLINTON,)	
	)	Defendant.

FILED

AUG 13 2021

Aeri R. Duchowicz
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S THIRD MOTION IN LIMINE
(Ill. R. Evid. 803 excited utterance)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court, pursuant to Ill. R. Evid. 803, to permit into evidence at the trial of this cause certain evidence as an exception to the hearsay rule, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts to C.J.V., from the late night of May 30, 2021 into the early morning hours of May 31, 2021.
2. That the People's evidence will be that C.J.V. was sleeping when the sexual assault began and that it continued for a few minutes after C.J.V. woke up and after she told the defendant to stop. That immediately after the defendant stopped sexually assaulting C.J.V., she walked into an adjacent room and told Thomas Culp that the defendant had raped her. C.J.V. was crying as she woke up Thomas Culp and made the report to him. Two other persons in the room, Ratayia Bias and Cami Bross, may have heard what C.J.V. reported. Further information regarding what Ratayia Bias and Cami Bross heard will be provided as soon as it is obtained.
3. That C.J.V. contacted her friend, Shaylon Sargent and told her what had happened to her and asked her to pick her up from the location where she was assaulted. Ian Frese was present in the car when C.J.V. was picked up and transported. Shaylon Sargent and Ian Frese could testify to what C.J.V. reported to each of them regarding the sexual assault within a very short time after the sexual assault. Further information regarding what was reported to them is being obtained and will be provided prior to a hearing on this motion.
4. Ill. R. Evid. 803 provides: "The following are not excluded by the hearsay rule, even though the declarant is available as a witness: (2) Excited Utterance. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Likewise, evidence is admissible under this hearsay exception even if the declarant is unavailable. *People v. White, 198 Ill. App. 3d 641 at 658.*
5. The excited utterance hearsay exception, also known as the spontaneous declaration hearsay exception, has long been recognized in Illinois common law. There are three requirements for a hearsay statement to be admissible under the excited utterance/spontaneous declaration exception, (1) there must be an occurrence sufficiently startling to produce a spontaneous and unreflecting statement, (2) there

must be an absence of time for the declarant to fabricate the statement, and (3) the statement must relate to the circumstances of the occurrence. *People v. Williams*, 193 Ill. 2d 306 at 352, 739 N.E. 455, 250 Ill. Dec. 692 (2000); *People v. White*, 198 Ill. App. 3d 641, 555 N.E. 2d 1241, 144 Ill. Dec. 722 (1990). *White* cites a 1961 Illinois Supreme Court, *People v. Poland*, 22 Ill. 2d 175, 174 N.E. 2d 804, where the court, citing 6 Wigmore, Evidence, 3d ed., sec. 1747, recognized that this hearsay exception has been characterized as both the “spontaneous declaration” hearsay exception as well as the “excited utterance” hearsay exception. *White*, 198 Ill. App. 3d at 648.

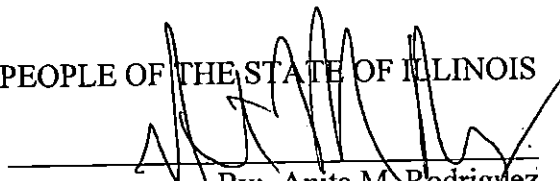
6. In *People v. Williams*, *supra*, the Court discussed many of the factors to consider:

“In addition, the fact that a declarant’s statement is made at the first opportunity to speak supports a finding of spontaneity (citation omitted) but a declarant may make a spontaneous declaration to a person even after having spoken previously to another (*People v. House*, 141 Ill. 2d at 386, 152 Ill. Dec. 572, 566 N.E. 2d 259). ...the fact that a statement was made in response to a question does not necessarily destroy spontaneity (further citations omitted). No one factor is dispositive. *Georgakopoulos*, 303 Ill. App. 3d at 1012, 237 Ill. Dec. 156, 708 N.E. 2d 1196. The time factor has been described as an ‘elusive’ factor, ‘whose significance will vary with the facts of each case.’ *House*, 141 Ill. 2d at 382, 152 Ill. Dec. 572, 566 N.E. 2d 259. Indeed, the period of time that may pass without affecting the admissibility of a statement under the spontaneous declaration exception varies greatly. See, e.g., *People v. Gacho*, 122 Ill 2d 221, 119 Ill Dec. 287, 522 N.E. 2d 1146 (1988) (statement made 6 ½ hours after the occurrence was admissible). *People v. Newell*, 135 Ill. App. 3d 417, 90 Ill. Dec. 327, 481 N.E. 2d 1238 (1985) (statement made 20 minutes after the occurrence was properly excluded). The critical inquiry is ‘whether the statement was made while the excitement of the event predominated.’ (further citation omitted) quoting M.Graham, Cleary & Grahams Handbook of Illinois Evidence ¶803.3, at 627 (5th Ed. 1990)” *Williams*, 193 Ill. 2d 306 at 353.
7. In *House*, *supra*, the Court stated “We reject out of hand any contention that a declarant cannot make a spontaneous declaration to a person after having spoken previously to another...No such *per se* rule exists.... The fact that the declarant may have previously spoken to another is merely a factor to consider in determining admissibility.” *House*, 141 Ill. 2d 323 at 386.
8. The statement made by C.J.V. to Thomas Culp, and to Ratayia Bia and Cami Bross, if they were awake when the statement was made, is clearly an excited utterance and should be admissible into evidence at trial as a hearsay exception.
9. Further information is being obtained as to the statements made to Shaylon Sargent and/or Ian Frese. The People are calling to the attention of the defense, at this time, that the People may request that those statements be admitted into evidence as an exception to the hearsay rule as excited utterance after further information is obtained.

WHEREFORE, the People pray for an order allowing into evidence at the trial of this cause, the testimony, as stated above, under the excited utterance exception to the hearsay rule as permitted by Ill. R. Evid. 803 and as permitted by Illinois case law.

Dated: August 13, 2021

PEOPLE OF THE STATE OF ILLINOIS



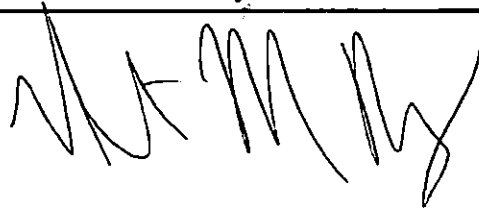
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

13 DAY OF April, 2021



hand-delivered

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
DREW S. CLINTON,)
)
Defendant.)

No 2021 CF 396

FILED

AUG 13 2021

Anita R. Rodriguez
Clerk of Court
ILLINOIS, ADAMS CO.

PEOPLE'S FOURTH MOTION IN LIMINE
(Facebook Messenger conversations)

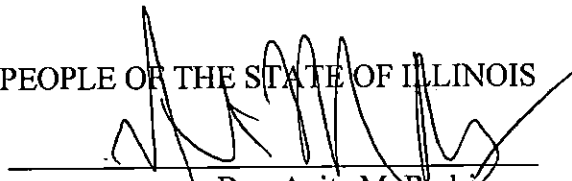
COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court to prohibit the defendant from introducing certain evidence at trial, as follows:

1. On July 21, 2021, the defendant filed a Witness Disclosure naming two individuals, Hayden Merreighn and Destiny Rath as potential trial witnesses. The disclosure also had attached 32 pages of written conversations that appear to be from Facebook Messenger. Those messages were impounded in the court file by order dated August 4, 2021, pending pretrial motion rulings.
2. The impounded messages purport to be conversations between various individuals in which the named victim, C.J.V. is mentioned and there is discussion between the message participants as to what did or did not happen on the date of the charged offense.
3. All of the messages are impermissible hearsay and do not fall within a hearsay exception.
4. That potential witnesses, Hayden Merreighn and Destiny Rath, as well as any other persons mentioned in the messages, should not be permitted to testify to their out-of-court conversations with individuals, not C.J.V. or the defendant, whether verbal conversations or the stated written conversations.

WHEREFORE, the People pray that the defendant be prohibited, in advance of trial, from presenting the Facebook Messenger conversations as stated above.

Dated: August 13, 2021

PEOPLE OF THE STATE OF ILLINOIS

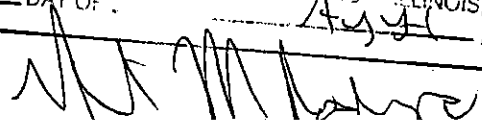


By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE
THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON ALL DEFENDANTS AND ATTORNEYS OF RECORD OF ALL DEFENDANTS AND ATTORNEYS OF RECORD BY ENCLOSING THE SAME IN AN ENVELOPE AND DEPOSITING THE ENVELOPE WITH POSTAGE FULLY PAID TO THE UNITED STATES POSTAL SERVICE IN A U.S. POST OFFICE AT QUINCY, ILLINOIS, ON THE 13 DAY OF August, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 13 2021

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW S. CLINTON,

Defendants

NO. 2021 CF 396

Jeri R. Buchwalter
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S MOTION TO EXCLUDE
(Pursuant to 725 ILCS 5/115-11)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves to exclude certain persons from the trial of this cause, pursuant to 725 ILCS 5/115-11, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts, to C.J.V.
2. That C.J.V. is a minor under the age of 18 years.
3. That the People request that, while the victim is testifying, all persons, who in the opinion of the court, do not have a direct interest in the case, except the media, be excluded.
4. That the defendant will not be prejudiced by the court affording the victim the protection afforded by 725 ILCS 5/115-11.

WHEREFORE, the undersigned prays that the People's Motion to Exclude be heard prior to the commencement of trial and that the requested relief be granted.

DATED: August 12, 2021

PEOPLE OF THE STATE OF ILLINOIS,

By:

Anita M. Rodriguez
Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont
Quincy, IL 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE AND DELIVERING SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID AND DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS ON THE 13 DAY OF August 2021

Anita M. Rodriguez

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
)
DREW S. CLINTON,)
)
)
Defendant.)

No 2021 CF 396

FILED

AUG 16 2021

Teri R. Buchwalter
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

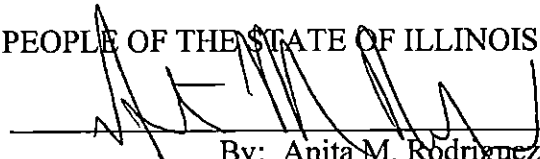
RESPONSE TO MOTION FOR BILL OF PARTICULARS

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and responds to the defendant's Motion for Bill of Particulars, as follows:

1. Date of offense – May 30, 2021 to May 31, 2021
2. Place of occurrence – 930 Ridgewood Drive, Quincy, Adams County, Illinois
3. Time of occurrence – from the late night of May 30, 2021 to early morning hours of May 31, 2021. At this time, the People are unable to provide a more specific time. If additional information is obtained as to the time, it will be provided.

Dated: August 16, 2021

PEOPLE OF THE STATE OF ILLINOIS



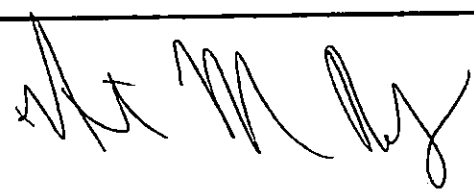
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAILBOX IN QUINCY, ILLINOIS, ON THE 16 DAY OF August, 2021.

hand-delivered



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 16 2021

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
) Plaintiff,)
)
) Vs.)
)
) DREW S. CLINTON,)
)
) Defendant.)

No 2021 CF 396

Teri R. Buchwalter
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

SUPPLEMENTAL DISCOVERY RESPONSE

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and supplements the People's Discovery Response which was previously filed, as follows:

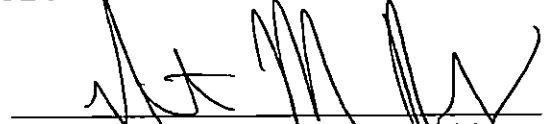
1. The following additional witnesses may be used at trial:
 - a. Jan Achelpohl, Quincy Police Department
 - b. Emily Pezzella, Quincy Police Department

2. In the People's Discovery Response, the People put defendant on notice, in paragraphs 1w and 3x that additional lab testing may be requested. The People have requested of the Illinois State Police Laboratory that the black panties in QPD evidence #001 and the multicolored underwear contained in QPD evidence #019 be tested. Those items will be transported to the ISP laboratory by Emily Pezzella on Tuesday, August 17, 2021. It is believed that the items will be tested by Forensic Scientist Svetlana Gershburg. If another forensic scientist does the testing, the name will be provided. Additional lab reports will be provided as soon as they are received.

Additional information will continue to be provided as it becomes available.

Dated: August 16, 2021

PEOPLE OF THE STATE OF ILLINOIS



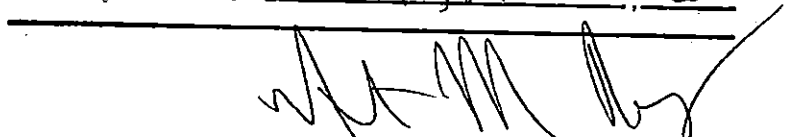
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CASE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 16 DAY OF August, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED
AUG 16 2021

Sen. P. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.) No 2021 CF 396
)
DREW S. CLINTON,)
)
) Defendant.)

AMENDED SUPPLEMENTAL DISCOVERY RESPONSE

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and supplements the People's Discovery Response which was previously filed, as follows:

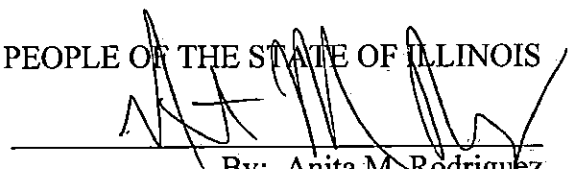
1. The following additional witnesses may be used at trial:
 - a. Jan Achelpohl, Quincy Police Department
 - b. Emily Pezzella, Quincy Police Department
 - c. Brian Curran, jail administrator, foundation for jail calls
 - d. Sue Hester, jail administrator, foundation for jail calls

2. In the People's Discovery Response, the People put defendant on notice, in paragraphs 1w and 3x that additional lab testing may be requested. The People have requested of the Illinois State Police Laboratory that the black panties in QPD evidence #001 and the multicolored underwear contained in QPD evidence #019 be tested. Those items will be transported to the ISP laboratory by Emily Pezzella on Tuesday, August 17, 2021. It is believed that the items will be tested by Forensic Scientist Svetlana Gershburg. If another forensic scientist does the testing, the name will be provided. Additional lab reports will be provided as soon as they are received.

Additional information will continue to be provided as it becomes available.

Dated: August 16, 2021

PEOPLE OF THE STATE OF ILLINOIS

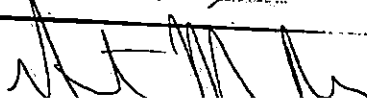


By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Handwritten note: how-did

PROOF OF SERVICE PROOF DE SE
THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS BY FIRST CLASS MAIL BY ENCLOSED THE SAME IN AN ENVELOPE WITH POSTAGE FULLY PREPAID BY AIR MAIL ENVELOPE IN A U.S. POST OFFICE MAIL ROOM ON 16 DAY OF August 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 17 2021

Anita R. Buchwalter
Clerk of Court for Adams County
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
DREW S. CLINTON,)
)
) Defendant.)

No. 21 CF 396

MOTION TO CONTINUE JURY TRIAL

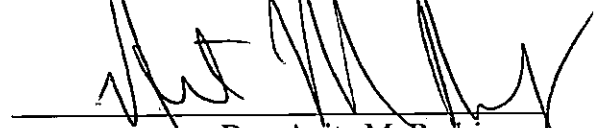
COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois and moves to continue the jury trial in this case, as follows:

1. This cause is set on the September 13-24, 2021 jury trial docket. The defendant is charged with Criminal Sexual Assault, 3 counts.
2. The defendant was lodged in jail on May 31, 2021. He filed a speedy trial demand on 6-28-21 while he remained lodged in jail.
3. On 8-3-21, the defendant posted a cash bond. Since release on bond, the defendant has not filed another speedy trial demand.
4. On today's date, August 17, 2021, two additional items of evidence are being submitted to the Illinois State Police Laboratory for testing. It is unknown how long the additional testing will take.

WHEREFORE, the undersigned prays for a continuance of the jury trial initially to the October 12 - 22, 2021 jury trial docket. If this motion to continue jury trial is not allowed, then the People would request leave of Court to provide discovery beyond the discovery deadline for the September jury trial docket.

Dated: August 17, 2021

PEOPLE OF THE STATE OF ILLINOIS



By: Anita M. Rodriguez
Assistant State's Attorney

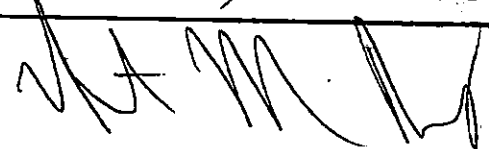
GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

17 DAY OF August, 2021



IN THE CIRCUIL COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois AUG 18 2021

(Plaintiff)

Drew Clinton

(Defendant)

Anita R. Schrack
No. 21 CF396
Clerk of Court & Judicial Clerk
ILLINOIS, ADAMS CO.

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: Anita Rodriguez Defendant appears by: Drew Schrack
Defendant - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)
- 2. On motion of _____, the ~~PRE-TRIAL CONFERENCE IS CONTINUED TO -~~ ^{status} 23 day of August at 2:00 p. M. Courtroom # 1B I & J hearing on People's Mot to continue
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)
- 3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
The parties stipulate and agree as follows:
 - A) The expected length of trial is _____ days;
 - B) Joint list of witnesses to be furnished to the court before jury selection;
 - C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
 - D) Twelve jurors with _____ ALTERNATES;
 - E) Jury instructions to be submitted by morning of jury selection;
 - F) Special Setting;
 - G) Pre-Trial Motions:
- 4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ day of _____ at _____, M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.
- 5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____
- 6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____, _____.
- 7. OTHER: _____
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 8-18, 2021
cc: SAO - _____
DEFENDANT - _____
DEFENDANT'S ATTORNEY - AS - _____

[Signature]
JUDGE

SN

FILED

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

AUG 23 2021

People of the State of Illinois
(Plaintiff)

Abri R. Brachwamner
Clerk, Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

vs.

No. 21 CF 396

Drew S. Clinton
(Defendant)

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: A. Rodriguez Defendant appears by: Andrew C. Schneck III
Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)

2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO-
15 day of Sept 21 at 9:00 a. M. Courtroom # 1B
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
The parties stipulate and agree as follows:

- A) The expected length of trial is _____ days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is - WAIVED - REQUESTED;
- D) Twelve jurors with _____ ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- F) Special Setting:
- G) Pre-Trial Motions: All pretrial motions will be heard by Sept 9, 2021 at 2:30 p.m.

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ day of _____ at _____ M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO Oct. 12, 2021, at 9:00 A.M. before Judge Atkinson; pre-trial to be held on Oct. 1, 2021 at 9:00 a.m. time to be set by the clerk; discovery to be completed by Sept. 3, 2021

7. OTHER: Motions to be filed by Sept 10, 2021
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED:
cc: SAO-

DEFENDANT-
DEFENDANT'S ATTORNEY

PO

ACSTH On motion of defense, the GPS monitored is allowed, to be removed previously ordered. Walt JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Plaintiff,)	
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
)	
Defendant.)	

DEFENDANT'S DISCOVERY RESPONSE

CERTIFICATE OF COMPLIANCE

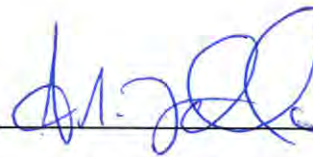
COMES NOW Andrew C. Schnack, III, Attorney for the Defendant, in and for Adams County, Illinois, and responds to the Plaintiff's Discovery Motion, which is deemed to be filed by administrative order, and certifies that he has complied with discovery as follows:

1. The following persons may be called as witnesses at the trial of this case:
 - a. Jessica Hollensteiner, Quincy Police Department
 - b. Thomas Culp, 930 Ridgewood Drive, Quincy, Illinois
 - c. Kristopher Billingsley, Quincy Police Department
 - d. J.D. Summers, Quincy Police Department
 - e. Scott Vaughan, 2641 Manor Hill Drive, Quincy, Illinois
 - f. Rachel Vaughan, 2641 Manor Hill Drive, Quincy, Illinois
 - g. Hayden Merreighn, 1418 S. 34th St., Quincy, Illinois

- h. Dr. Melania Chandou, Blessing Hospital
- i. Brandy Tallman, RN, Blessing Hospital
- j. Jessica Bolton, Child Advocacy Center, 1420 Harrison, Quincy, Illinois
- k. Svetlana Gershburg, ISP laboratory (address on report)

WHEREFORE, the undersigned certifies that he has fully responded to Plaintiff's Discovery Motion and has fully complied with the discovery laws of this State. As additional information becomes available, it will be provided to the Plaintiff in a timely manner.

By: _____



Andrew C. Schnack, III
Attorney for the Defendant

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000 Ext. 1
schlaw@adams.net
Attorneys for the Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.) NO.2021-CF-396
)
DREW CLINTON,)
)
Defendant.)

SUBPOENA

TO: Svetlana Gersburg
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, IL 62702-9611

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on October 12th, 2021 at 9:00a.m.

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

Name: Casey J. Schnack
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565
Witness, 9/1/2021, 2021
Clerk of Court (Seal of Court)
Deputy



I have served the within Writ, by reading the same to the within named

This ___ day of ___, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES
Service of Subpoena \$
Returning Subpoena \$
Miles Travel \$
Total Amount \$

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	)	Plaintiff,
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	)	Defendant.

SUBPOENA

TO: Officer Kristopher Billingsley
Quincy Police Department
530 Broadway Street
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES	
Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 v.)
)
 DREW CLINTON,)
)
 Defendant.)

NO. 2021-CF-396

SUBPOENA

TO: Ms. Rachel Vaughn
2641 Manor Hill Drive
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW CLINTON,

Defendant.

NO. 2021-CF-396

SUBPOENA

TO: Ms. Scott Vaughn
2641 Manor Hill Drive
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	)	Plaintiff,
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	)	Defendant.

SUBPOENA

TO: Mr. Thomas Culp
930 Ridgewood Drive
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW CLINTON,

Defendant.

NO. 2021-CF-396

SUBPOENA

TO: Dr. Melania Chandou
Blessing Hospital
11th Broadway
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW CLINTON,

Defendant.

NO. 2021-CF-396

SUBPOENA

TO: Ms. Brandy Tallman, RN
Blessing Hospital
11th Broadway
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

SEP 01 2021

Devi R. Bachwondner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
DREW S. CLINTON,)
)
Defendant.)

No 2021 CF 396

SECOND SUPPLEMENTAL DISCOVERY RESPONSE

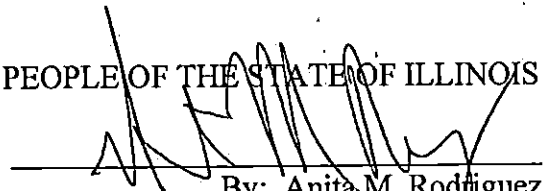
COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and supplements the People's Discovery Response which was previously filed on August 9, 2021, the Supplemental Discovery Response filed on August 16, 2021 and the Amended Supplemental Discovery Response filed on August 16, 2021, as follows:

1. The following additional witnesses may be used at trial:
 - a. Dexter McElhiney, Illinois State Police Forensic Laboratory, Springfield, IL
 - b. Additional DNA testing continues and additional names of forensic scientists, if any, will be provided as soon as known.
2. The following additional report of expert witness will be used as an exhibit at trial:
 - a. ISP Laboratory Report #5, dated 8-20-2021 by Dexter McElhiney.- was received in the State's Attorney's Office on 8-26-2021 and provided as discovery to defense counsel on August 27, 2021.
 - b. Additional reports will be forthcoming on DNA testing on QPD agency item 001 (lab item #14) and QPD agency item #019 (lab item #15).

Additional information will continue to be provided as it becomes available.

Dated: September 1, 2021

PEOPLE OF THE STATE OF ILLINOIS



By: Anita M. Rodriguez
Assistant State's Attorney

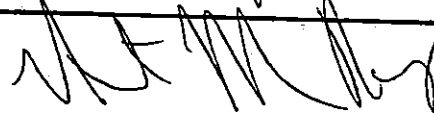
GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

*Hand-delivered
to attorneys
folder*

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

1st DAY OF Sept 2021



FILED

SEP 10 2021

Teri R. Hochwamer
 Clerk Circuit Court 8th Judicial Circuit
 ILLINOIS, ADAMS CO.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
 ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
 Plaintiff,)
 Vs.) No 2021 CF 396
)
 DREW S. CLINTON,)
 Defendant.)

PEOPLE'S AMENDED THIRD MOTION IN LIMINE
 (Ill. R. Evid. 803 excited utterance)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court, pursuant to Ill. R. Evid. 803, to permit into evidence at the trial of this cause certain evidence as an exception to the hearsay rule, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts to C.J.V., from the late night of May 30, 2021 into the early morning hours of May 31, 2021.
2. That the People's evidence will be that C.J.V. was very intoxicated, but sleeping, when the sexual assault began and that it continued for a few minutes after C.J.V. woke up and after she told the defendant to stop. That immediately after the defendant stopped sexually assaulting C.J.V., she walked into an adjacent room and told Cami Bross, Thomas Culp and Ratayia Bias that the defendant had raped her. C.J.V. was crying and upset as she woke up the three individuals and made statements to them about what had just occurred. It is believed that this occurred shortly before 4:00 a.m. on May 31, 2021.
3. Very shortly after making her statements to Bross, Culp and Bias, C.J.V. phoned her friend, Shaylon Sargent, told her that the defendant had raped her and asked Sargent to pick her up from the location where she was assaulted and take her home. Sargent will testify that it was approximately 4:00 a.m. when she received the call from C.J.V. Sargent then picked up C.J.V. from the location where the sexual assault occurred and transported C.J.V. to her home. While being transported by Sargent and Ian Frese, C.J.V. gave further details of the sexual assault occurred.
4. At approximately 8:42 a.m., on the same date of 5-31-2021, Officer J.D. Summers was dispatched to the home of C.J.V. on the report of sexual assault. His body cam was recording during his interaction with C.J.V. in which she provided some basic details of the sexual assault. That the body cam of Officer J.D. Summers, from 7:30 minutes until 11:52 minutes recorded the statement that C.J.V. gave to Officer Summers declaration.
5. Ill. R. Evid. 803 provides: "The following are not excluded by the hearsay rule, even though the declarant is available as a witness: (2) Excited Utterance. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Likewise, evidence is admissible under this hearsay exception even if the declarant is unavailable. *People v. White, 198 Ill. App. 3d 641 at 658.*

6. The excited utterance hearsay exception, also known as the spontaneous declaration hearsay exception, has long been recognized in Illinois common law. There are three requirements for a hearsay statement to be admissible under the excited utterance/spontaneous declaration exception, (1) there must be an occurrence sufficiently startling to produce a spontaneous and unreflecting statement, (2) there must be an absence of time for the declarant to fabricate the statement, and (3) the statement must relate to the circumstances of the occurrence. *People v. Williams*, 193 Ill. 2d 306 at 352, 739 N.E. 455, 250 Ill. Dec. 692 (2000); *People v. White*, 198 Ill. App. 3d 641, 555 N.E. 2d 1241, 144 Ill. Dec. 722 (1990). *White* cites a 1961 Illinois Supreme Court, *People v. Poland*, 22 Ill. 2d 175, 174 N.E. 2d 804, where the court, citing 6 Wigmore, Evidence, 3d ed., sec. 1747, recognized that this hearsay exception has been characterized as both the “spontaneous declaration” hearsay exception as well as the “excited utterance” hearsay exception. *White*, 198 Ill. App. 3d at 648.
7. In *People v. Williams*, *supra*, the Court discussed many of the factors to consider:

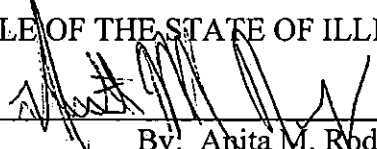
“In addition, the fact that a declarant’s statement is made at the first opportunity to speak supports a finding of spontaneity (citation omitted) but a declarant may make a spontaneous declaration to a person even after having spoken previously to another (*People v. House*, 141 Ill. 2d at 386, 152 Ill. Dec. 572, 566 N.E. 2d 259). ...the fact that a statement was made in response to a question does not necessarily destroy spontaneity (further citations omitted). No one factor is dispositive. *Georgakapoulos*, 303 Ill. App. 3d at 1012, 237 Ill. Dec. 156, 708 N.E. 2d 1196. The time factor has been described as an ‘elusive’ factor, ‘whose significance will vary with the facts of each case.’ *House*, 141 Ill. 2d at 382, 152 Ill. Dec. 572, 566 N.E. 2d 259. Indeed, the period of time that may pass without affecting the admissibility of a statement under the spontaneous declaration exception varies greatly. See, e.g., *People v. Gacho*, 122 Ill. 2d 221, 119 Ill. Dec. 287, 522 N.E. 2d 1146 (1988) (statement made 6 ½ hours after the occurrence was admissible). *People v. Newell*, 135 Ill. App. 3d 417, 90 Ill. Dec. 327, 481 N.E. 2d 1238 (1985) (statement made 20 minutes after the occurrence was properly excluded). The critical inquiry is ‘whether the statement was made while the excitement of the event predominated.’ (further citation omitted) quoting M.Graham, Cleary & Grahams Handbook of Illinois Evidence ¶803.3, at 627 (5th Ed. 1990)” *Williams*, 193 Ill. 2d 306 at 353.
8. In *House*, *supra*, the Court stated “We reject out of hand any contention that a declarant cannot make a spontaneous declaration to a person after having spoken previously to another...No such *per se* rule exists.... The fact that the declarant may have previously spoken to another is merely a factor to consider in determining admissibility.” *House*, 141 Ill. 2d 323 at 386.
9. The statement made by C.J.V. to Thomas Culp, Ratayia Bia and Cami Bross, is clearly an excited utterance and should be admissible into evidence at trial as a hearsay exception.
10. The statement made to Shaylon Sargent, when C.J.V. called her, and the statement made to Sargent and Ian Frese, when they were transporting her, is an excited utterance and should be admissible into evidence as an excited utterance.

11. The statement made by C.J.V. to Officer J.D.Summers, which was recorded on his body cam from 07:30 minutes until 11:52 minutes constitutes an excited utterance and should be admissible into evidence under the hearsay exception.

WHEREFORE, the People pray for an order allowing into evidence at the trial of this cause, the testimony, as stated above, under the excited utterance exception to the hearsay rule as permitted by Ill. R. Evid. 803 and as permitted by Illinois case law.

Dated: September 10, 2021

PEOPLE OF THE STATE OF ILLINOIS

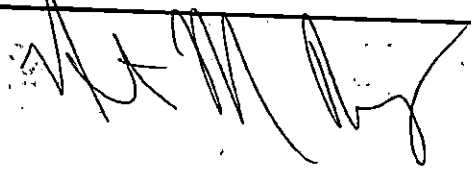

By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

*hand-delivered
to attorney
A. L. W.*

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 10 DAY OF Sept, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

SEP 15 2021

People of the State of Illinois

(Plaintiff)

Drew Clinton

(Defendant)

No. 21CF3916

Chief Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: Anita Rodriguez Defendant appears by: Drew Schrack by Casey Schrack

- 1. Defendant having failed to appear, on Motion of People, A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ B) Previous Bond is forfeited C) Exparte judgment is entered, (see separate order)

2. On motion of Anita Rodriguez, the PRE-TRIAL CONFERENCE IS CONTINUED TO - 1st day of October, '21 at 9:00 a.m. Courtroom # 1B (Defendant is directed to appear personally at the Pre-Trial or a warrant may issue) remaining set on

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL. The parties stipulate and agree as follows:

- A) The expected length of trial is days; B) Joint list of witnesses to be furnished to the court before jury selection; C) Jury Selection Reporting is - WAIVED - REQUESTED; D) Twelve jurors with ALTERNATES; E) Jury instructions to be submitted by morning of jury selection; F) Special Setting; Sept. 27, 2021 at 9:00 a.m in Courtroom 1B G) Pre-Trial Motions: X

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE for plea (or bench trial setting) on the day of at M. in Courtroom # CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: 6. CAUSE CONTINUED FOR JURY TRIAL TO at 9:00 A.M. before Judge; pre-trial to be held on at a time to be set by the clerk; discovery to be completed by

7. OTHER: X - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 9-15, 2021 cc: SAO - DEFENDANT - DS - DEFENDANT'S ATTORNEY - KC

JUDGE

AO-4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

vs. Plaintiff.

SEP 27 2021

21 CF 396

ORDER

Don Clinton

Defendant.

Eric R. Duchesneau

APPEARANCE Eric R. Duchesneau
Clerk of Court and Ex. Judicial Clerk
ADAMS CO.

Defendant appears personally.

1. Andre C Schuck III appears as defense counsel.

2. Defendant acknowledges receipt of copy of Charging document and is advised of nature of charges, possible penalties, pertinent constitutional rights, and trial in absentia.

3. Defendant requests appointed counsel.

A. Affidavit of Assets and Liabilities is submitted.

B. Court finds defendant to be indigent and appoints _____ to represent defendant.

C. Court finds defendant is not indigent and denies request.

D. Defendant advised of possible obligation to repay County for Public Defender expenses.

4. Cause is continued to Oct 1, 2021, at 9:00 am, in courtroom T.B.D.

A. On motion of defendant.

B. On motion of People.

5. Bail Bond

A. is set at \$ _____

B. is continued.

C. remains as previously set and defendant is remanded to custody of Sheriff.

D. is reduced to \$ _____

Defendant pleads not guilty and cause is set for (jury trial / bench trial / hearing) _____, 20____, at _____ before Judge _____

Date 9-27-21

Deputy Clerk [Signature]

Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. for consideration of recognizance bond. Defendant is eligible for a \$30.00 per day credit against the 10% cash bond required to secure release. After the \$30.00 per day credit is applied, Defendant would be eligible for a recognizance bond on or about the above date, provided the same is approved by the Court. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

Preliminary Hearing on _____, 20____, at _____m. in Courtroom _____. The Court finds that probable cause exists for the arrest of the defendant (_____ a.m./p.m.).

Pre-trial to be held on _____, 20____, at a time to be set by the clerk. Defendant must appear personally for pre-trial review or a warrant will be issue for his/her arrest.

10. Other: Cause comes before the Court for pretrial motions. The Court indicates that the issue is People's pretrial motion and defendant's motion must be decided by the trial judge.

ENTER: 9-27, 2021

CC: S.A.O. [Signature]
Defendant [Signature]
Defendant's Counsel AC III
(A.C.S.D.) [Signature]

[Signature]
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
DREW S. CLINTON,)
)
) Defendant.)

No 21 CF 396

FILED

SEP 28 2021

Lori A. Hochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

ORDER

Pursuant to the finding of Hon. Robert Adrian that the pretrial motions filed in this case should be heard by the trial court, all pretrial motions will be heard by The Hon. Michael Atterberry, the presiding judge for the October 12 – 22, 2021 jury trial docket, on **October 7, 2021 at 1:30 p.m.** in a courtroom to be assigned.

The Clerk of the Court shall send a courtesy copy of all pending motions and supporting memoranda to the Hon. Michael Atterberry.

IT IS SO ORDERED.

Enter: September 28, 2021

Cc: SAO
DEF
ACSI
Hon. Michael Atterberry

Walter K. Lee

Circuit Judge

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed *Judge Atterberry*
Personally delivered Emailed
SAO PO Counsel *POS*
Plaintiff Defendant
9/28/21 *kg*
Date Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois **OCT 01 2021**

(Plaintiff)

vs.

Drew Clinton Dori R. Schweinhart No. 21 CF396

(Defendant)

Illinois, Adams Co.

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: Anita Rodriguez Defendant appears by Andrew Schnack
Defendant - Appears personally _____ - Fails to appear by C. Schnack

- 1. Defendant having failed to appear, on Motion of People,
 - ___ A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - ___ B) Previous Bond is forfeited
 - ___ C) Exparte judgment is entered, (see separate order) And

2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO -
12 day of October, 21 at 8:30 a. M. Courtroom # 715D

(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.

The parties stipulate and agree as follows:

- A) The expected length of trial is 3 days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is ___ - WAIVED - REQUESTED;
- D) Twelve jurors with 2 ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- ___ F) Special Setting;
- G) Pre-Trial Motions: scheduled for Oct. 7, 2021 at 1:30 pm before the undersigned.

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the ___ day of _____ at _____ M. in Courtroom # ____ CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____.

7. OTHER: This case would be tried the first week of jury trial due to ASA having another trial which can only be tried the 2nd week.
 - BOND CONTINUED _____ - DEFENDANT REMANDED

ENTERED: 10-1, 2021

cc: SAO -

DEFENDANT -

DEFENDANT'S ATTORNEY AS

SN

Michael L. Atterbury
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

OF ILLINOIS, JEFFERSON COUNTY
FILED

People of the State of Illinois

(Plaintiff)

vs.

OCT 08 2021

No. 21 CF 396

Drew Clinton

(Defendant)

Shari R. Schwabman

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: A. Rodriguez Defendant appears by: A. C. Schrock III

Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)
- 2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO _____ day of _____ at _____ M. Courtroom # _____.
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)
- 3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
The parties stipulate and agree as follows:
 - A) The expected length of trial is _____ days;
 - B) Joint list of witnesses to be furnished to the court before jury selection;
 - C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
 - D) Twelve jurors with _____ ALTERNATES;
 - E) Jury instructions to be submitted by morning of jury selection;
 - F) Special Setting;
 - G) Pre-Trial Motions:
- 4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE Richard Adrian for plea (or bench trial setting) on the 8 day of Oct 2021 at 2:00 P. M. in Courtroom # 1B. CAUSE STRICKEN FROM THE JURY DOCKET.
- 5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____
- 6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____, _____.
- 7. OTHER: _____
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 10-8 2021
cc: SAO
~~DEFENDANT~~
~~DEFENDANT'S ATTORNEY -~~

KC

Michael L. [Signature]
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

Hon
BEFORE MLA

VS

Drew S. Clinton)

NO 21CF396

WAIVER OF JURY

AND now on this 7 day of October 2021,
the said Drew Clinton, the defendant, herein, and in open court,
and of his own free will, and in writing, waives his right to a jury trial, in the above
entitled cause, and consents to a trial by the Court, without a Jury.

THE ABOVE WAIVER of a trial by Jury was acknowledged and subscribed to before
me by the above named defendant.

WAIVER OF JURY

X Drew Clinton
Defendant

FILED

OCT 07 2021

Lori R. Kochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

AO-4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS, vs. Plaintiff.

FILED

OCT 07 2021

21CF396 ORDER

Clinton J Defendant.

Jeri R. Eschwendner Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

APPEARANCE ORDER

Defendant appears personally.

- 1. Dan Schell appears as defense counsel.
2. Defendant acknowledges receipt of copy of Charging document...
3. Defendant requests appointed counsel.
4. Cause is continued to...
5. Bail Bond is continued.
6. Defendant pleads not guilty and cause is set for...
7. Cause is set for: Bail Bond Review...
8. The court finds that probable cause exists for the arrest of the defendant...
9. Pre-trial to be held on...
10. Other: Mailed, postage prepaid...
11. Other: SAO... PO... Counsel... Plaintiff... Defendant...

ENTER: 10-7, 2021

Date 10/7/21 Deputy Clerk Kg

CC: S.A.O. Defendant Defendant's Counsel (A.C.S.D.) ACSAT

Judge Signature JUDGE



RECEIVED

JUL 12 2021

ADAMS COUNTY
STATES ATTORNEY

Illinois State Police
Division of Forensic Services
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, Illinois 62702-9611
(217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
DNA

Jessica Hollensteiner
Quincy Police Department
530 Broadway, Suite 241
Quincy, IL 62301

DFS Case #: DFS21-020665
Report #: 2
Report Date: 07/09/2021

Agency Case #: 21-11602
Offense(s): Criminal Sexual Assault
Offense Category(s): Criminal Sexual Assault
Victim(s): Cameron Vaughan
Suspect(s): Drew Clinton

Item(s) Submitted:

<u>LAB ITEM#</u>	<u>AGENCY ITEM#</u>	<u>DESCRIPTION</u>
1	004	Sexual assault kit from Cameron Vaughan
3	006	Buccal swab(s) from Drew Clinton
4	007	Swabs from Drew Clinton's Right index finger
5	008	Swabs from Drew Clinton's Right middle finger
6	009	Swabs from Drew Clinton's Right ring finger
7	010	Swabs from Drew Clinton's Right thumb
8	011	Swabs from Drew Clinton's Right pinky finger
9	012	Swabs from Drew Clinton's Left index finger
10	013	Swabs from Drew Clinton's Left middle finger
11	014	Swabs from Drew Clinton's Left ring finger
12	015	Swabs from Drew Clinton's Left thumb
13	016	Swabs from Drew Clinton's Left pinky finger

Sub-Item(s) created by laboratory:

<u>LAB SUB- ITEM#</u>	<u>DESCRIPTION</u>
1A	DNA Reference Blood/Buccal
1A1	Sample from DNA Reference Blood/Buccal
1B	Vaginal Swab(s)
1B1	Sample from Vaginal Swab(s)

21-11602

Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

Page 1 of 7

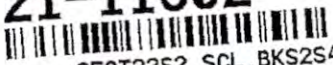
DFS21-020665

Report # 2

1B2	Sample from Vaginal Swab(s)
1C	Oral Swab(s)
1D	Anal Swab(s)
1D1	Sample from Anal Swab(s)
1D2	Sample from Anal Swab(s)
1E	Fingernail Swab(s)/Scrapings
1F	Head Hair Combing
1G	Swab(s) from pubic area
1G1	Sample from Swab(s) from pubic area
3A	Sample from Buccal swab(s) from Drew Clinton
4A	Sample from Swabs from Drew Clinton's Right index finger
4B	Sample from Swabs from Drew Clinton's Right index finger
5A	Sample from Swabs from Drew Clinton's Right middle finger
5B	Sample from Swabs from Drew Clinton's Right middle finger
6A	Sample from Swabs from Drew Clinton's Right ring finger
6B	Sample from Swabs from Drew Clinton's Right ring finger
7A	Sample from Swabs from Drew Clinton's Right thumb
7B	Sample from Swabs from Drew Clinton's Right thumb
8A	Sample from Swabs from Drew Clinton's Right pinky finger
8B	Sample from Swabs from Drew Clinton's Right pinky finger
9A	Sample from Swabs from Drew Clinton's Left index finger
9B	Sample from Swabs from Drew Clinton's Left index finger
10A	Sample from Swabs from Drew Clinton's Left middle finger
10B	Sample from Swabs from Drew Clinton's Left middle finger
11A	Sample from Swabs from Drew Clinton's Left ring finger
11B	Sample from Swabs from Drew Clinton's Left ring finger
12A	Sample from Swabs from Drew Clinton's Left thumb
12B	Sample from Swabs from Drew Clinton's Left thumb
13A	Sample from Swabs from Drew Clinton's Left pinky finger
13B	Sample from Swabs from Drew Clinton's Left pinky finger

Results:Autosomal Results¹¹

Item 1A: DNA Reference Blood/Buccal
Number of Contributors ¹⁶ : 1

21-11602


Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

Item 1B: Vaginal Swab(s)
Not Amplified ¹⁴ : Insufficient male DNA for autosomal testing

Item 1D: Anal Swab(s)
Fraction: Non-Sperm⁹ This sample does not meet the necessary requirements to be analyzed in STRmix™ ²⁸ , entered in CODIS, or compared to known standards.
Fraction: Sperm⁹ Not Amplified ¹³ : No human DNA was detected

Item 1G: Swab(s) from pubic area
STRmix™ ²⁸ Proposition Set: 1 Number of Contributors ¹⁶ : 3 Proportion of Contributors ²⁹ : 56%, 43%, 1% Assumed ³¹ : Cameron J Vaughan (56% Contributor) CODIS ²³ : 43%
H ₁ : The DNA profile originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.
H ₂ : The DNA profile originated from Cameron J Vaughan and two unknown unrelated individuals.
The DNA profile is approximately 1.4E+22 (14 sextillion) times more likely if it originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual than if it originated from Cameron J Vaughan and two unknown unrelated individuals.
This analysis provides <i>Very Strong Support</i> ³⁰ for the proposition that Drew S Clinton is a contributor to the DNA profile.

Item 3: Buccal swab(s) from Drew Clinton
Number of Contributors ¹⁶ : 1 CODIS ²³

Item 4: Swabs from Drew Clinton's Right index finger
Not Amplified ¹⁵ : Amplification was deferred

21-11602



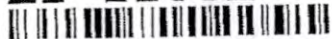
Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

Page 3 of 7

Item 5: Swabs from Drew Clinton's Right middle fingerNot Amplified¹⁵: Amplification was deferred**Item 6: Swabs from Drew Clinton's Right ring finger**Not Amplified¹⁵: Amplification was deferred**Item 7: Swabs from Drew Clinton's Right thumb**Not Amplified¹⁵: Amplification was deferred**Item 8: Swabs from Drew Clinton's Right pinky finger**Not Amplified¹⁵: Amplification was deferred**Item 9: Swabs from Drew Clinton's Left index finger**Not Amplified¹⁵: Amplification was deferred**Item 10: Swabs from Drew Clinton's Left middle finger**Not Amplified¹⁵: Amplification was deferred**Item 11: Swabs from Drew Clinton's Left ring finger**Not Amplified¹⁵: Amplification was deferred**Item 12: Swabs from Drew Clinton's Left thumb**Not Amplified¹⁵: Amplification was deferred**Item 13: Swabs from Drew Clinton's Left pinky finger**Not Amplified¹⁵: Amplification was deferred**Remarks:**

A portion of the evidence was tested. Additional analysis may be possible upon receipt of consumption approval and submission of male reference standards. Please notify the laboratory if additional analysis would aid in your investigation.

21-11602Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department07/09/2021
Count: 20

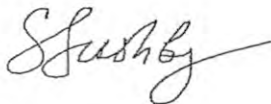
Several items were not analyzed at this time. Please notify the laboratory if additional analysis would aid in your investigation.

Consumed: Item(s) 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13. Extract remains.

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report. For information regarding the extent and frequency of searches of individual characteristic databases (e.g. CODIS, ABIS, NIBIN), please see the "Documents" section of Prelog or contact a Prelog Administrator at your agency for access to the document.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Svetlana Gershburg
Forensic Scientist

21-11602



Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

Appendix

- 1 Unless otherwise noted, all items submitted to the laboratory will be returned.
- 9 The terms "sperm" and "non-sperm" refer to the fractions produced by chemical separation during the differential extraction procedure. These terms do not pertain to a biological screening result.
- 11 Short Tandem Repeat (STR) analysis was conducted using the PowerPlex® Fusion System, which profiles 23 STR loci plus Amelogenin.
- 13 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Human DNA was not detected in this sample.
- 14 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Male DNA was detected in this sample. However, the quantity of total human DNA in relation to male DNA indicates this sample is not suitable for autosomal amplification. This sample may be suitable for Y-STR DNA analysis upon submission of male standards; please contact the laboratory for information regarding Y-STR DNA analysis.
- 15 This sample was not amplified at this time. Additional analysis of this sample may be conducted upon request.
- 16 The number of contributors to a DNA profile/Y-STR haplotype is an assessment of the data based on interpretation guidelines.
- 23 Information representing one or more contributors will be included in the Combined DNA Index System (CODIS). Profiles included in the CODIS database will routinely be searched against other profiles. Additional reports will be issued if there are any probative associations.
- 28 STRmix™ is a software program that uses biological modeling, statistical theory, mathematical algorithms and probability distributions to calculate likelihood ratios and/or infer genotypes for the DNA profiling results of forensic samples.
- 29 The proportion of contributors is the approximate percentage of each individual's contribution to the mixture.
- 30 The statistic is a likelihood ratio (LR) which evaluates the evidence under competing propositions (e.g. H₁ and H₂) regarding the contributor(s) to the DNA profile. The LR was calculated across four major US population groups (African American, Caucasian, Southwest and Southeast Hispanic) with the most common LR reported for each proposition set. If the competing propositions of a particular set contains the same reference standard, then this individual has been assumed as a contributor to this item.

The LR of the given DNA profile does not indicate the presence of a body fluid nor does it indicate that a particular activity has occurred.

Each LR is assigned a verbal qualifier based on the Recommendations of the SWGDAM Ad Hoc Working Group on Genotyping Results Reported as Likelihood Ratios.

Likelihood Ratio	Verbal Qualifier
1	Uninformative
2 - 99	Limited Support

21-11602



Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department


07/09/2021
Count: 20

Page 6 of 7

100 - 9,999	Moderate Support
10,000 - 999,999	Strong Support
≥1,000,000	Very Strong Support

The prosecution and/or defense may contact the laboratory to request an alternative proposition set be evaluated. The request will need to be timely, reasonable, and within the capabilities of the validated system.

- 31 This individual has been assumed (conditioned) since it has been determined that it is reasonable for this individual to be a donor to the DNA profile.

21-11602

Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20



Illinois State Police
 Division of Forensic Services
 Springfield Forensic Science Laboratory
 825 N. Rutledge, SCLF 4th Floor
 Springfield, Illinois 62702-9611
 (217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
DNA

Jessica Hollensteiner
 Quincy Police Department
 530 Broadway, Suite 241
 Quincy, IL 62301

DFS Case #: DFS21-020665
 Report #: 3
 Report Date: 07/14/2021

Agency Case #: 21-11602
 Offense(s): Criminal Sexual Assault
 Offense Category(s): Criminal Sexual Assault
 Victim(s): Cameron Vaughan
 Suspect(s): Drew Clinton *21CF396*

Item(s) Submitted¹:

<u>LAB ITEM#</u>	<u>AGENCY</u> <u>ITEM#</u>	<u>DESCRIPTION</u>
3	006	Drew Clinton buccal swab

Sub-Item(s) created by laboratory:

<u>LAB SUB-</u> <u>ITEM#</u>	<u>DESCRIPTION</u>
1B	Vaginal Swab(s)
1B1	Sample from Vaginal Swab(s)
1B2	Sample from Vaginal Swab(s)
1D	Anal Swab(s)
1D1	Sample from Anal Swab(s)
1D2	Sample from Anal Swab(s)
3A	Sample from Buccal swab(s) from Drew Clinton

Results:

DFS21-020665

Report # 3

YSTR Results¹⁰**Item 1B: Vaginal Swab(s)****Fraction: Non-Sperm⁹**Number of Contributors¹⁶: 1

Male: 23 loci

Cannot be excluded (is included): Drew S Clinton

Statistical Frequency:

White: 1 in 2800 at 17 loci²⁰

Black: 1 in 2300 at 17 loci

Hispanic: 1 in 2000 at 17 loci

Item 1D: Anal Swab(s)**Fraction: Non-Sperm⁹**

Male: 22 loci

Cannot be excluded (is included): Drew S Clinton

Statistical Frequency:

White: 1 in 2800 at 16 loci²⁰

Black: 1 in 2300 at 16 loci

Hispanic: 1 in 2000 at 16 loci

Item 3A: Sample from Buccal swab(s) from Drew ClintonNumber of Contributors¹⁶: 1

Male: 23 loci

Remarks:

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report. For information regarding the extent and frequency of searches of individual characteristic databases (e.g. CODIS, ABIS, NIBIN), please see the "Documents" section of Prelog or contact a Prelog Administrator at your agency for access to the document.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Dana Pitchford
Forensic Scientist

Appendix

- 1 Unless otherwise noted, all items submitted to the laboratory will be returned.
- 9 The terms "sperm" and "non-sperm" refer to the fractions produced by chemical separation during the differential extraction procedure. These terms do not pertain to a biological screening result.
- 10 Y chromosome Short Tandem Repeat (Y-STR) analysis was conducted using the PowerPlex® Y23 System, which profiles 23 STR loci.
- 16 The number of contributors to a DNA profile/Y-STR haplotype is an assessment of the data based on interpretation guidelines.
- 20 The basis for the profile probability estimation is the counting method. A 95% confidence upper limit is applied to the haplotype frequency to account for database size and sampling variation, using the method described by Clopper and Pearson (1934).



Illinois State Police
 Division of Forensic Services
 Springfield Forensic Science Laboratory
 825 N. Rutledge, SCLF 4th Floor
 Springfield, Illinois 62702-9611
 (217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
Forensic Biology

Jessica Hollensteiner
 Quincy Police Department
 530 Broadway, Suite 241
 Quincy, IL 62301

DFS Case #: DFS21-020665
 Report #: 4
 Report Date: 07/19/2021

Agency Case #: 21-11602
 Offense(s): Criminal Sexual Assault
 Offense Category(s): Criminal Sexual Assault
 Victim(s): Cameron Vaughan
 Suspect(s): Drew Clinton

Item(s) Submitted¹ and Results:

LAB ITEM#	AGENCY ITEM#	DESCRIPTION	TEST RESULT	EVIDENCE DISPOSITION
1	004	A ISP sexual assault kit collected from Cameron Vaughan		
1B		Vaginal Swab(s)	No semen identified.	
1G		Swabs from pubic area	No semen indicated.	

Remarks:

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Svetlana Gershburg
Forensic Scientist

Appendix

¹Unless otherwise noted, all items submitted to the laboratory will be returned.



SEP
ADAM
STATES



Illinois State Police
Division of Forensic Services
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, Illinois 62702-9611
(217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
DNA

Jessica Hollensteiner
Quincy Police Department
530 Broadway, Suite 241
Quincy, IL 62301

DFS Case #: DFS21-020665
Report #: 6
Report Date: 09/11/2021

Agency Case #: 21-11602
Offense(s): Criminal Sexual Assault
Offense Category(s): Criminal Sexual Assault
Victim(s): Cameron Vaughan
Suspect(s): Drew Clinton

Item(s) Submitted¹:

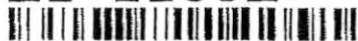
21-CF-396

Sub-Item(s) created by laboratory:

<u>LAB SUB-ITEM#</u>	<u>AGENCY ITEM#</u>	<u>DESCRIPTION</u>
1A	004	DNA Reference Blood/Buccal - Cameron Vaughan - previously profiled
1B	004	Vaginal Swab(s)
1B1	1B1	Sample from Vaginal Swab(s)
1B2	1B2	Sample from Vaginal Swab(s)
1D	004	Anal Swab(s)
1D1	1D1	Sample from Anal Swab(s)
1D2	1D2	Sample from Anal Swab(s)
3A	006(3A)	Sample from Buccal swab(s) from Drew Clinton - previously profiled
14A	001(14A)	Cutting from black panties
14B	001(14B)	Cutting from crotch of gray sweat pants
14C	001(14C)	Cutting from crotch of gray sweat pants
15A	019(15A)	Sample from multicolored underwear

Results:

21-11602



09/13/202
Count: 22

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

SA SEP 14 2021

LAB ITEM#	AGENCY ITEM#	DESCRIPTION	TEST RESULT
1B		Vaginal Swab(s)	

Autosomal Results¹¹**Item 1B: Vaginal Swab(s)****Fraction: Non-Sperm**⁹Number of Contributors¹⁶: 1

Cannot be excluded (included): Cameron J Vaughan

Fraction: Sperm⁹Not Amplified¹²: No male DNA was detected**Item 1D: Anal Swab(s)****Fraction: Non-Sperm**⁹Number of Contributors¹⁶: At least 2Assumed Contributor¹⁸: Cameron J VaughanMinor(s): Inconclusive¹⁷**Fraction: Sperm**⁹Not Amplified¹³: No human DNA was detected**Item 14A: Cutting from black panties**Not Amplified¹⁴: Insufficient male DNA for autosomal testing**Item 14B: Cutting from crotch of gray sweat pants**Not Amplified¹⁴: Insufficient male DNA for autosomal testing**21-11602**

09/13/202

Count: 22

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4

Quincy Police Department

SASEP 14 2021

Item 14C: Cutting from crotch of gray sweat pants**Fraction: Non-Sperm⁹**

Not Amplified¹⁴: Insufficient male DNA for autosomal testing

Fraction: Sperm⁹

STRmix™²⁸

Proposition Set: 1

Number of Contributors¹⁶: 3

Proportion of Contributors²⁹: 93%, 5%, 2%

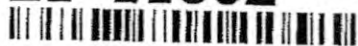
Assumed³¹: Cameron J Vaughan (93% Contributor)

H₁: The DNA profile originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.

H₂: The DNA profile originated from Cameron J Vaughan and two unknown unrelated individuals.

The DNA profile is approximately 1.6E+5 (160 thousand) times more likely if it originated from Cameron J Vaughan and two unknown unrelated individuals than if it originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.

This analysis provides *Strong Support*³⁰ for the proposition that Drew S Clinton is not a contributor to the DNA profile.

21-11602

09/13/2021
Count: 22

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

SA SEP 14 2021

<p>Item 15A: Sample from multicolored underwear</p> <p>Fraction: Non-Sperm⁹ STRmix™²⁸</p> <p>Proposition Set: 1 Number of Contributors¹⁶: 3 Proportion of Contributors²⁹: 17%, 81%, 2% Assumed³¹: Drew S Clinton (17% Contributor)</p> <p>H₁: The DNA profile originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.</p> <p>H₂: The DNA profile originated from Drew S Clinton and two unknown unrelated individuals.</p> <p>The DNA profile is approximately 4.6E+27 (4.6 octillion) times more likely if it originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual than if it originated from Drew S Clinton and two unknown unrelated individuals.</p> <p>This analysis provides <i>Very Strong Support</i>³⁰ for the proposition that Cameron J Vaughan is a contributor to the DNA profile.</p> <p>Fraction: Sperm⁹ Not Amplified¹⁵: Amplification was deferred</p>

Remarks:

Consumed: Item(s) 15A. Extract remains.
Result of analysis of non-sperm fraction of item 1D reported previously in report # 1 represents sub-item 1D1. Additional analysis on sub-item 1D2 was performed and reported in this report. Both results are reported as item 1D.

21-11602

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/202
Count: 22

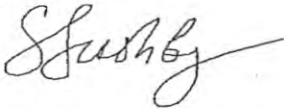
Page 4 of 7

SFA SEP 14 2021

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report. For information regarding the extent and frequency of searches of individual characteristic databases (e.g. CODIS, ABIS, NIBIN), please see the "Documents" section of Prelog or contact a Prelog Administrator at your agency for access to the document.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Svetlana Gershburg
Forensic Scientist

21-11602



Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

Page 5 of 7

SA SEP 14 2021

Appendix

- 1 Items listed in the report with no corresponding results have not been examined. Unless otherwise noted, all items submitted to the laboratory will be returned.
- 9 The terms "sperm" and "non-sperm" refer to the fractions produced by chemical separation during the differential extraction procedure. These terms do not pertain to a biological screening result.
- 11 Short Tandem Repeat (STR) analysis was conducted using the PowerPlex® Fusion System, which profiles 23 STR loci plus Amelogenin.
- 12 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Male DNA was not detected in this sample.
- 13 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Human DNA was not detected in this sample.
- 14 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Male DNA was detected in this sample. However, the quantity of total human DNA in relation to male DNA indicates this sample is not suitable for autosomal amplification. This sample may be suitable for Y-STR DNA analysis upon submission of male standards; please contact the laboratory for information regarding Y-STR DNA analysis.
- 15 This sample was not amplified at this time. Additional analysis of this sample may be conducted upon request.
- 16 The number of contributors to a DNA profile/Y-STR haplotype is an assessment of the data based on interpretation guidelines.
- 17 DNA results are unsuitable for comparison to reference standards and/or unknown evidentiary samples.
- 18 The DNA profile/Y-STR haplotype of an individual with an intimate and timely association to the evidence was assumed to resolve the mixture of DNA profiles/Y-STR haplotypes.
- 28 STRmix™ is a software program that uses biological modeling, statistical theory, mathematical algorithms and probability distributions to calculate likelihood ratios and/or infer genotypes for the DNA profiling results of forensic samples.
- 29 The proportion of contributors is the approximate percentage of each individual's contribution to the mixture.
- 30 The statistic is a likelihood ratio (LR) which evaluates the evidence under competing propositions (e.g. H_1 and H_2) regarding the contributor(s) to the DNA profile. The LR was calculated across four major US population groups (African American, Caucasian, Southwest and Southeast Hispanic) with the most common LR reported for each proposition set. If the competing propositions of a particular set contains the same reference standard, then this individual has been assumed as a contributor to this item.

The LR of the given DNA profile does not indicate the presence of a body fluid nor does it indicate that a particular activity has occurred.

Each LR is assigned a verbal qualifier based on the Recommendations of the SWGDAM Ad Hoc Working Group on Genotyping Results Reported as Likelihood Ratios.

21-11602



Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

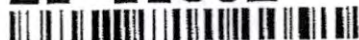
SA SEP 14 2021

Likelihood Ratio	Verbal Qualifier
1	Uninformative
2 - 99	Limited Support
100 - 9,999	Moderate Support
10,000 - 999,999	Strong Support
≥1,000,000	Very Strong Support

The prosecution and/or defense may contact the laboratory to request an alternative proposition set be evaluated. The request will need to be timely, reasonable, and within the capabilities of the validated system.

- 31 This individual has been assumed (conditioned) since it has been determined that it is reasonable for this individual to be a donor to the DNA profile.

21-11602



Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

Page 7 of 7

SA SEP 14 2021

In the Circuit Court of the Eighth Judicial Circuit of Illinois, Adams County

People of the State of Illinois,
Plaintiff,

vs.

Drew Clinton
Defendant

FILED

Case No(s):

21CF396

OCT 15 2021

Charge(s):

ORDER OF REFERRAL FOR PRESENTENCE INVESTIGATION REPORT (PSI)

IT IS HEREBY ORDERED that: if the defendant is on bond, he or she shall report immediately to the Adams County Probation Department, located on the lower level of this courthouse. Defendants in custody in the Adams County Jail shall be contacted by the Probation Officer assigned to the case. Defendant shall execute releases and provide to the Probation Department all information requested for the preparation of a Presentence Investigation Report. The defendant shall cooperate fully in the preparation of this report by meeting on time with the Probation Officer as directed. The defendant shall notify the Probation Officer immediately of any change of address. After the first meeting, the defendant will receive a letter stating the name of the Probation Officer assigned to the case and notifying the defendant when to contact the Probation Department. Failure of the defendant to meet or cooperate with the Probation Officer may be considered by the judge at sentencing. A failure to cooperate with the Probation Department may result in a revocation of the defendant's bond and order that the defendant be held in jail pending sentencing. **Please Note:** Probation Officers may require a substance abuse evaluation, and/or alcohol or other drug testing (including multiple tests) at their discretion, even if not checked below.

Set offender evaluation
Defendant shall undergo a Substance Abuse Evaluation through TASC or other authorized agency, as directed by the Probation Department, to be scheduled within seven days of the date of this order;

Defendant shall undergo a Professional Evaluation for Substance Abuse for Driving Under the Influence case (Felony or Misdemeanor), as directed by Probation Department, to be scheduled within seven days;

Defendant shall submit (immediately after court) to TESTING FOR ALCOHOL and as otherwise directed thereafter by the Probation Department. Testing by PBT or breath testing machine;

Defendant shall submit (immediately after court) to URINALYSIS TESTING FOR DRUGS, (other than alcohol) and as otherwise directed thereafter by the Probation Department;

Defendant shall undergo an Educational Assessment as directed by the Probation Department through John Wood Community College. If defendant is free on bond (bail), the defendant shall schedule this assessment within seven days of the date of this order. If the defendant is in the custody in the Adams County Jail, the Probation Officer assigned shall schedule the assessment. The assessment and accompanying recommendations shall be included by the Probation Department as part of the Presentence Investigation Report;

IT IS FURTHER ORDERED that the **SENTENCING HEARING, Restitution Hearing (if any) and Hearing on Payment for Court-Appointed Counsel (if any)**, per 725 ILCS 5/113-3.1, is/are **SET FOR:**

Jan 3, 2022, at 2:00 p.m., in Courtroom # 213

* - ABBREVIATED PSI REPORT

* - PRIOR CRIMINAL RECORD REPORT

* - DOMESTIC VIOLENCE REPORT

* - DOMESTIC VIOLENCE INVENTORY

* - RESTITUTION REPORT

- BOND CONTINUED (OR) DEFENDANT REMANDED

Entered: 10-15, 2021

[Signature]
Judge

cc: Def.- SAO- Def. Atty.- ACSD- Probation- TASC-



I hereby certify that a copy hereof was
 mailed, postage prepaid Faxed
 personally delivered Emailed
 PO Counsel
 Defendant
 10/15/21 She

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
)
DREW S. CLINTON,)
)
)
Defendant.)

No 21 CF 396

FILED

OCT 15 2021

Fori B. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

BENCH TRIAL ORDER

THIS CAUSE came before the Court for bench trial on October 13, 2021 at 9:00 a.m. The defendant in person and by Andrew C. Schnack III. People by Anita M. Rodriguez, Assistant State's Attorney.

Opening statements were made. The People presented evidence. The cause was adjourned for the day. Cause reconvened on October 14, 2021. The People presented additional evidence and rested. The defendant's Motion for Directed Verdict at the Close of the People's case, as to Count 1 and Count 2 was heard and denied. Cause was adjourned for the evening, Cause was reconvened on today's date. The defendant presents evidence and rests. Closing arguments were heard.

The Court makes findings and ORDERS as follows:

- Count 1, Criminal Sexual Assault, F-1 – not guilty
- Count 2, Criminal Sexual Assault, F-1 – not guilty
- Count 3, Criminal Sexual Assault, F-1 – guilty

Judgment entered on the finding. Cause is set for hearing on any post-trial motions, and sentencing on **January 3, 2022 at 2:00 p.m.** in courtroom 1B.

On motion of the People, over objection, bond is revoiked and the defendant is remanded to the custody of the Adams County Sheriff's Department pending sentencing. Bond posted is held until date of sentencing.

IT IS SO ORDERED.
Enter: October 15, 2021

Cc: SAO ✓ PO ✓
DEF ✓
ACSIH ✓
ACSD ✓

Robert K. Adrian
Hon. Robert K. Adrian
Circuit Judge

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	) Plaintiff,	
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	) Defendant.	

POST TRIAL MOTION

Now comes the Defendant, DREW CLINTON, by his attorneys Schnack Law Offices and respectfully moves this Honorable Court, pursuant to Illinois Compiled Statutes, for a Judgement of not guilty on the remaining Count to which he was convicted or in the alternative a new trial in support thereof states as follows:

1. That the Prosecutor made prejudicial comments and erroneous statements in the closing argument which prejudiced the Defendant's right to a fair trial.

2. That the Defendant was denied due process of law.

3. That the Defendant was denied equal protection of the laws

4. That the verdict was a result of passion, bias and prejudice on the form of witnesses and their testimony all resulting in prior inconsistent statements and outright lies to the Court which prevented the Defendant from receiving a fair trial.

5. That the verdict was against the manifest weight of the evidence in that the un rebutted testimony was that the alleged victim in this matter was awake when she was left in the "computer room" and talking to the Defendant during the 2, 3, or 4 hours that they were alone in that room. Additionally, the un rebutted testimony is the victim

could not remember what happened in the room, therefore making the Defendant's testimony the only evidence available to the Court in rendering its decision.

WHEREFORE the Defendant, DREW CLINTON, respectfully prays that an Order be entered granting the Defendant's motion and a verdict of not guilty be entered or in the alternative that he be awarded a new trial.

DREW CLINTON, Defendant

By:  _____

Andrew C. Schnack, III
One of His Attorneys

Schnack Law Offices
510 Vermont
Quincy, IL 62301
(217) 224-4000/1
schlaw@adams.net
Attorneys for Defendant

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Plaintiff,)	
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
Defendant.)	

MOTION

Now comes the Defendant, DREW CLINTON, by his attorneys Schnack Law Offices and respectfully moves this Honorable Court to find that the statute under which he has been convicted which requires a four (4) year mandatory sentence to the Department of Corrections unconstitutional and for reason states:

1. That the statute under which the Defendant has been convicted requires a minimum sentence of four (4) years to the Department of Corrections and does not allow the Court any alternative sentencing.
2. That the Defendant was 18 years and 2 weeks when the alleged crime was committed.
3. That the statute in question invades the province of the Court and is a legislative invasion of the Courts authority to determine the best sentence available for the Defendant.
4. That under the present statute the legislature has invaded the province of the Court and usurp the Courts authority to sentence by directing that the Court sentence the Defendant to a minimum of four (4) years.

5. That under the present statute the Court not the legislature is in the best position to determine what the sentence should be for this particular Defendant

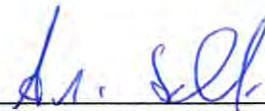
6. That based upon the Defendants lack of criminal record, his educational abilities, and all other mitigating factors if probation were available, it would be the appropriate sentence in this matter

7. That a mandatory sentence to the Department of Corrections is unconstitutional and amounts to cruel and unusual punishment.

WHEREFORE, the Defendant ask this Honorable Court to find that the mandatory sentencing provisions of this particular statute be declared unconstitutional and that the Defendant be sentenced to probation or in the alternative a verdict of not guilty be found entered.

DREW CLINTON, Defendant

By: _____



Andrew C. Schnack, III
One of His Attorneys

Schnack Law Offices
510 Vermont
Quincy, IL 62301
(217) 224-4000/1
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
)
DREW CLINTON,)
) Defendant.)

No 2021 CF 396

FILED

DEC 15 2021

Lori R. Hochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S RESPONSE TO MOTION
(Constitutionality of Statute)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and requests that the defendant's Motion filed 10-19-21, in which he challenges the constitutionality of the "statute under which he has been convicted", be denied for the following reasons:

1. This matter was tried in a bench trial on October 13, 2021. Following presentation of evidence and after arguments were heard, the Court found the defendant guilty of count 3, Criminal Sexual Assault, F-1. The Bill of Indictment filed June 10, 2021 indicated that Count 3 was in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(2) (F-1).
2. 720 ILCS 5/11-1.20(a)(2) provides:
 "¶ 11-1.20 Criminal Sexual Assault.
 (a) A person commits criminal sexual assault if that person commits an act of sexual penetration and:
 (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent....
 (b) Sentence.
 (1) Criminal sexual assault is a Class 1 felony, ..."
3. The defendant has not been sentenced. Some of the sentencing provisions which will apply, however, are as follows:
 a) 730 ILCS 5.5-4.5-30 provides for "a determinate sentence of not less than 4 years and not more than 15 years..." for a Class 1 Felony. That statute further delineates the other possible sentencing provisions for a Class 1 Felony including probation and conditional discharge.
 b) 730 ILCS 5/5-5-3(2) states that " A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses...
 (H) Criminal sexual assault."
4. The defendant does not state whether his challenge to the "statute under which he has been convicted" is a facial challenge or an as-applied constitutional challenge. "The distinction between facial and as-applied constitutional challenges is critical (further citations omitted)

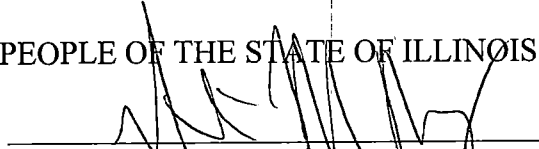
A party raising a facial challenge must establish that the statute is unconstitutional under any possible set of facts, while an as-applied challenge requires a showing that the statute is unconstitutional as it applies to the specific facts and circumstances of the challenging party. (further citations omitted). *People v. Harris, 2018 IL 121932 ¶ 38.*

- 5. It appears from the argument of counsel, although he states he is challenging the constitutionality of the criminal sexual assault statute, whether that be a facial challenge or an as-applied challenge, that what he is really challenging is 730 ILCS 5/5-5-3(2)(H), as stated above, which prohibits probation for a conviction for criminal sexual assault. It further appears, from the statements of counsel, that he is attempting to make an as-applied challenge due to the age of his client.
- 6. The defendant is scheduled for sentencing on January 3, 2022. Any as-applied constitutional challenge to either of the sentencing statutes, as cited above, is premature.
- 7. If the defendant did intend, as stated, to challenge the constitutionality of the criminal sexual assault statute, he has not met his burden to show either that the statute is facially unconstitutional or that it is unconstitutional as applied to this defendant.

WHEREFORE, the People pray that the Motion be denied.

Dated: December 15, 2021

PEOPLE OF THE STATE OF ILLINOIS



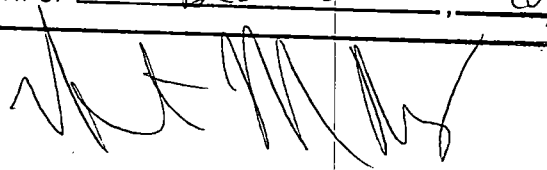
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered to attorney in SAO

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE AND MAILING TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 15 DAY OF December, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

People

vs.

Plaintiff.

No. 2021 CF 396

ORDER

Paul S. Clinton

Defendant.

ORDER

People appear by A. Rodriguez; the
defendant in person & by Arthur C. Schaefer III.
Case comes before the Court for post-trial
motion hearings & sentencing, if appropriate.
Arguments are heard on post-trial motions.
The Court, sua sponte, reverses the
prior ~~finding~~ finding of guilty on Count 3
and makes a finding of not guilty. The
defendant is discharged from custody, unless
bond discharged.

Enter: 1-3-2022

FILED

JAN 03 2022

cc: SA O ✓
Def + ACSD ✓
ACJ III ✓
PO

Abri R. Buschman
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

by email that a copy has been
mailed, postage prepaid. Forged
personally delivered Emailed
PO PO Counsel
Defendant

[Signature]
JUDGE

REPORTER:

CLERK:

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
vs.) NO. 2021-CF-396
)
DREW CLINTON,)
)
Defendant.)

SENTENCING HEARING

REPORT OF PROCEEDINGS of the hearing before the
HONORABLE ROBERT K. ADRIAN on January 3, 2022.

APPEARANCES:

HON. GARY L. FARHA, by
MS. ANITA M. RODRIGUEZ,
Assistant State's Attorney,
for the People of the State of Illinois.

MR. ANDREW C. SCHNACK III,
Attorney at Law,
for the Defendant.

KIM COTTRELL, CSR
License No. 084.004872
Official Court Reporter
Adams County Courthouse
521 Vermont Street
Quincy, IL 62301

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

PROCEEDINGS

THE COURT: We are taking up 21-CF-396, People versus Drew Clinton. Mr. Clinton appears in custody and with counsel, Mr. Drew Schnack. People appear by Assistant State's Attorney Anita Rodriguez. We are here today for a sentencing hearing. We also have post-trial motions that were filed by the Defendant after the Court held a bench trial.

And I see we have several people in the courtroom today. And I would admonish everybody that emotions in these types of cases tend to run high, that people once in a while will lose control of their emotions and will make outbursts or show emotions, will start shaking their heads, will do things that the Court finds disruptive. And if anyone is in that category and does not believe that they can control their emotions and not have any outbursts or not show their emotion in the courtroom, then you should leave right now and wait outside. Because otherwise, if I -- if you start showing emotions, if we start having outbursts or anything like that, then you will be removed from the courtroom, and we don't want that to happen.

1 So please try and keep your emotions under control.

2 And then, as I said, today we are set for
3 a sentencing hearing as well as post-trial motions
4 that were filed. I believe from reviewing the
5 record that there are two post-trial motions that
6 were filed by the Defendant.

7 Mr. Schnack, I'm going to have you argue
8 each one separately, I'm going to let the People
9 respond, and then we will move on to the other
10 motion. And then, Mr. Schnack, which motion would
11 you like to argue first?

12 MR. SCHNACK: Judge, I think the quickest one
13 would be the motion dealing with the mandatory
14 minimum sentence.

15 THE COURT: All right. You may be heard.

16 MR. SCHNACK: Thank you.

17 May it please the Court. I know I've made
18 this argument to this Court and other courts, so
19 I'm not going to take up a lot of your time. But
20 it is my opinion -- and I would ask the Court to
21 concur with my opinion -- that the mandatory
22 sentencing provisions of this act are an invasion
23 of the legislative portion or arm of our government
24 into the judicial portion of our government. While

1 the legislature has its job, and its job is to make
2 the laws obviously, when it imposes upon the court
3 mandatory minimums, in my opinion it invades the
4 province of the court. I firmly believe that every
5 individual should be judged by the court in doing
6 its sentence and not by a legislator years and
7 hundreds of miles removed.

8 It is the courts, the judges, who hear the
9 trials. It is the court and the judges who have
10 the pretrial reports in front of them. It is the
11 judges who see the demeanor of all parties. And it
12 is the judges who are best suited to impose
13 sentences on an individual basis rather than a
14 piecemeal, if you do this, this is what you get.

15 I felt that way since I started practicing
16 law when we got the "get tough with crime" under
17 Governor Thompson and they gave us the Class X
18 felonies, and I continue to feel that way as that
19 invasion continues to occur in more and more and
20 more cases. I guess a good example is the case out
21 in Colorado where the trucker got 120-some years
22 because the court didn't have the discretion to do
23 anything about it, and that's a paraphrase.

24 And so I wanted -- I am making a record

1 here, and I do believe that this is a legislative
2 interference with the judicial process, and I would
3 ask the Court to consider that.

4 Thank you.

5 THE COURT: Thank you, Mr. Schnack.

6 Ms. Rodriguez, you wish to be heard?

7 MS. RODRIGUEZ: Your Honor, I have filed a
8 written response to this motion regarding the
9 constitutionality of the statute, so I would mostly
10 repeat what I have already put forth in writing.

11 Defense indicates they're challenging the
12 constitutionality of the statute under which the
13 Defendant was convicted. He was convicted under
14 the criminal sexual assault statute which just
15 provides that criminal sexual assault is a Class 1
16 felony and doesn't provide that the sentencing to
17 Department of Corrections is mandatory. I think
18 what the Defense is actually challenging is the two
19 sentencing provisions that I've set forth in my
20 response which provide that the -- that probation
21 is not -- can't be imposed for criminal sexual
22 assault.

23 So given that fact, I think actually what
24 he's contesting is the sentencing provisions and

1 not the statute under which he's convicted. First
2 of all, the Defendant doesn't indicate whether he's
3 challenging the constitutionality on its face or
4 whether it's on an as-applied constitutional
5 challenge. For a facial challenge to apply, the
6 Defendant has to show that the statute is
7 unconstitutional under any possible set of facts,
8 and that certainly is nothing that's been shown
9 here.

10 If what he is challenging is an as-applied
11 challenge saying that it's unconstitutional as
12 applied to Mr. Clinton, we're not even there yet.
13 He hasn't even been sentenced yet. So I don't know
14 if he's challenging the sentencing provision as
15 being unconstitutional as applied to this
16 Defendant. I don't think we're even there yet.

17 But there simply is no -- under the case
18 law that I've cited, the primary challenge is to
19 mandatory sentencing provisions have to do with 18-
20 or 19-year-old defendants who have been convicted
21 of murder or some other type crime who have been
22 sentenced to such lengthy periods of time that it
23 amounts to a life sentence. That is certainly not
24 what we're facing here, and there's simply no basis

1 for the Court to grant his motion with respect to
2 the constitutionality of the statute.

3 THE COURT: Thank you, Ms. Rodriguez.

4 Mr. Schnack, you wish to be heard further?

5 MR. SCHNACK: No, Your Honor.

6 THE COURT: All right. Court is going to wait
7 to rule on all the motions.

8 Mr. Schnack, you may be heard on your
9 second motion.

10 MR. SCHNACK: Thank you, Your Honor.

11 May it please the Court and counsel.
12 Judge, at the conclusion of this trial we went
13 straight into closing arguments. And while I made
14 my arguments, I feel as though I could have done a
15 better job in stressing to the Court where we were
16 coming from on the issue.

17 The question in this case is the portion
18 of the statute where the defendant knows the
19 victim, is unable to understand the nature of the
20 act, or is unable to give knowing consent. A
21 review of the evidence in this matter, Your Honor,
22 I would suggest to the Court, leaves us with the
23 inescapable conclusion that the State failed to
24 meet its burden of proof beyond a reasonable doubt.

1 Backtracking and why I say that, while
2 there was ample evidence, contradictory evidence,
3 as to how much the alleged victim had to drink in
4 this matter, the unrebutted evidence is the most
5 she had was six little shooter things. There is no
6 evidence as to when she stopped consuming alcohol.
7 There is some evidence, contradictory, that it was
8 at seven o'clock or eight o'clock or nine o'clock
9 at night or maybe even later. But it's clear that,
10 from at least the testimony that I heard, she'd
11 stopped drinking alcohol, the six little shooter
12 things, by midnight or early in the evening. And
13 then it's clear and the evidence is that she
14 vomited. She also, I believe, testified that she
15 hadn't had anything to eat.

16 So the question becomes was she
17 intoxicated where she couldn't give consent, or was
18 she simply sick from drinking vodka or drinking
19 these drinks on an empty stomach? And there isn't
20 any evidence to tell us that she was intoxicated.
21 We have no BAC. We have no blood alcohol. We have
22 nothing from the hospital when she finally got
23 there as to what her blood alcohol content was, and
24 extrapolation backwards in time, we simply have

1 nothing to indicate that she was intoxicated to the
2 point where she could not give consent or didn't
3 know what was going on, my paraphrase of the
4 statute.

5 In addition, Your Honor -- and I stress
6 this -- this young lady had been making decisions
7 all night long for herself, and they were agreed to
8 by literally everyone that was around her. They
9 weren't the best decisions. To let her make her
10 own decisions wasn't necessarily, but that is what
11 had happened. The young lady made her decision to
12 go to the party and to furnish alcohol. The young
13 lady made her decision to go swimming at the party.
14 The young lady made her decision to take off her
15 clothes and swim in her underwear at the party.

16 And nobody said you don't want to do this
17 or you shouldn't do this or you're not capable of
18 making a rational decision, you know, don't do it.
19 They simply allowed her to continue on making her
20 decisions and acquiescing to those decisions.
21 Whether they were right or wrong, they were
22 acquiesced to. So, clearly, everyone around her
23 believed that she was capable of making her --
24 these decisions for herself.

1 Then to take it the next step, as she got
2 out of the pool, she, you know, either passed out
3 or fell asleep or laid down on the concrete. Then
4 she got up and went over by the house, and she was
5 throwing up, and she was tended to apparently by a
6 nurse or some other adults who were present. The
7 un rebutted testimony is the adults there wanted her
8 out. They didn't want her at the party any longer
9 and wanted her to go home.

10 But she made the decision. She told
11 everybody she didn't want to go home. That's what
12 her friends have told us, and parenthetically I
13 think that's what she told us. So she made the
14 decision that I don't want to go home. I would
15 guess she didn't want to be confronted by her
16 father or the people at home in the condition that
17 she was in or at the time that she was out. She
18 was out past curfew. But she made that decision,
19 and the people around her acquiesced to that
20 decision apparently believing that she was in a
21 condition that she could make up her own mind as to
22 what was best for her.

23 Then when the car got to the home, she
24 made the decision she wanted to stay in the car.

1 The driver of the car and everybody in the car
2 acquiesced to that decision, and they let her sit
3 there for I believe it was a half an hour. It may
4 have been even longer than that. The young man was
5 being consoled because his dog died. But the --
6 again, all of her friends acquiesced to her
7 decision to stay there in the car.

8 Then when it was time to finally go into
9 the house, she's the one that went into the house.
10 And there's a prior inconsistent statement in the
11 police report. The one witness told the officer
12 that she was talking to the people when she was
13 inside of the house. At trial, she said she wasn't
14 talking to the people inside the house. But I
15 think -- you know, logic tells us that what was
16 told to that officer originally is what is the
17 truth even though it's contradicted by a prior
18 inconsistent statement or a subsequent inconsistent
19 statement. And she was talking to the people
20 there.

21 So this young lady had been making
22 decisions all night long literally to everyone
23 around her. Some young people, some adults, some
24 trained professional acquiesced to her decisions,

1 and I think by a course of conduct, that's telling
2 us that she knew what she was doing and was able to
3 make decisions for herself, and that's what she had
4 done all night long.

5 Then when we get into the basement area,
6 she, of course, is eventually left alone with my
7 client. She says she doesn't remember what
8 happened there. Therefore -- I'll go on. She says
9 she doesn't remember what happened there, and some
10 of her account is contradicted completely by DNA
11 evidence, the scientific evidence that was
12 presented to the Court.

13 But in addition, my client, whose
14 credibility and whose demeanor you were able to
15 observe, has always made the same statement. He
16 went to the police station, and he sat there for a
17 long time, and he was interviewed, and he told them
18 what occurred. He got in -- came into court and
19 told us what occurred.

20 And he fully believed then, he fully
21 believes now, and the unrebutted testimony is that
22 she knew what was going on, she was capable of
23 consenting, she somewhat participated in the act,
24 and therefore, being consistent with everything

1 else that had happened, she was able to consent.

2 She did know what was going on.

3 And my client should be found not guilty,
4 especially when you consider that the only evidence
5 you have before you as to what occurred in that
6 basement is the testimony of the young lady who
7 says she doesn't remember and the testimony of my
8 client that says she clearly consented.

9 And given the fact that the State has the
10 burden of proof beyond a reasonable doubt on that
11 issue, I'd suggest to the Court that they did fail
12 to meet their burden of proof, and I would ask the
13 Court to reconsider it's ruling and find my client
14 not guilty.

15 Thank you.

16 THE COURT: Thank you, Mr. Schnack.

17 Ms. Rodriguez.

18 MS. RODRIGUEZ: Your Honor, with regard to the
19 post-trial motion, first of all, with respect to
20 the weight of the evidence, I certainly disagree
21 with Mr. Schnack's entire argument. There was
22 conflict in the evidence. There was certainly a
23 lot of evidence regarding the level of intoxication
24 of the victim in this case.

1 There was also her direct testimony that
2 she was -- she was asleep, she awoke to a pillow
3 being pushed on her face, and she was being
4 sexually assaulted, and that she at no time gave
5 consent and that, in fact, earlier in the evening
6 she had specifically indicated that she did not
7 want any sexual contact with this Defendant.

8 So the Court has already resolved those
9 issues. The Court's decision was not against the
10 manifest weight of the evidence and, in fact, it
11 was very much supported by the evidence that was
12 presented.

13 I want to address the additional basis
14 under the post-trial motion. The manifest weight
15 of the evidence was just one prong of that motion.
16 Mr. Schnack has also indicated that, made
17 prejudicial comments and erroneous statements in my
18 closing argument, but he fails to state what those
19 comments or statements were.

20 He also indicates the Defendant was denied
21 due process of law but doesn't specify how he was
22 denied due process of law.

23 He also indicates the Defendant was denied
24 equal protection of the laws but, again, does not

1 indicate how the Defendant was denied equal
2 protection of the laws.

3 And, finally, he indicates that the
4 verdict was a result of passion, bias, and
5 prejudice from the witnesses and their testimony
6 was inconsistent. Again, he doesn't indicate how
7 the witnesses were biased or prejudiced or the
8 basis for that.

9 So I would simply ask the Court to deny
10 these post-trial motions.

11 THE COURT: Thank you, Ms. Rodriguez.

12 Mr. Schnack.

13 MR. SCHNACK: Nothing further, Your Honor. I
14 think I've made my points.

15 THE COURT: The Court has considered the
16 motions. The Court has considered the arguments of
17 counsel and the written motions themselves. This
18 Court is required to do justice. This Court is
19 required to do justice by the public, it's required
20 to do justice by me, and it's required to do
21 justice by God.

22 It's a mandatory sentence to the
23 Department of Corrections. This happened when this
24 teenager -- because he was and is a teenager, was

1 two weeks past 18 years old. He has no prior
2 record, none whatsoever. By law, the Court is
3 supposed to sentence this young man to the
4 Department of Corrections. This Court will not do
5 that. That is not just. There is no way for what
6 happened in this case that this teenager should go
7 to the Department of Corrections. I will not do
8 that.

9 The Court could find that the sentencing
10 statute for this offense is unconstitutional as
11 applied to this Defendant. But that's not going to
12 solve the problem because, if the Court does that,
13 this Court will be reversed by the Appellate Court,
14 and Mr. Clinton will end up in the Department of
15 Corrections.

16 Mr. Clinton has served almost five months
17 in the county jail, 148 days. For what happened in
18 this case, that is plenty of punishment. That
19 would be a just sentence. The Court can't do that.

20 But what the Court can do, because this
21 was a bench trial, the Court will find that the
22 People failed to prove their case on Count 3. The
23 Court is going to reconsider its verdict, is going
24 to find the Defendant not guilty on Count 3. And,

1 therefore, the case -- the Defendant will be
2 released from custody. Bond will be discharged.

3 And the other thing I want to say is I
4 cannot believe that adults that were involved in
5 this case, parents and other adults who was
6 involved in this case, took their responsibilities
7 so lightly for these teenage kids. I cannot
8 believe the permissiveness and the lack of
9 responsibility taken by everyone involved in this
10 case.

11 This is what's happened when parents do
12 not exercise their parental responsibilities, when
13 we have people, adults, having parties for
14 teenagers, and they allow coeds and female people
15 to swim in their underwear in their swimming pool.
16 And, no, underwear is not the same as swimming
17 suits. It's just -- they allow 16-year-olds to
18 bring liquor to a party. They provide liquor to
19 underage people, and you wonder how these things
20 happen. Well, that's how these things happen. The
21 Court is totally disgusted with that whole thing.

22 And, Mr. Clinton, you're going to be
23 released. Go home if you still have one.

24 This case is adjourned. The Court will

1 take the order in chambers.

2 (Which was all the evidence offered
3 and received and all other proceedings had on the
4 hearing of said cause.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, Kim Cottrell, Official Court Reporter for
the Circuit Court of Adams County, Eighth Judicial
Circuit of Illinois, certify the foregoing to be a
true and accurate transcript of the testimony and
proceedings in the above-entitled cause.



OFFICIAL COURT REPORTER

Dated this 4th day
of January, 2022.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT Adams <input type="checkbox"/> COUNTY	NOTICE OF FILING FOR EXPUNGEMENT AND/OR SEALING	<i>For Court Use Only</i> <div style="text-align: center; font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <div style="text-align: center;"> JAN 06 2022 <i>Lori R. Hochwender</i> Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO. </div>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.	Request of: <u>Drew Sebastian Clinton</u> Your name (First, middle, last name) <hr/> Other names used in these cases _____ _____ _____ _____	2021CF396 Case Number (if the Clerk assigns a new number)
	05/18/2003 White Male Date of birth Race Gender	
	Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County: 2021CF396 _____ _____ _____ _____	

In 1, enter the State's Attorney office that prosecuted your cases. In 2, enter the local police agencies that arrested you. If you run out of space, use the <i>Additional Notice of Filing for Expungement and/or Sealing</i> form and check the box. In 3, enter the names and addresses of the Chief Legal Officer of the Unit of Local Government that arrested you. The Chief Legal Officer is usually the lawyer for the city or town in which you were arrested or, in some cases, if you were arrested by the sheriff, it is the State's Attorney for that county. If you run out of space, use the <i>Additional Notice of Filing for Expungement and/or Sealing</i> form and check the box.	<p>1. To: Adams County State's Attorney <u>County Name</u> 521 Vermont St. Quincy, IL 62301 <u>Street Address</u> <u>City</u> <u>State</u> <u>ZIP</u></p> <p>2. To: Arresting agencies that arrested you: Quincy Police Department <u>Name</u> <u>Name</u> 110 S. 8th St. <u>Street Address</u> <u>Street Address</u> Quincy, IL 62301 <u>City</u> <u>State</u> <u>ZIP</u> <u>City</u> <u>State</u> <u>ZIP</u></p> <p><input type="checkbox"/> I have listed additional arresting agencies on the attached <i>Additional Notice of Filing for Expungement and/or Sealing</i> form.</p> <p>3. To: Chief Legal Officers of the Units of Local Government that arrested you: Gary Farha <u>Name</u> <u>Name</u> 521 Vermont St. <u>Street Address</u> <u>Street Address</u> Quincy, IL 62301 <u>City</u> <u>State</u> <u>ZIP</u> <u>City</u> <u>State</u> <u>ZIP</u></p> <p><input type="checkbox"/> I have listed additional Chief Legal Officers on the attached <i>Additional Notice of Filing for Expungement and/or Sealing</i> form.</p> <p>4. To: Illinois State Police 260 North Chicago Street Joliet, Illinois 60432</p>
---	---

Enter the Case Number given by the Circuit Clerk: 2021CF396

In 5, enter the name of the county where you are filing your Request.

5. I have filed a Request to Expunge & Impound and/or Seal Criminal Records with the Clerk of the Circuit Court of Adams County, Illinois.
County Name

In 6, check the box if you have or are getting a fee waiver.

6. I am seeking a fee waiver under Supreme Court Rule 298, or have attached an Order waiving my filing and State Police fees.

7. The Circuit Court Clerk will mail a copy of this Notice and the Request to all of the agencies listed above in sections 1 - 4.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

/s/ Drew S. Clinton
Your Signature

01/04/2022
Date

Enter your complete address, telephone number, and email address, if you have one.

Prepared by: Drew S. Clinton
Attorney # (if any): 217-224-4000
Street Address: 9063 Monroe St.
City, State, ZIP: Taylor, MI 48180
Phone Number: (313) 677-6890
Email: drewpclinton@gmail.com

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

CERTIFICATE OF MAILING

DO NOT fill out this section. The Circuit Clerk will sign and mail it.

The undersigned certifies that the above Notice and attached documents were placed in the Mail with first class postage prepaid to all parties listed above.

Signature of Circuit Clerk

Name of Deputy Clerk

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY	REQUEST TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS	<i>For Court Use Only</i> <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <p style="font-size: 1.2em; font-weight: bold;">JAN 06 2022</p> <p style="font-size: 0.8em;"> <i>Teri A. Hochwandler</i> Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO. </p> 2021CF396 Case Number (if the Clerk assigns a new number)
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.	Request of: Drew S. Clinton <hr/> Your name (First, middle, last name) <hr/> Other names used in these cases 05/18/2003 White Male Date of birth Race Gender	
Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County:		
2021CF396 _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____		

IF YOU ARE ONLY REQUESTING TO SEAL CASES, DO NOT FILL OUT SECTIONS 2 - 11. GO TO SECTION 12.

See How to Expunge and/or Seal a Criminal Record to make sure all of your cases can be erased by expunging your record. For help filling out this table, see pages 12 - 15. Do not list any convictions in this section.

In 2, enter all eligible arrests or charges on your record. Enter all charges for each case number.

For Outcome, enter an outcome that matches the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you need more room, use the *Additional Arrests or Cases for Expungement* form and check the box.

1. I am requesting to expunge and impound records.
 Yes No (If no, go to Section 12)
2. I ask the Court to **EXPUNGE AND IMPOUND** the following arrests or charges from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police. I was arrested, or charged without being arrested, and not convicted on the dates and for the offenses listed below:

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, RV, S or P)</i>
2021CF396	Quincy Police Dept	Criminal Sexual Assault	05/31/2021	RV

Outcome Abbreviations

RV	Conviction Reversed or Vacated	P	Pardon from the Governor
CE	Certificate of Eligibility for Expungement from PRB	FI	Found Factually Innocent
RWC	Released Without Charge	DA	Dismissal or Acquittal
S	Supervision Successfully Completed	QP	Qualified Probation Successfully Completed

I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Expungement* form.

In 3-11, check ALL boxes that apply.

In 3, you cannot expunge a criminal conviction unless one of the special situations listed under checkboxes a, b, c, or d describes your case.

In 7, your record must specifically state that you had Qualified Probation. It might also be called Second Chance, 410, 710, 1410, or TASC probation.

In 8, if you got supervision for any case, 5 years must have passed since the end of the sentence for:

- Domestic Battery;
- Criminal Sexual Abuse;
- Driving without Insurance;
- Driving with registration suspended for Non-Insurance;
- Display of False Insurance Card;
- Scrap Processors to Keep Records; OR
- 2 years must pass since the end of the sentence for all other supervisions (except those listed in 9, which can never be expunged).

IF YOU ARE ONLY REQUESTING TO EXPUNGE CASES, DO NOT FILL OUT SECTIONS 13 - 22.

See *How to Expunge and/or Seal a Criminal Record* to make sure your cases can be hidden by sealing your record. For help filling out this table see pages 12 - 15.

3. I was not convicted of any offenses I want to expunge, unless *(Check the box that applies)*:
- a. I was convicted, but the conviction was reversed or vacated; OR
 - b. I received a pardon from the Governor of the State of Illinois allowing expungement. *(Attach a copy of the pardon.)*; OR
 - c. I received a Certificate of Eligibility for Expungement by the Prisoner Review Board. *(Attach a copy of the Certificate.)*; OR
 - d. I was found factually innocent in the case I am asking to expunge.
4. For at least one case, I was arrested and released, and no charges were filed against me.
5. For at least one case, I was arrested for a minor traffic offense and released from custody without being charged.
6. For at least one case, I was charged, but was later acquitted, or released without being convicted.
7. For at least one case, I received a sentence of Qualified Probation; AND
- a. At least 5 years have passed since my Qualified Probation ended successfully; AND
 - b. I have attached the results of a drug test that I passed within the last 30 days.
8. For at least one case, I received a sentence of supervision; AND
- a. For certain offenses listed in the law, at least 5 years have passed since I completed my supervision successfully; OR
 - b. At least 2 years have passed since I completed my supervision successfully.
9. I am NOT seeking to expunge any arrests or charges that resulted in supervision for:
- a. Driving Under the Influence; OR
 - b. Any sexual offense against a person under the age of 18; OR
 - c. Reckless Driving when I was 25 years of age or older.
10. For at least one case, I received a sentence of supervision for Reckless Driving; AND
- a. I was under the age of 25 when the offense was committed; AND
 - b. I have no other convictions for DUI or Reckless Driving; AND
 - c. I have reached the age of 25.
11. I qualify to have my filing fees and State Police fees waived under the Cook County Fee Waiver Pilot Program:
- a. I am filing this *Request* in Cook County prior to January 1, 2022; AND
 - b. I am only seeking to expunge or seal arrests that resulted in my release without being charged or in cases that resulted in my acquittal, dismissal of the case, or a reversed or vacated conviction.
12. I am requesting to seal records.
- Yes No *(If no, skip Sections 13- 22)*

Enter the Case Number given by the Circuit Clerk: 2021CF396

In 13, enter all eligible arrests, charges, and convictions you want sealed. Enter all charges for each case number. For Outcome, enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you need more room to list additional eligible arrests or charges use the *Additional Arrests or Cases for Sealing* form and check the box.

14- 16 must be true for you to use this form.

For 14, traffic offenses cannot be sealed unless they were an eligible Class A or B misdemeanor.

In 17 - 21, check ALL boxes that apply.

In 17 and 18a -c, some misdemeanor supervisions and convictions cannot be sealed, like DUI, some Reckless Driving Offenses, Domestic Battery, some Sexual Offenses, and Dog Fighting.

In 18b, some Class 3 and Class 4 felony offenses can be sealed, like Theft, Possession of Cannabis, Possession of a Controlled Substance, and a few others.

For a complete list of crimes that can and cannot be sealed, see the *How to Expunge and/or Seal a Criminal Record*.

In 21, check the box if you have completed one of the listed educational goals during your last sentence. If 21 applies to you, all eligible cases can be sealed immediately after the completion of your last sentence.

13. I ask the Court to **SEAL** the following arrests, charges, or convictions from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police:

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, MC, FC, or CE)</i>
2021CF396	QPD	Criminal Sexual Assault	05/31/2021	

Outcome Abbreviations

MC	Misdemeanor Conviction	FC	Felony Conviction
CE	Certificate of Eligibility for Sealing from PRB	QP	Qualified Probation Successfully Completed

I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Sealing* form.

- 14. I am not asking to seal arrests or charges for minor traffic offenses, unless I was released without being charged.
- 15. I am not asking to seal arrests or charges for felony offenses, unless the felony was reduced to an eligible misdemeanor, or is otherwise eligible to be sealed.
- 16. I am not asking to seal a felony conviction that happened after the sealing of a prior felony conviction.
- 17. At least 2 years have passed since I successfully completed my supervision, for eligible offenses.
- 18. At least 3 years have passed since the end of my last sentence *(Unless #21 or 22 applies); AND (Check all that apply):*
 - a. I received a misdemeanor conviction for an offense subject to sealing;
 - b. I received a felony conviction for an offense subject to sealing. If it was a drug case, I have attached the results of a drug test that I passed within the last 30 days.
 - c. I successfully completed a sentence under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 (Second Chance Probation) of the Unified Code of Corrections; AND I have attached the results of a drug test that I passed within the last 30 days.
- 19. I am not asking to seal a felony conviction for which I currently have to register on a public registry, including the Arsonist Registration Act, the Sex Offender Registration Act, or the Murder and Violent Offender Against Youth Registration Act.
- 20. For at least one case, I received a Certificate of Eligibility for Sealing by the Prisoner Review Board. *(Attach a copy of the Certificate.)*
- 21. I am eligible to seal all eligible cases upon completion of my LAST sentence because I received a high school diploma, associate's degree, career certificate, vocational or technical certification, or bachelor's degree, or passed the high school GED Test; AND
 - a. I did so during the period of my LAST sentence, aftercare release, or mandatory supervised release; AND

Enter the Case Number given by the Circuit Clerk: 2021CF396

- b. I did not complete the same educational goal before.
 - c. I have attached to this *Request* proof of the program I completed.
22. I am eligible to seal all eligible cases upon completion of my LAST sentence because I am a trafficking victim as defined under Section 10-9 of the Criminal Code of 2012, and as such:
- a. I was a victim of human trafficking when my last offense was committed; AND
 - b. My participation in the offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 OR a severe form of trafficking under the federal Trafficking Victims Protection Act.
23. For at least one case, I received a conviction for Reckless Driving; AND
- a. I was under the age of 25 when the offense was committed; AND
 - b. I have no other convictions for DUI or reckless driving; AND
 - c. I have reached the age of 25.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

I certify that everything in the *Request To Expunge & Impound and/or Seal Criminal Records* is true and correct. I understand making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ Drew S. Clinton
Your Signature

01/04/2021
Date

Enter your complete address, telephone number, and email address, if you have one.

DO NOT fill in the box to the right.

Prepared by: Drew S. Clinton
 Attorney # (if any): 217-224-4000
 Street Address: 9063 Monroe St.
 City, State, ZIP: Taylor, MI 48180
 Phone Number: (313) 677-6890
 Email: drewpclinton@gmail.com

For official use only

State's Attorney/Prosecutor/ISP/Arresting Agency/Chief Local Legal Officer:

Received on: _____

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

Jeri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

Case: 21CF396

Drew S Clinton
Defendant/Petitioner

NOTICE OF MOTION

To: **Adams County Sheriffs Department**
521 Vermont Street
Quincy, Illinois 62301

On April 7, 2022, at 9:00am, or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my Petition to Expunge and impound and/or Seal criminal records.

PROOF OF SERVICE BY DELIVERY

I, Kim Goodwin, Deputy Clerk, certify that on January 7, 2022, I served this Notice by delivering a copy personally to each person to whom it is directed.

DATE: 1-7, 2022

Signature Kim Goodwin

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

Lori R. Stachwandner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

CASE NO: 21CF396

Drew S Clinton

Defendant/Petitioner

NOTICE OF MOTION

**To: Drew S Clinton
9063 Monroe St
Taylor, MI 48180**

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy, Illinois, and present my Petition to Expunge and Impound and/or Seal criminal records.

PROOF OF SERVICE BY MAIL

I, Kim Goodwin, Deputy Clerk, certify that I served this Notice by mailing a copy to and depositing the same in the U.S Mail at Quincy, Illinois at 11:00am on January 7, 2022 with proper postage prepaid.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

Teri R. Hochwender
Clerk Circuit Court 5th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

CASE NO: 21CF396

Drew S Clinton

Defendant/Petitioner

NOTICE OF MOTION

To: **Adams County States Attorney**
521 Vermont Street
Quincy, Illinois 62301

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K. Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my request to expunge and impound and/or seal criminal records.

PROOF OF SERVICE BY DELIVERY

I, Kim Goodwin, Deputy Clerk, certify that on January 7, 2022 I served this Notice by delivering a copy personally to each person to whom it is directed.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

Lori A. Schwandner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

CASE NO: 21CF396

Drew S Clinton
Defendant/Petitioner

NOTICE OF MOTION

To: **Illinois State Police**
Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60431-1342

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my Petition to Expunge and impound and/or seal criminal records.

PROOF OF SERVICE BY MAIL

I, Kim Goodwin, Deputy Clerk, certify that I served this Notice by mailing a copy to Illinois State Police, Bureau of Identification at 206 North Chicago Street, Joliet Illinois 60432-4075 and depositing same in the U.S Mail at Quincy, Illinois on January 7, 2022, with proper postage prepaid.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

[X] THE PEOPLE OF THE STATE OF ILLINOIS

Aeri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

or

CASE NO: 21CF396

[] A MUNICIAPL CORPORATION

vs

Drew S Clinton

NOTICE OF MOTION

To: **Quincy Police Department**
110 South 8th Street
Quincy, IL 62301

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my Petition to Expunge and impound and/or Seal criminal records.

PROOF OF SERVICE BY DELIVERY

I, Kim Goodwin, Deputy Clerk, certify that on January 7, 2022 I served this Notice by delivering a copy personally to each person to whom it is directed.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
v.)
)
DREW CLINTON,)
)
Defendant.)

FILED

JAN 18 2022

No. 21-CF-396

Lori R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

ORDER

On the court's motion, effective immediately, any unredacted transcripts/official reports of proceeding (containing minors' names) filed in this case shall be sealed.

So ordered.

Entered: 1/18, 2022

S. Larson

Judge Scott D. Larson

cc: SAO
Def. counsel
S. Main

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed
Personally delivered Emailed *S. Main*
SAO PO Counsel
Plaintiff Defendant
1-18-22 *JY*
Date Deputy Clerk

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

INDEX

WITNESS: DIRECT CROSS REDIRECT RECROSS

C.V. 4 38 81

EXHIBITS: MARKED RECEIVED

(Exhibits previously marked.)

(None.)

1 THE WITNESS: Okay.

2 THE COURT: Okay. Ms. Rodriguez, you may inquire.

3 C.V.

4 called as a witness on behalf of the People of the State of
5 Illinois, being first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MRS. RODRIGUEZ:

9 Q. Please state your name.

10 A. C.V.

11 Q. Okay. And how do you spell your first name?

12 A. [REDACTED].

13 Q. And how do you spell your last name?

14 A. [REDACTED].

15 Q. And do you go by the name C.?

16 A. Yes.

17 Q. Okay. And how do you spell C.?

18 A. [REDACTED].

19 Q. Okay. How old are you, C.?

20 A. 16.

21 Q. And when did you turn 16? What was your birthday?

22 A. March 30th.

23 Q. Of '21?

24 A. 20 -- yeah, 2021.

1 Q. 2021. Okay.

2 A. Yeah.

3 Q. And at this time, are you in school?

4 A. Yes.

5 Q. Okay. And where do you attend school?

6 A. Quincy Senior High School.

7 Q. And what is your grade level?

8 A. A junior.

9 Q. Okay. So last May, were you finishing up your
10 sophomore year?

11 A. Yes.

12 Q. Okay. And where do you live? Do you live in Quincy?

13 A. Yes.

14 Q. What is your address?

15 A. [REDACTED].

16 Q. Okay. And is that where you lived the end of May of
17 this year, as well?

18 A. Yes.

19 Q. Okay. And who do you live there with?

20 A. My father, Scott, and then my stepmom, Rachel.

21 Q. And they also have the last name V.?

22 A. Yes.

23 Q. Okay. Calling your attention to Saturday or, excuse
24 me, Sunday, May 30th of this year, did you go to a graduation

1 party?

2 A. Yes.

3 Q. And whose graduation party did you go to?

4 A. [REDACTED].

5 Q. Okay. And who is [REDACTED]?

6 A. He's cousins with [REDACTED].

7 Q. Okay. So who is [REDACTED]?

8 A. [REDACTED] is one of my friends. He's dating one of
9 my best friends.

10 Q. Okay. So [REDACTED] is one of your friends and he
11 is dating a friend of yours?

12 A. Yes.

13 Q. And who is that friend?

14 A. [REDACTED] [REDACTED].

15 Q. [REDACTED] [REDACTED]. Okay. Now you said you went to
16 [REDACTED] graduation party. Do you know [REDACTED] last name?

17 A. I'm not for sure actually.

18 Q. Okay. So how did you happen to go to this graduation
19 party?

20 A. I rode with [REDACTED] or, well, [REDACTED] and [REDACTED] invited
21 me and I was like, yeah, I'll go. And then we all drove up there
22 together probably around 11-ish.

23 Q. 11:00 at what time?

24 A. At night.

1 Q. At night. Okay. And so you have mentioned another
2 [REDACTED]. Was -- are you friends with another [REDACTED]?

3 A. Yes.

4 Q. And what is her last name?

5 A. [REDACTED].

6 Q. Okay. And you think it was about 11:00 o'clock at
7 night when you went to this graduation party?

8 A. Yes.

9 Q. Okay. Now, you have indicated you didn't know the
10 person having the graduation party; is that right?

11 A. It was [REDACTED].

12 Q. It was [REDACTED] but you weren't friends with him?

13 A. Not at the time, no.

14 Q. Okay. And who was he friends with?

15 A. With [REDACTED] and [REDACTED].

16 Q. Okay. So he was friends with your friends?

17 A. Yes.

18 Q. Okay. And is that the reason you went?

19 A. Yes.

20 Q. Okay. You think it was about 11:00 o'clock at night
21 when you got there?

22 A. Yeah.

23 Q. And do you know what the location of that party was?

24 A. I don't know.

1 Q. Did you drive there?

2 A. No, I didn't drive.

3 Q. Okay. Once you got there -- but it is a location
4 here in Quincy?

5 A. Yes.

6 Q. Okay. Once you got there, were there -- were there a
7 significant amount of people there?

8 A. There wasn't too much. It was probably around like
9 20, 30.

10 Q. Okay. And were there other young people there?

11 A. Yes.

12 Q. Okay. Now, when you got there, was the party inside
13 or outside the house?

14 A. It was outside in the back.

15 Q. Okay. And is there -- what is on the outside of the
16 house?

17 A. There is a pool back there and then a deck and tables
18 and chairs.

19 Q. Okay. And when you got to the party, did you see
20 [REDACTED] your friend?

21 A. Yes.

22 Q. Okay. And you said [REDACTED] and [REDACTED] [REDACTED] went with
23 you?

24 A. Yeah. And [REDACTED] did, too.

1 Q. And [REDACTED]. And who is [REDACTED]?

2 A. She is like one of my best friends, too.

3 Q. Okay. And what is her last name?

4 A. [REDACTED].

5 Q. Okay. At this party, was there alcohol?

6 A. Yeah.

7 Q. Okay. And did you consume some alcohol at that
8 party?

9 A. Yes.

10 Q. Okay. What kind of alcohol were you consuming?

11 A. They were in 99, like, little shooters.

12 Q. Okay. And you said they were 99, like, little
13 shooters. Was 99 the name of --

14 A. Like 99 percent.

15 MR. SCHNACK: Objection. Ask it be stricken. It's hearsay.
16 Foundation.

17 MRS. RODRIGUEZ: I think she can testify to what she was
18 drinking.

19 MR. SCHNACK: I'm sorry. I can't hear you.

20 THE COURT: She said she believes she can testify as to what
21 she was drinking.

22 MR. SCHNACK: She can't -- she can testify as to what she
23 was drinking but not what something -- not the proof.

24 THE COURT: I'm -- I'm going to ask you to rephrase that

1 question, Ms. Rodriguez.

2 BY MRS. RODRIGUEZ:

3 Q. Okay. I don't want to know the proof, okay? These
4 were small bottles of alcohol; is that right?

5 A. Yes.

6 Q. Was the name of them 99?

7 A. Yes.

8 Q. Okay. And do you know how many of those you
9 consumed?

10 A. Like six.

11 Q. Okay. And after you had consumed some or all of
12 those drinks, did you begin feeling bad?

13 A. Yeah. I was puking like right when I got -- after
14 like two shots, I was puking, and then later on in the night, it
15 just got worse.

16 MR. SCHNACK: Judge, I'm having a hard time hearing her.

17 THE WITNESS: Sorry.

18 THE COURT: Ma'am, if you could scoot up to the microphone,
19 please.

20 THE WITNESS: I'm sorry.

21 THE COURT: All right. Would you repeat that last answer,
22 ma'am?

23 THE WITNESS: What was the question?

24 BY MRS. RODRIGUEZ:

1 Q. Okay. I asked after you drank that alcohol if you
2 started feeling bad.

3 A. Yes.

4 Q. Okay. You had indicated you started puking; is that
5 right?

6 A. Yes.

7 Q. Were you inside the house or outside the house when
8 you began vomiting?

9 A. I was outside.

10 Q. Okay. And while you were outside, did you do
11 anything -- were you consuming food? Was there food served?

12 A. I wasn't eating any food.

13 Q. Okay. So you weren't eating but you were drinking?

14 A. Yes.

15 Q. Okay. And at some point, did you get inside the
16 pool?

17 A. Yes.

18 Q. Okay. Were there other persons in the pool, as well?

19 A. Yes.

20 Q. Is it a heated swimming pool?

21 A. Yeah.

22 Q. Okay. And about how many people were in the pool if
23 you know?

24 A. Probably like eight to ten.

1 Q. Okay. And so you got in the pool?

2 A. Yes.

3 Q. And was this before or after you were drinking or
4 during the time you were drinking?

5 A. During.

6 Q. Okay. And while you were inside the pool, did you
7 continue to drink while you were actually in the pool?

8 A. Yes.

9 Q. Okay. Again, was it the same type of alcohol?

10 A. Yeah.

11 Q. Okay. What happened when you were in the pool?

12 A. I couldn't really swim good so then someone was
13 helping, like, started helping me out of it.

14 Q. Okay. And do you know who was helping you out of the
15 pool?

16 A. It was [REDACTED].

17 Q. Okay. And [REDACTED]?

18 A. [REDACTED] (phonetic).

19 Q. Okay. And when you say you were helped out of the
20 pool, what did you do after you got out of the pool?

21 A. Puked.

22 Q. Okay. And where were you at when you vomited?

23 A. I was leaned up against the wall is all I remember.

24 Q. Okay. And do you know what wall that was? Was it an

1 outside structure or was it part of the house?

2 A. Yes. It was the wall of the house.

3 Q. A wall of the house. And, again, was that -- was
4 that in the back yard?

5 A. Yes.

6 Q. Okay. So as you were sitting up against the house
7 and you were puking, what else happened?

8 A. I remember [REDACTED] helped me put my clothes, like my
9 shirt back on and my pants because I was just wearing my
10 underclothes in the pool and then I got carried to the car.

11 Q. Okay. Now, when you say you were wearing your
12 underwear in the pool, were other individuals in the pool --

13 MR. SCHNACK: Your Honor, I'm going to object. Excuse me.
14 I'm going to object and ask that it be stricken that I got
15 carried to the car. If she doesn't -- there's no foundation for
16 that. I think she's testified she doesn't remember so it's
17 hearsay.

18 THE COURT: Well, I'm -- I'm going to overrule that
19 objection but, Ms. Rodriguez, if -- Mr. Schnack, if, during
20 cross-examination, if it comes out, then the Court will
21 reconsider its ruling. But at this point, she hasn't testified
22 that she doesn't remember.

23 MR. SCHNACK: Okay.

24 THE COURT: Go ahead, Ms. Rodriguez.

1 BY MRS. RODRIGUEZ:

2 Q. C., we were talking about the pool, okay? Were there
3 other individuals in the pool that were swimming in their
4 underwear?

5 A. Yes.

6 Q. Okay. Did you -- did you know -- you said you didn't
7 really know these people; is that right?

8 A. Yeah. I knew a few of them but a couple of them I
9 didn't know.

10 Q. Okay. Now I'm talking about the owners of the house.

11 A. Oh.

12 Q. Did you know the owners of the house?

13 A. No.

14 Q. Had you ever been there before?

15 A. No.

16 Q. Okay. Did you know that they had a pool in their
17 back yard?

18 A. Yes.

19 Q. Okay. And did you know that before you went over
20 there?

21 A. No.

22 Q. Okay.

23 A. Or I knew it, but I didn't know that we were going to
24 be swimming.

1 Q. Okay. Did you take -- did you bring a swimming suit
2 with you?

3 A. No.

4 Q. Okay. All right. So you said after you got out of
5 the pool, then you put your clothes back on; is that right?

6 A. [REDACTED] put my clothes on for me.

7 Q. Okay. So she was --

8 MR. SCHNACK: Objection, again, Your Honor. Does she know
9 this or is this what she's been -- the problem we're going to
10 have with a lot of this is that everybody has talked about this
11 and the foundation is does she know it or somebody told her that.

12 THE COURT: Ms. Rodriguez, I'm going to sustain that
13 objection. If you could ask a foundational question, please.

14 BY MRS. RODRIGUEZ:

15 Q. Do you remember what happened after you got out of
16 the pool and after you were laying up against the side of the
17 house puking?

18 A. Yes.

19 Q. Okay. What do you remember? What do you remember
20 happened after you were puking by the side of the house?

21 A. I remember I was laying there for a while puking and
22 then [REDACTED] started rubbing my back and was like it is time to go
23 and so she started putting my clothes on.

24 Q. Okay. And that's -- you remember that?

1 A. Yes.

2 Q. And when you say [REDACTED], are you talking about [REDACTED]
3 [REDACTED], your friend?

4 A. Yes.

5 Q. Okay. And the clothes that were placed back on you,
6 what were they?

7 A. It was the clothes I was wearing before.

8 Q. Which is what?

9 A. Gray Nike sweatpants and then a camouflaged hoodie.

10 Q. Now, after your clothes were placed back on, what do
11 you remember after that?

12 A. I remember -- I remember getting carried to the car.
13 I do not know who -- I don't remember who was carrying me but I
14 remember getting carried to the car and laying in the back seat.

15 Q. Okay. So you remember being carried but you don't
16 remember by whom?

17 A. Yes.

18 Q. Is that accurate? And being placed in the back seat
19 of a car?

20 A. Yes.

21 Q. Okay. Do you remember whose car you were placed in?

22 A. I'm not for sure.

23 Q. Okay. Now, after you got in the back -- after you
24 were placed in the back seat of this car, what is the next thing

1 you remember after that?

2 A. I remember -- I don't really remember the car ride at
3 all. I just remember getting to [REDACTED] house and then getting
4 carried inside to [REDACTED].

5 Q. Okay. So you remember arriving at [REDACTED] house?

6 A. Yes.

7 Q. And this is [REDACTED] that you previously said was
8 your friend?

9 A. Yes.

10 Q. And do you remember, had you been to his house
11 before?

12 A. Yes.

13 Q. So you -- did you recognize the house?

14 A. Yeah.

15 Q. As being a place you had been before?

16 A. Yes.

17 Q. Okay. Now, when you got there, what is the first --
18 once you arrived at [REDACTED] house, you said you remember arriving
19 at his house. What is the first thing you remember when you
20 arrived at his house?

21 A. I remember getting out of the car and I felt really
22 sick and then I couldn't really walk well so I got carried down
23 to the basement.

24 Q. And do you know who carried you down to the basement?

1 A. I'm not for sure.

2 Q. Okay. And once you were carried down, you remember
3 being carried. Do you remember what door you were carried
4 through?

5 A. The basement door.

6 Q. Okay. And is that a -- you have been there before;
7 is that right?

8 A. Yes.

9 Q. Okay. Is there a door on this house that goes
10 directly into the basement?

11 A. Yes.

12 Q. Okay. After you got into the house, where do you
13 remember going after that?

14 A. Into the game room.

15 Q. Okay. And did you walk into the game room or were
16 you still being carried?

17 A. I was still being carried.

18 Q. Now, you said you have been in this house before; is
19 that correct?

20 A. Yes.

21 Q. Can you describe in the basement where the room is
22 that you call the game room?

23 A. It's by the stairs that lead to upstairs. It is like
24 right to the left of it and then to the right of it is like the

1 living room and if you keep going right, there's [REDACTED] room.

2 Q. Okay. So you said to the left of the stairs. Is
3 there some stairways -- stairway that goes inside from the
4 upstairs down to the basement?

5 A. Yes.

6 Q. Okay. Now, when you say to the left, are you walking
7 down as you walk down the stairs, is it to your left?

8 A. Yes.

9 Q. Okay. And that -- the game room is, as you walk down
10 the stairs, it's the room to the left?

11 A. Yes.

12 Q. Okay. And is it a separate room?

13 A. Yeah.

14 Q. Okay. Now, you've described there was also another
15 bigger area?

16 A. Yeah. The living room.

17 Q. Okay. And where is the living room in -- if you are
18 walking down the stairs, where is the room that you call the
19 living room?

20 A. Just straight ahead a little bit to the right.

21 Q. And is it a big or a small area?

22 A. It's big.

23 Q. Okay. And you're familiar with -- you've said you
24 have been here before; is that correct?

1 A. Yes.

2 Q. Does -- are there any bedrooms downstairs?

3 A. Yes.

4 Q. In the basement? And whose bedroom do you know to be
5 down in that basement?

6 A. [REDACTED] [REDACTED].

7 Q. Now, if you are going down the stairs and into the
8 big living room area, where is [REDACTED] bedroom from there?

9 A. You just go right and then go straight to the end.

10 Q. So it is straight to the end of the living room?

11 A. Yes.

12 Q. Okay. Now, you said you were carried into the game
13 room; is that right?

14 A. Yes.

15 Q. What kind of seating is there in that game room?

16 A. There is a couch and then like a roly chair.

17 Q. Okay. And once you were carried into the game room,
18 where were you placed?

19 A. Onto the couch.

20 Q. Okay. And, again, do you remember who carried you?

21 A. I can't answer that for sure.

22 Q. Okay. And after you were placed on this couch, what
23 is the next thing you remember after that?

24 A. I just remember falling asleep until I was woken up.

1 Q. Okay. And how were you awakened?

2 A. I had something over my face and somebody was on top
3 of me.

4 Q. Okay. And what was happening? Take your time.

5 A. He was on top of me and then had his penis inside of
6 me.

7 Q. Okay. Inside your vagina?

8 A. Yes.

9 Q. Okay. And at the time you felt that, you said you
10 had something over your face; is that right?

11 A. Yes.

12 Q. Do you know what you had over your face?

13 A. It was a couch cushion.

14 Q. Okay. And were you able to see at that time --

15 A. No.

16 Q. -- who this was that was on top of you?

17 A. No.

18 Q. Okay. What did you do or say when you realized what
19 was going on?

20 A. I said stop one time, and I didn't think he could
21 hear me so he kept going and then I said stop again louder and he
22 didn't stop so I just, like, kind of rolled off the couch and
23 said I needed to use the restroom and then I went into [REDACTED]
24 bedroom.

1 Q. Okay. At that time, did you see who was on top of
2 you penetrating you?

3 A. Yes.

4 Q. Who was it?

5 A. Drew Clinton.

6 Q. Okay. And do you see him in the courtroom here
7 today?

8 A. Yes.

9 Q. For the record, would you point him out where he is
10 seated and what he's wearing?

11 A. He's right there. He is wearing a blue shirt.

12 MRS. RODRIGUEZ: Let the record reflect she has identified
13 the defendant.

14 THE COURT: The record will reflect that the witness has
15 identified the defendant.

16 BY MRS. RODRIGUEZ:

17 Q. [REDACTED] -- C., excuse me, I want to back up just a
18 minute to the party. Did you know Drew Clinton before that day?

19 A. No.

20 Q. Okay. When did you first meet him or see him?

21 A. At the party.

22 Q. Okay. And were you actually introduced to him at
23 that time?

24 A. Yes.

1 Q. Okay. And who introduced you?

2 A. [REDACTED].

3 Q. Your friend, [REDACTED]?

4 A. Yes.

5 Q. Okay. And at the party, did you have any -- did you

6 have any conversation with Drew Clinton?

7 A. Not that I recall.

8 Q. Okay. And do you know -- okay. And was he ever by

9 your group of friends that you remember while you were at the

10 party?

11 A. Yes.

12 Q. Okay. But you weren't having contact with him?

13 A. Not that I recall.

14 Q. Okay. Now, moving back to when you were placed in

15 the back seat of the car to the ride to [REDACTED] house, you said

16 you didn't remember the ride?

17 A. No. I remember some conversations but I don't

18 remember much of it.

19 Q. Okay. And do you -- can you even -- can you tell us

20 who was in the car?

21 A. It was [REDACTED], [REDACTED] -- [REDACTED], [REDACTED], [REDACTED],

22 [REDACTED], [REDACTED], and Drew Clinton.

23 Q. Okay. And so there were five of you in that car?

24 A. Yes.

1 Q. Do you remember -- you said there might have been
2 some slight conversation in the car but you don't remember what
3 it was; is that correct?

4 A. Yes.

5 Q. Okay. Other than waking up to him on top of you, do
6 you recall having any contact with Drew Clinton at [REDACTED] house
7 before -- before you were awakened by that?

8 A. No.

9 Q. Okay. You said that you yelled at him to stop a
10 couple times?

11 A. Yes. Twice.

12 Q. Okay. You said after you said the stop the first
13 time, he continued. What did he continue to do?

14 A. Penetrate me.

15 Q. Okay. With his penis?

16 A. Yes.

17 Q. Okay. Now you said after the second time of saying
18 stop, you rolled off?

19 A. Yes.

20 Q. Can you explain how you did that?

21 A. I kind of just like said I really need to use the
22 restroom and I, like, pushed him off and then left the room.

23 Q. Okay. And did you see what he did?

24 A. Yes. He jumped up real quick, pulled his pants up,

1 and jumped in the game chair and started playing games acting
2 like nothing just happened.

3 Q. Okay. And is the game -- the game chair, is that in
4 the same room?

5 A. Yes, it is right across from the couch.

6 Q. Okay. After you jumped up and you told him you had
7 to go to the bathroom, did you go to the bathroom?

8 A. No. I went to [REDACTED] room.

9 Q. Okay. Did you go directly to [REDACTED] room?

10 A. Yes.

11 Q. Okay. Was their door shut?

12 A. It was shut.

13 Q. Okay. And tell me -- tell me what you did when you
14 got to [REDACTED] room.

15 A. I walked in there and opened the door and [REDACTED] [REDACTED]
16 was laying on the ground and I woke her up and then me waking her
17 up woke [REDACTED] and [REDACTED] up and then I went and laid on the bed
18 and talked with them.

19 Q. Okay. Now, when you woke [REDACTED] [REDACTED] up, you said she
20 was sleeping on the floor?

21 A. Yes.

22 Q. Okay. And what, if anything, did you say to her when
23 you woke her up?

24 A. I was crying a lot and I couldn't -- it took me a

1 minute but I was just like, [REDACTED], I think I just got raped in the
2 other room and then that's when like --

3 Q. Okay. And did you tell her any more details at that
4 time?

5 A. Yes. I explained what had just happened.

6 Q. Okay. And you said [REDACTED] and [REDACTED] also woke up?

7 A. Yes.

8 Q. Okay. Did you tell them what happened?

9 A. Yes.

10 Q. And did you -- what did -- to the best of your
11 recollection, what did you tell them?

12 A. I told them that Drew had been on top of me in the
13 game room and just explained what I had just explained to you
14 what happened.

15 Q. Okay. And do you remember the specific words that
16 you used?

17 A. That he raped me and just got up and acted like
18 nothing had happened.

19 Q. Okay. And so all three, [REDACTED], [REDACTED], and
20 [REDACTED], were all in the same room when you made those
21 statements; is that correct?

22 A. Yes.

23 Q. Okay. Now, did you become aware that any of the
24 three, [REDACTED], [REDACTED], or [REDACTED], left the room for a period

1 of time?

2 A. [REDACTED] did.

3 Q. Okay. And you didn't go with him? Did you remain in
4 the room?

5 A. No. Yes.

6 Q. Okay. And at some point, did you decide what you
7 were going to do, whether you were going to stay there or go?

8 A. Yes. I decided I wanted to leave.

9 Q. And did you call --

10 A. I called [REDACTED].

11 Q. You called [REDACTED]?

12 A. Yes.

13 Q. Okay. Did she come to get you?

14 A. Yes.

15 Q. And when [REDACTED] arrived, was there somebody else
16 with her?

17 A. Yes.

18 Q. Who was that?

19 A. Ian Frese.

20 Q. Okay. And did -- tell me how you got -- did you go
21 up to her car or where did she pick you up at?

22 A. Yes. I walked up the stairs and went out the door
23 and went to her car.

24 Q. Okay. And did somebody help you --

1 A. No.

2 Q. -- get upstairs? Okay. Once you got in [REDACTED] --
3 well, first of all, when you called [REDACTED], did you tell her why
4 you needed picked up?

5 A. Yes.

6 Q. What did you tell her?

7 A. I told her that I had just been raped and I do not
8 want to be in the same house as him and I want to go home.

9 Q. Okay. And did she agree to pick you up?

10 A. Yes.

11 Q. Okay. Where did she take you?

12 A. To my house.

13 Q. And is that the [REDACTED] that you've
14 previously testified you live at?

15 A. Yes.

16 Q. Okay. Once you got there, what did the three of --
17 was it just yourself, Ian Frese, and [REDACTED]?

18 A. Yes.

19 Q. Okay. What did the three of you do?

20 A. They didn't want me to stay alone so we all also
21 didn't want to go inside and wake up my parents, so I have a
22 camper parked outside and we all just stayed in my camper.

23 Q. And at some point, did you go to sleep for a period
24 of time?

1 A. Yes.

2 Q. Okay. After that, did you wake up and go inside?

3 A. Yes.

4 Q. And why did you do that?

5 A. Because I felt sick.

6 Q. Okay. And once you got inside your house, where did
7 you go?

8 A. To the restroom.

9 Q. And what did you do there?

10 A. I didn't puke but I was just like dry heaving.

11 Q. Okay. All right. And at some point, did your -- did
12 your dad, Scott [REDACTED], wake up?

13 A. Yes.

14 Q. And make contact with you?

15 A. Yes.

16 Q. Did you tell him what had happened to you?

17 A. Yes.

18 Q. Okay. And was law enforcement contacted?

19 A. Yes.

20 Q. And did an officer come and take a statement from
21 you?

22 A. Yes.

23 Q. Okay. After the officer took the statement from you,
24 did you agree to go to Blessing Hospital for a sexual assault

1 kit?

2 A. Yes.

3 Q. Okay. And when you were at the hospital, did you
4 tell a nurse what had happened to you?

5 A. Yes.

6 Q. And did you agree to have evidence collected from
7 your person?

8 A. Yes.

9 Q. Okay. Now, from the time -- let me back up just a
10 minute. When the officer was there at your house taking a
11 statement from you, did you still have on the clothes that you
12 had had on at the party?

13 A. Yes.

14 Q. Okay. And did those clothes remain on you after you
15 were -- during the time you were raped, you said -- how were your
16 clothes at the time you were being assaulted?

17 A. My sweatpants and underwear were pulled down and my
18 sweatshirt was pulled up.

19 Q. Okay. And when you say your pants and your underwear
20 were pulled down, how far were they pulled down?

21 A. About to my knees.

22 Q. Okay. And after -- after you were sexually
23 assaulted, did you take those clothing off or did you pull them
24 back up?

1 A. I just pulled them back up and left the room.

2 Q. All right. And did you have the same clothing, the
3 underwear and the gray sweatpants, did you still have them on
4 when you were in the camper?

5 A. Yes.

6 Q. And did you still have them on when the officer came
7 to take a statement from you?

8 A. Yes.

9 Q. And were those clothing items then turned over to the
10 officer?

11 A. Yes.

12 MRS. RODRIGUEZ: Okay. I'm going to, Your Honor, if I may
13 fire this up for just a minute?

14 THE COURT: You may.

15 MRS. RODRIGUEZ: I want to show her some photos.

16 Your Honor, I'm putting in a DVD that I have marked as
17 People's Exhibit 9.

18 THE COURT: Nine?

19 MRS. RODRIGUEZ: Nine.

20 THE COURT: Okay.

21 BY MRS. RODRIGUEZ:

22 Q. C., I'm going to hand you a -- some photos that are
23 marked as People's 9A through 9I. I'm going to hand them to you
24 as a group and then I will refer to the number at the bottom,

1 okay?

2 A. Okay.

3 Q. If you would look at that first one that is 9A, I'm
4 going to put up on the screen what's Image No. 2. Can you see
5 that from where you are at?

6 A. Yes.

7 Q. Is that the same image that you have in front of you
8 as 9A?

9 A. Yes.

10 Q. And do you recognize that house?

11 A. It's [REDACTED] house.

12 Q. Okay. And is that the same house where this
13 occurred?

14 A. Yes.

15 Q. Okay. Okay. If you will look at 9B and I'm going to
16 go to Image No. 7. Is what you have in front of you 9B the same
17 as Image No. 7 on the screen?

18 A. Yes.

19 Q. Okay. And do you recognize what that is?

20 A. That's [REDACTED] garage.

21 Q. Okay. And is there an entrance to the house from
22 inside the garage?

23 A. Yes.

24 Q. You're familiar with that?

1 A. Yes.

2 Q. Okay. If you will look at No. 9C, it is Image No. 21

3 on the screen. Do you recognize that?

4 A. Yes.

5 Q. What is that?

6 A. It's in [REDACTED] house.

7 Q. Okay. And where is that inside [REDACTED] house?

8 A. It's by the entrance.

9 Q. From the garage?

10 A. I'm actually not for sure from this angle.

11 Q. Okay. All right. If you will go to No. 9D which I

12 will put up on the screen as No. 26, do you recognize that?

13 A. Yes. They are the stairs leading to [REDACTED] basement.

14 Q. And if you would look at 9E which is No. 29 on the

15 screen, can you see the image up on the screen?

16 A. Yes.

17 Q. Is that the same as what you have in front of you as

18 9E?

19 A. Yes.

20 Q. Can you explain what -- do you recognize this photo?

21 A. The couch is on the left side and then the double

22 doors in the back goes into [REDACTED] room.

23 Q. Okay. And there is it looks like a ping pong table

24 to the right?

1 A. Yes.

2 Q. Okay. Now, this big area that is depicted on here
3 with the ping pong table and the couch and then the doors to
4 [REDACTED] room, how do you refer -- is this a big open area at the
5 bottom of the stairs?

6 A. Yes.

7 Q. And how do you refer to this area? What do you call
8 it?

9 A. The living room.

10 Q. Okay. Now, if you would look at No. 9F which is
11 No. 33 on the screen, do you recognize that?

12 A. Yes.

13 Q. And can you tell me what's in this photo?

14 A. There's the stairs and then in the picture to the
15 right of the stairs is the game room.

16 Q. Okay. So if -- let's go as if you are walking down
17 those stairs. Where is the game room?

18 A. To the left.

19 Q. To the left. And is that the -- the room that has
20 the open door in this photo?

21 A. Yes.

22 Q. Okay. So there appears to be a desk and a computer
23 screen or TV or something; is that correct?

24 A. Yes.

1 Q. Okay. Had you ever been in this game room prior to
2 the morning that this happened?

3 A. Yes.

4 Q. Okay. If you will look at 9G which is No. 56 on the
5 screen, do you have 9G in front of you?

6 A. Yes.

7 Q. And is that the same image as No. 56 up on the
8 screen?

9 A. Yes.

10 Q. Okay. Can you tell me what's in this photo?

11 A. There's the game room and then there's the couch that
12 everything happened on and then the chair that he jumped up into
13 to play games.

14 Q. Okay. So there's a -- there appears to be a small --
15 a small tan-colored couch in this photo; is that right?

16 A. Yes.

17 Q. And when you say that's the couch this happened on,
18 that's the couch where the sexual assault that you've described
19 occurred?

20 A. Yes.

21 Q. Now, when you were -- when you were on that couch and
22 laying down, which side -- as we look at this photo, was your
23 head to the right of the couch or the left of the couch as you
24 are looking at it?

1 A. The left.

2 Q. Okay. So your -- there also appears to be a trash
3 can in this photo?

4 A. Yes.

5 Q. So -- so it is on that arm of the couch that your
6 head was resting?

7 A. Yes.

8 Q. Okay. And you said he jumped up and got in the game
9 chair; is that right?

10 A. Yes.

11 Q. And you said that's depicted in this image, as well?

12 A. Yeah.

13 Q. And that would be the high back black chair that is
14 in front of the couch?

15 A. Yes.

16 Q. When you -- when you got up and went to -- to leave,
17 you said he jumped up in the chair and what, if anything, did you
18 see him do at that time?

19 A. I saw him grab the mouse to the computer or a
20 controller, I don't recall which one, he just picked something up
21 and started playing with the computer.

22 Q. Okay. All right. If you would look at No. 9H in
23 front of you and I'll put Image No. 67, is number -- the image on
24 the screen the same as you have on 9H?

1 A. Yes.

2 Q. Okay. And what is this?

3 A. That's also the game room.

4 Q. Okay. So it is just a different view of the same
5 game room; is that right?

6 A. Yes.

7 Q. Okay. And then if you would look at Image 9I in
8 front of you and I will put up Image No. 12. Okay. Do you have
9 -- is the image up on the screen the same as you have 9I?

10 A. Yes.

11 Q. And can you tell me what this is a photo of?

12 A. That's the outside of [REDACTED] house where the doors
13 lead to the basement.

14 Q. Okay. So the door that appears to be just underneath
15 the deck, that's the door that leads directly into the basement;
16 is that correct?

17 A. Yes.

18 Q. Okay. C., during -- during any of this evening into
19 the early morning when you were either at the party on the way to
20 [REDACTED] house or after you were at [REDACTED] house, did you ever give
21 consent to Drew Clinton to have any kind of sexual contact with
22 you?

23 A. No.

24 Q. When -- when you woke up to something being on top of

1 your face, I believe you said you thought it was a couch cushion?

2 A. Yes or a pillow.

3 Q. Okay. And at the time it was on your face, was it
4 just laying on your face or was something being done to it?

5 A. It felt like it was being pressed against my face,
6 and I couldn't breathe well.

7 MRS. RODRIGUEZ: No further questions, Your Honor.

8 THE COURT: You may inquire, Mr. Schnack.

9 CROSS-EXAMINATION

10 BY MR. SCHNACK:

11 Q. Is it all right if I call you C.?

12 A. Yes.

13 Q. All right. You can call me Drew.

14 A. Okay.

15 Q. All right. I'm going to ask you some questions and
16 I'm not -- my intention is not to embarrass you or harass you or
17 make you look bad. It is just simply to ask you questions and
18 get some answers for the Judge.

19 A. Okay.

20 Q. Okay. And if you don't understand my questions,
21 would you please tell me and I'll repeat it or try and make it
22 more clear?

23 A. Yes.

24 Q. And if you do answer the question, we're going to

1 assume that you understood it; is that fair?

2 A. Yes.

3 Q. And if you don't know the answer to a question,
4 you'll tell me that also; is that correct?

5 A. Yes.

6 Q. Going back to this, was this a Saturday night or
7 Sunday night when you left for the party?

8 A. It was a Saturday.

9 Q. It was a Saturday night?

10 A. Yes.

11 Q. And so that then you would have left for the party
12 late on Saturday night; is that correct?

13 A. Yes.

14 Q. And where did you leave from to get to the party?

15 A. I don't recall.

16 Q. Okay. Well, were you at your house or were you at
17 somebody else's house or were you at another party? That's what
18 I'm getting at.

19 A. I don't remember.

20 Q. You don't remember where you were at before you went
21 to the party with the swimming pool; is that correct?

22 A. Yes.

23 Q. And do you remember leaving your home?

24 A. I did earlier.

1 Q. What time did you leave your home, if you recall?
2 A. I don't recall.
3 Q. All right. And when you left your home, you don't
4 know where you went; is that correct?
5 A. We went to pick up our friend. I remember that. And
6 then I believe from there, we all went to the party.
7 Q. All right. And did somebody pick you up at your
8 home?
9 A. Yes.
10 Q. And who picked you up?
11 A. ██████████ ██████████.
12 Q. All right. And was anybody with ██████████ when they
13 picked you up?
14 A. Yes.
15 Q. Who was that?
16 A. ██████████ ██████████.
17 Q. Was there anybody else?
18 A. No.
19 Q. All right. Now, had you girls had anything of an
20 alcoholic nature to drink when they picked you up and you guys
21 left?
22 A. No.
23 Q. And when you -- do you know what time they picked you
24 up?

1 A. I don't recall.

2 Q. And you don't recall where you went from there; is
3 that correct?

4 A. From where?

5 Q. From after they picked you up.

6 A. I don't recall.

7 Q. All right. And so at some time, you ended up at this
8 party at around 11:00 or 11:30; is that correct?

9 A. I believe so.

10 Q. All right. Is that a guess on your part or do you
11 have some -- is that correct?

12 A. That's correct.

13 Q. Nobody told you that?

14 A. No.

15 Q. All right. And do you remember where you came from
16 when you -- where were you last before you got in the car and
17 went to the party?

18 A. I don't recall.

19 Q. Were you at another party?

20 A. No.

21 Q. Had you had anything to drink?

22 A. No.

23 Q. When I say drink, I'm talking about alcohol, okay?

24 A. Yes.

1 Q. And so then when you got to the party, did you and
2 the girl -- the girls in your car have any alcohol with you?

3 A. Yes.

4 Q. And what did -- and this would be I think you call it
5 these little shooter things; is that correct?

6 A. Yes.

7 Q. And so somehow these little shooter things got in the
8 car with you and the girls; is that correct?

9 A. Yes.

10 Q. Do you remember how those happened to appear in the
11 car?

12 A. We bought them.

13 Q. Where did you buy them at?

14 A. I don't remember.

15 Q. And was this at a liquor store or someplace like
16 that?

17 A. I believe so, yeah.

18 Q. All right. And do you remember what time you bought
19 those?

20 A. I don't.

21 Q. So now that we know that you left your house and you
22 and the girls ended up at the party at 11:00 or 11:30 and
23 sometime between there you guys got -- you bought the little
24 shooter things; is that correct?

1 A. Yes.

2 Q. Did you buy any other alcohol?

3 A. No.

4 Q. And do you recall how many of the little shooter
5 things you bought?

6 A. There was three packs of ten.

7 Q. All right. And when did you start drinking those?

8 A. I don't recall.

9 Q. Were you drinking those in the car on your way to the
10 party?

11 A. No.

12 Q. So the first one you had was at the party?

13 A. It was in the car parked outside before the party.

14 Q. All right. So you were in the car parked outside the
15 party drinking these little shooter things; is that correct?

16 A. Yes.

17 Q. And do you know -- you said you had -- I think you
18 said you had about six of these little shooter things. How many
19 of them did you have when you were in the car?

20 A. Like one.

21 Q. All right. So if you had six, you would have had
22 five sometime later that night; is that fair?

23 A. Yes.

24 Q. And so when you get to the party, you walk in; is

1 that correct?

2 A. Yes.

3 Q. And when you walk in, did you see [REDACTED] there?

4 A. Yes.

5 Q. And did you see -- because [REDACTED] and [REDACTED] were
6 boyfriend/girlfriend; is that right?

7 A. Yes.

8 Q. And did you see Drew Clinton there at that time?

9 A. I didn't until later on.

10 Q. All right. Did you ever give him one of those little
11 shooter things if you remember?

12 A. Not that I -- actually, yes, I did.

13 Q. So you gave him a little shooter thing to drink; is
14 that correct?

15 A. Yes.

16 Q. Do you know how many you gave him?

17 A. One.

18 Q. All right. Did you give any to anybody else if you
19 recall?

20 A. Yes.

21 Q. Who did you give them to?

22 A. [REDACTED] I know had one and then just me, [REDACTED],
23 [REDACTED], [REDACTED].

24 Q. Okay. How about [REDACTED]?

1 A. I don't believe [REDACTED] had any.

2 Q. All right. Now, did you have anything else to drink
3 that -- of an alcoholic nature to drink that night?

4 A. No.

5 Q. All right. And so you're at the party and you're
6 back by the pool and you're drinking; is that correct?

7 A. Yes.

8 Q. Did you ever go in the house?

9 A. Yes.

10 Q. And who went in the house with you?

11 A. [REDACTED].

12 Q. And where did the two of you go?

13 A. We were talking in the living room for a while.

14 Q. Was there any adults present or was there anybody
15 else present when you and [REDACTED] were in the living room talking?

16 A. No.

17 Q. Did you go anywhere else in that house?

18 A. I was in the kitchen and I also used the restroom.

19 Q. All right. Was [REDACTED] with you in the kitchen and in
20 the restroom?

21 A. No. He was in the kitchen but not in the restroom.

22 Q. All right. And then after you did that, you went
23 back to the party. You went out to the pool; is that right?

24 A. Yes.

1 Q. And at some point, you took off your sweatpants and
2 your top and you went swimming in the pool in your underwear; is
3 that correct?

4 A. Yes.

5 Q. Now, the underwear -- the underpants that you swam
6 in, are those the same underpants that you woke up in or that you
7 were wearing in the morning at [REDACTED] house after this occurred?

8 A. Yes.

9 Q. You never put on somebody -- another pair or
10 underpants or anything like that; is that correct?

11 A. Correct.

12 Q. And these were your underpants?

13 A. Correct.

14 Q. And, again, this is one of those questions that might
15 -- I don't want to embarrass you but I got to ask you. I assume
16 those were clean underpants when you put them on to go out that
17 night; is that fair?

18 A. Yes.

19 Q. And you swam in the pool. How long were you in the
20 pool in those underpants?

21 A. I don't remember.

22 Q. Five minutes? Twenty minutes? Do you have any idea?
23 And I don't want you to guess and if you don't know, that's fair
24 also.

1 A. Yes. I don't remember.

2 Q. All right. Now, before you got in the pool, you were
3 throwing up; is that correct?

4 A. Not before. After.

5 Q. All right. And now Ms. Rodriguez asked you if the
6 pool was heated and did you say yes or no?

7 A. Yes.

8 Q. So the pool, the water was okay to swim in?

9 A. Yes.

10 Q. All right. And you're not much of a swimmer. Did I
11 get that correct?

12 A. I can swim. I just couldn't that day. Wasn't
13 feeling great.

14 Q. All right. So when you went into the pool, can we --
15 can I gather that's when you had already stopped drinking then;
16 is that correct?

17 A. No. I was also drinking in the pool.

18 Q. All right. So you were in the pool long enough to
19 drink also; is that correct?

20 A. Yes.

21 Q. You hadn't puked yet?

22 A. No.

23 Q. All right. And when you were in the pool, how many
24 of those little shooter things do you think you had to drink?

1 A. I think two.

2 Q. In the pool?

3 A. Yes.

4 Q. Did you spill any of them?

5 A. No.

6 Q. Are you sure?

7 A. I don't think I did.

8 Q. Pardon?

9 A. I don't think I did.

10 Q. All right. Now, is this a pool that has a diving
11 board with a deep end and a shallow end?

12 A. Yes.

13 Q. Okay. Were you diving off the -- jumping off the
14 diving board or not?

15 A. No.

16 Q. All right. Were you in the deep end at all?

17 A. Yes.

18 Q. All right. So you were swimming around in the deep
19 end, just in a pool swimming around having fun with the other
20 kids; is that fair?

21 A. Yeah.

22 Q. And drinking your little shooter things?

23 A. Yeah.

24 Q. All right. So at some time you are in the pool, you

1 started throwing up; is that correct?

2 A. Once I got out of the pool, I did.

3 Q. Okay. So you -- is it your testimony today that you
4 didn't throw up in the pool at all?

5 A. Yes.

6 Q. All right. So you were done drinking when you got
7 out of the pool. You didn't have any more to drink; is that
8 correct?

9 A. Not after I got out of the pool.

10 Q. And you don't know how long you were in the pool?

11 A. I don't recall.

12 Q. And you ended up getting out of the pool and then you
13 -- the next thing you remember is you're laying up against or
14 sitting up against the side of the house. Did I understand you
15 correctly?

16 A. Yes.

17 Q. All right. You are not laying out on the deck passed
18 out. You're sitting up against the house; is that correct?

19 A. I was laying up against the house like just down. I
20 was sitting up for a little bit but then I -- I was laying down
21 and then I sat up after.

22 Q. Okay. Now you got me confused.

23 A. Okay so.

24 Q. Okay. So you get out of the pool and one of your

1 friends helps you out of the pool. Is there a ladder or are
2 there steps or how do you --

3 A. There is a ladder.

4 Q. All right. So you walk -- you come out of the pool
5 on the ladder; is that correct?

6 A. Yes.

7 Q. And then you walk over by the house?

8 A. And I lay down and I started puking and then I sat up
9 and someone brought a trash can over.

10 Q. All right. And when you -- this is going to sound
11 horrible but when you threw up, was it like a dry heave where you
12 just kind of belch up a little bit of fluid or was it a full
13 thrown throw up?

14 A. It was a lot.

15 Q. It was a lot?

16 A. Yes.

17 Q. And did you have anything to eat at the party?

18 A. Not that I recall.

19 Q. All right. Did you have anything to eat after you
20 left after the girls picked you up and you guys went on your
21 adventure?

22 A. Not that I remember.

23 Q. Did you have dinner that night at your folk's house?

24 A. I don't remember.

1 Q. All right. So you don't remember having dinner at
2 your folk's house, you don't believe you had anything to eat from
3 the time you got in the car with the girls until you were
4 throwing up. Is that fair?

5 A. Yes. It was a couple months ago. I don't remember
6 what I did that whole day.

7 Q. I understand. I understand. And so when you threw
8 up, you would have thrown up the contents of your stomach which
9 would be the little shooter things; is that correct?

10 A. Yes.

11 Q. And if I understand you correctly, you didn't have
12 anything to eat or any food so the only thing you would have
13 thrown up is whatever water you swallowed while you were in the
14 pool, if any, and the little shooter things; is that correct?

15 A. Yeah.

16 Q. All right. Now, you remember talking to Officer
17 Jessica Hollensteiner?

18 A. Yes.

19 Q. Did you tell her that you went in the pool, then
20 passed out in your own puke?

21 A. Not in the pool. After I did, yes.

22 Q. I'm going to quote, went in the pool --

23 MRS. RODRIGUEZ: Your Honor, I'm going to object to her
24 being cross-examined regarding the contents of the report.

1 THE COURT: Okay. What's the objection?

2 MRS. RODRIGUEZ: The objection is he can't cross-examine her
3 according to what -- he can't read to her from the report.

4 MR. SCHNACK: I have to give her an opportunity to either --

5 THE COURT: Well.

6 MRS. RODRIGUEZ: He can ask her whether she told Jessica.

7 THE COURT: First of all, you didn't ask about this so is it
8 okay that he goes outside the scope of your examination,
9 Ms. Rodriguez?

10 MRS. RODRIGUEZ: Your Honor, I don't care if he goes outside
11 the scope --

12 THE COURT: Okay.

13 MRS. RODRIGUEZ: -- the cross-examination so that we don't
14 have to put her back on.

15 THE COURT: All right. Okay.

16 MR. SCHNACK: And I appreciate that and I apologize for not
17 asking first. I should have.

18 THE COURT: All right. All right. So now that we've got
19 that cleared up, then your objection is that he's reading from
20 the report of what the officer said and not -- not doing a
21 correct --

22 MRS. RODRIGUEZ: Not correct --

23 THE COURT: Yes.

24 MRS. RODRIGUEZ: -- examination.

1 THE COURT: Right. All right. That will be sustained.

2 Mr. Schnack, rephrase your question.

3 BY MR. SCHNACK:

4 Q. Did you tell Officer Hollensteiner on or about June
5 2nd that you went in the pool, then passed out in your own puke?

6 A. I don't remember.

7 Q. Did you tell Officer Hollensteiner you heard from
8 other people that she had -- that you had to be carried to a car?

9 MRS. RODRIGUEZ: Your Honor, I'm going to object to that as
10 hearsay.

11 MR. SCHNACK: It's --

12 THE COURT: I'm -- I'm -- he's asking if that's what she
13 told the officer. That will be overruled.

14 BY MR. SCHNACK:

15 Q. Did you tell Officer Hollensteiner on 6/2 of '21 that
16 you heard from other people that you had to be carried to a car
17 and puked in a bucket on the car ride to [REDACTED] house?

18 A. Yes.

19 Q. So you -- when you answered Ms. Rodriguez's questions
20 earlier this morning about getting to the car and what happened
21 in the car, that's what you heard from other people?

22 A. No.

23 Q. Not what you --

24 A. I do remember what happened. I heard from other

1 people about the puking in the bucket. Not -- I remember other
2 parts, though.

3 Q. Did you hear from other people you had to be carried
4 to the car or do you remember that?

5 A. I remember.

6 Q. But you did -- strike that. Did you tell Officer
7 Hollensteiner that you heard you had to be carried to the car?

8 A. Yes.

9 Q. So now you remember but back on June 2nd, two to
10 three days afterwards, you were telling Officer Hollensteiner
11 this is what you had heard. Do you understand the difference?

12 A. Yes.

13 Q. So now you are telling us you remember. Back then,
14 you heard. What has happened to make you change your basis for
15 your testimony?

16 A. Well, whenever she was asking me, I was in the
17 hospital getting tested and I was still very sick and I was just
18 that puking while she was asking questions.

19 Q. Well, Officer Hollensteiner's interview, and I just
20 asked you, this took place on June 2nd at 9:45 in the morning.
21 You weren't in the hospital then, were you?

22 A. I don't remember what day I was in the hospital.

23 Q. Well, I had asked you that in my previous question.
24 Do you remember talking to Officer Hollensteiner on June 2nd, and

1 you said yes. That wasn't in the hospital, was it?

2 A. I don't remember talking to her on June 2nd. I
3 remember talking to her. I just don't recall when.

4 Q. So now you don't remember talking to Officer
5 Hollensteiner at all on June 2nd?

6 A. I said I remember talking. I don't recall the day I
7 talked to her so no.

8 Q. All right. Well, were you in the hospital when you
9 talked with her?

10 MRS. RODRIGUEZ: Your Honor, may I approach counsel for just
11 a minute?

12 THE COURT: Yes.

13 (Whereupon, an off-the-record
14 discussion was held.)

15 BY MR. SCHNACK:

16 Q. Let's back up a little bit, okay? Do you remember
17 talking to a Jess -- do you remember your CASA interview with
18 Jessica Bolton?

19 A. It was a what interview?

20 Q. Okay.

21 A. I couldn't hear you.

22 Q. That's my fault. I'm sorry. Because I assumed that
23 you knew what a CASA interview was and there's no reason you
24 should know that.

1 A. Yes, sir.

2 Q. You had to go have an interview or you went to have
3 an interview with somebody here in town on about 6th and State.
4 Do you remember that?

5 A. I don't.

6 Q. Do you remember doing an interview with a Jessica
7 Bolton?

8 A. I don't.

9 Q. Do you remember going to someplace with probably your
10 dad or your stepmom or your mom, maybe even Officer
11 Hollensteiner, who -- and they interviewed you in a room, there
12 was a couch there, there's -- it's carpeted. It's a small room
13 and it's filmed?

14 A. Was it at Quanada?

15 Q. Yeah.

16 A. Yes.

17 Q. All right. So you remember that?

18 A. Yes.

19 Q. And you remember talking to Jessica Bolton there?

20 A. Yes.

21 Q. She was -- that's what we call a CASA interview,
22 okay? You with me on that?

23 A. Yes.

24 Q. All right. That would have taken place on 6/2, June

1 2nd?

2 A. Not that I remember.

3 Q. You weren't in the hospital when that took place; is
4 that correct?

5 A. Correct.

6 Q. All right. Did you tell her that you passed out in
7 your own puke in the pool?

8 A. I don't remember what I told her.

9 Q. Did you remember telling her that you heard from
10 other people you had to be carried to the car?

11 A. It was a while ago. I don't remember the
12 conversation.

13 Q. All right. Did you remember in the CASA interview
14 telling Jessica Bolton and people who were observing it that you
15 remembered being carried inside the house by [REDACTED]?

16 A. Yes. I believe it was [REDACTED]. I'm not for sure.

17 Q. And that that's the last thing you remember?

18 A. Yes.

19 Q. So from the time you were carried in until the time
20 you wake up, you don't have any idea of what happened during that
21 period of time; is that correct?

22 A. I remember getting carried in and laid on the couch
23 and then I remember nothing else after.

24 Q. All right.

1 A. Until I woke up.

2 Q. Did you remember telling the CASA interview lady that
3 you do not remember being laid on the couch?

4 A. I don't remember.

5 Q. Now, do you remember telling the CASA interview lady
6 that Drew had his penis inside of your vagina?

7 A. Yes.

8 Q. And you woke up and told him to stop?

9 A. Yes.

10 Q. And you threw your legs over and rolled to the other
11 side and it started happening again. Is that -- did you tell her
12 that?

13 A. Yes.

14 Q. Did you tell her you told Drew to stop and he didn't?

15 A. Yes.

16 Q. Did you tell her that your underwear and pants were
17 pulled down to just above your knees?

18 A. Yes.

19 Q. Now, you had on gray sweatpants?

20 A. Yes.

21 Q. All right. Most sweatpants have a tie on them; is
22 that correct?

23 A. These ones don't. They're the Nike ones.

24 Q. Pardon?

1 A. They're Nike sweatpants. They might have one on the
2 inside but I don't think they had a tie at all.

3 Q. Okay. And then you had on your underpants; is that
4 correct?

5 A. Yes.

6 Q. And those are the same underpants that the police
7 have had and we're going to hear about; is that correct?

8 A. Yeah.

9 Q. And those were above your knees?

10 A. Yes.

11 Q. And it is your testimony that Drew Clinton was laying
12 on top of you. Now, you didn't tell us they were on your knees
13 and I think it show, if I could, Your Honor?

14 THE COURT: You may.

15 Q. In the CASA interview, you indicate that they were
16 pulled maybe an inch or two or three above your knees; is that
17 correct?

18 A. That's correct, but I don't remember where they were
19 pulled to. That's -- I'm pretty sure that's where they were. I
20 had a pillow over my face. I don't --

21 Q. You said that several times. You've told several
22 people that so I'm going to assume that it's correct.

23 A. That's what I believe, yes.

24 Q. All right. Well, and it is correct? Fair?

1 A. I'm not sure if it is correct. That is what I'm --
2 believe but I don't know for sure. I can't say for sure.

3 Q. So if Drew -- if your pants are above your knees,
4 it's virtually impossible for him or anybody else to have sex
5 with you because your legs can't separate any more than the
6 waistband of your underpants; isn't that correct?

7 MRS. RODRIGUEZ: Your Honor, I'm going to object to that.
8 That's calling for speculation.

9 THE COURT: Going to sustain it as to the form of that
10 question, Mr. Schnack.

11 BY MR. SCHNACK:

12 Q. If your -- your underpants were -- you're a fairly
13 small person, 115 pounds maybe?

14 A. 108.

15 Q. 108. Okay. Sorry. You had on small pair of
16 underpants?

17 A. Uh-huh.

18 Q. They were pulled two to three inches above your knee?

19 A. Well, I have -- they were probably up to here about
20 on my knee.

21 Q. Well, we just established that so let's move on.

22 A. Okay.

23 Q. If you've got your underpants on and you've got your
24 sweatpants on and they're all up above your knee, you can't

1 spread your legs far enough to have sex, can you?

2 MRS. RODRIGUEZ: Your Honor. Your Honor, again, I'm going
3 -- I'm going to object to the form of the question. He is asking
4 her to speculate. She has already testified.

5 THE COURT: That -- that will be sustained, Mr. Schnack.
6 That's argument. You can argue that but to ask her about that,
7 that's speculation.

8 BY MR. SCHNACK:

9 Q. Was Drew Clinton laying on top of you?

10 A. Yes.

11 Q. Was he laying on top of your underpants?

12 A. I don't remember.

13 Q. How could -- you don't remember if he was laying on
14 top of your underpants?

15 A. I couldn't see. I had a pillow over my face. I just
16 remember feeling him inside of me. I know he was.

17 Q. All right. Well, you were laying on your back; is
18 that correct?

19 A. I believe so.

20 Q. So --

21 A. Yes.

22 Q. You told us you were laying on your back. You woke
23 up and a pillow was on your face.

24 A. Yes.

1 Q. So I think we've just established that you weren't
2 laying on your stomach. Fair statement?

3 A. Yes.

4 Q. So if you're on your back, he is laying on top of
5 you; is that correct?

6 A. Yes.

7 Q. And you don't know if he was laying on top of your
8 underpants or your sweatpants?

9 A. I don't.

10 Q. Did he crawl up underneath the inside of them? And
11 do you know that?

12 A. I don't know anything of what he did.

13 Q. All right.

14 A. Besides the fact that he was inside of me while I was
15 sleeping.

16 Q. Yeah. Did you have -- you didn't have sex with
17 anybody else from the time you got out of that pool, did you?

18 MRS. RODRIGUEZ: Objection, Your Honor. Objection.

19 MR. SCHNACK: No, Your Honor. If I could be heard?

20 THE COURT: You can be heard.

21 MR. SCHNACK: The scientific evidence that Ms. Rodriguez has
22 given us shows semen from two other individuals on those
23 underpants.

24 MRS. RODRIGUEZ: Objection. It does not show that, Your

1 Honor.

2 THE COURT: And -- and that is all inadmissible.

3 Mr. Schnack, that's all protected by the Rape Shield statute
4 and the Court cannot consider any of that and none of that
5 evidence is admissible.

6 BY MR. SCHNACK:

7 Q. Did you -- did you ever tell Officer Hollensteiner --
8 you remember talking to Officer Hollensteiner?

9 A. Yes.

10 Q. That your pants and underwear were pulled down to
11 just above your knees and you could feel Drew's penis on top of
12 your stomach as if he missed your vagina?

13 A. Yes.

14 Q. Is that the truth?

15 A. Yes.

16 Q. So when you woke up, his penis was on your stomach,
17 not in your vagina; is that correct?

18 A. No. It was in my vagina. I laid there for a minute
19 like a little bit to realize what was happening and that's when I
20 felt it and I told him to stop.

21 Q. Drew's penis was on top of your stomach as if he
22 missed her vagina. If he missed your vagina, it was not in your
23 -- it was on your stomach. Isn't that what you told the officer?

24 A. I felt it in me when I woke up and then it continued

1 and then it felt like he like missed and then I told him to stop
2 and then he continued to put it back in.

3 Q. You've said you felt him thrusting his hips; is that
4 correct?

5 A. Yes.

6 Q. C., did you tell Officer Hollensteiner C. then yelled
7 at Drew to stop and he did?

8 A. No.

9 Q. So if she -- so that -- you did not say that?

10 A. No.

11 Q. Did you tell Officer Summers on the Monday of the
12 31st she stated she -- that you felt someone inside her, she told
13 the male to stop. However, he did not and I think you told us
14 today you didn't think he heard you; is that correct?

15 A. Yes, the first time.

16 Q. And then she said it a second time and the male
17 stopped what he was doing?

18 A. No.

19 Q. You didn't tell Officer Summers that?

20 A. I don't recall saying it, no.

21 Q. So there's a difference between no and I don't
22 recall. Pick one.

23 A. No.

24 Q. You didn't say that to Officer Summers?

1 A. I don't remember.

2 Q. One more time. There's a difference between I don't
3 remember and no. You understand that; correct?

4 A. I understand that but I cannot answer your question.

5 Q. Well, the -- did you say it or not? I don't remember
6 or no?

7 MRS. RODRIGUEZ: Your Honor, she's clearly indicated she
8 doesn't remember.

9 THE COURT: Well, Mr. Schnack's got me confused right now so
10 I'm going to ask you to restate the question right now.

11 BY MR. SCHNACK:

12 Q. You had an interview with Officer J.D. Summers on May
13 31st at 8:57 in the morning. Do you remember that?

14 A. I remember having an interview but I don't remember
15 what day or what time.

16 Q. All right. And do you remember telling Officer
17 Summers she stated that you felt someone inside of her, she told
18 the male to stop -- and you just told us that. You didn't think
19 he heard you. And, however, he did not. She said it a second
20 time in which the male stopped what he was doing. Did you tell
21 Officer Summers that?

22 A. I do not remember any of that.

23 Q. All right. Fair enough. Thank you. Now --

24 THE COURT: Mr. Schnack.

1 MR. SCHNACK: If I understand you correct --

2 THE COURT: Oh, okay. You ready because I was going to take
3 a -- we need to take a break here for --

4 MR. SCHNACK: This is probably -- let me ask a couple more
5 questions and then we'll take a break.

6 THE COURT: Okay. All right.

7 BY MR. SCHNACK:

8 Q. All right. After he stopped, he got up and started
9 playing video games; is that correct?

10 A. He -- yes. He got up and he sat in the chair and
11 grabbed the controller or something, he grabbed something and
12 then got on the screen.

13 Q. And I think you said he got up like nothing happened;
14 is that fair?

15 A. Yes.

16 Q. And then you told us you eventually -- well, moving
17 ahead, you walked up the stairs and walked to [REDACTED] car.

18 [REDACTED] is the one that came and picked you up; is that correct?

19 A. Yes.

20 Q. And you called [REDACTED] from [REDACTED] room?

21 A. Yes.

22 Q. And then this is going to sound stupid but you didn't
23 have anything to drink from the time [REDACTED] picked you up from
24 the time you were at the hospital; is that correct?

1 A. Correct.

2 Q. So then from -- you called [REDACTED] and [REDACTED]
3 parents were upstairs; is that correct?

4 A. Correct.

5 Q. Nobody got ahold of them, did they, that you know of?

6 A. That I know of, yes.

7 Q. And you didn't call your dad or your stepmom; is that
8 correct?

9 A. Correct.

10 Q. And you drove home; is that correct?

11 A. I didn't drive home. [REDACTED] drove.

12 Q. I -- you got home?

13 A. Yes.

14 Q. And instead of going into the house and telling your
15 dad and stepmom what happened, the three of you stayed in the
16 camper; is that correct?

17 A. Yes.

18 Q. And then what time do you think you got up from the
19 camper?

20 A. I don't remember. I think it was around like -- I
21 can't say.

22 Q. If you don't know, that's fine.

23 A. Yeah. I can't say.

24 Q. Okay. And then from the camper, you go into the

1 house and your dad finds you in the bathroom; is that correct?

2 A. Yes.

3 MR. SCHNACK: This is probably a good time for a little
4 break.

5 THE COURT: Okay.

6 MR. SCHNACK: I need to look through my notes.

7 THE COURT: That's what we will --

8 MR. SCHNACK: I'm going -- just to move things along, I'm
9 going to ask that we play the CASA interview for her. We should
10 probably -- we can probably talk about that during the break to
11 give her an opportunity to see it.

12 THE COURT: Okay. All right. You can work that out.

13 Ladies and gentlemen, we are going to take a break now. It
14 will be for 15 minutes. Again, I would caution everybody in the
15 audience, you may not speak with any of the witnesses about what
16 you have heard in the courtroom.

17 Ma'am, you may also step down and take a break and you may
18 not discuss your testimony with anyone because you are still
19 under cross-examination. And then when we are finished with the
20 break, if you will return back to the witness chair, okay?

21 THE WITNESS: Okay.

22 THE COURT: All right. We will be in recess.

23 (Whereupon, a recess was taken.)

24 THE COURT: We are back on the record on 21-CF-396, People

1 versus Drew Clinton. Mr. Clinton is present in the courtroom
2 along with his attorney, Mr. Drew Schnack. People are
3 represented by Assistant State's Attorney, Anita Rodriguez.

4 We are ready to continue the cross-examination. The witness
5 has returned to the witness chair.

6 And, ma'am, you realize you're still under oath?

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay. Mr. Schnack, you may continue.

9 MR. SCHNACK: Judge, I just talked with Ms. Rodriguez and we
10 have marked the joint -- as a Joint Exhibit No. 1, the CASA
11 interview. I have agreed and I believe she's agreed we could
12 play that without having Jessica Bolton here and have the -- then
13 we'll go from there.

14 THE COURT: All right. Ms. Rodriguez, is that correct? You
15 both stipulated to the foundation for that interview?

16 MRS. RODRIGUEZ: That's correct, Your Honor. Joint Exhibit
17 1 is the CAC interview from 6/2/21.

18 THE COURT: Okay. And you may play that then.

19 MRS. RODRIGUEZ: Can you see the screen?

20 THE WITNESS: Yes.

21 THE COURT: All right.

22 MR. SCHNACK: Can you see the screen all right from where
23 you are at?

24 THE WITNESS: Yes.

1 THE COURT: All right. Before we start to play that,
2 though, I'm assuming there is voice recording on that. Do you
3 need the court reporter to take down what is said or are you fine
4 with just the voice from the exhibit?

5 MR. SCHNACK: I'm fine with the voice from the exhibit. She
6 doesn't need to take it.

7 THE COURT: Ms. Rodriguez?

8 MRS. RODRIGUEZ: I agree.

9 THE COURT: All right. You may go ahead and play it.

10 (Whereupon, Joint Exhibit No. 1 was
11 played in open court.)

12 MR. SCHNACK: Judge, we will also agree that

13 Ms. Rodriguez --

14 (Whereupon, Joint Exhibit No. 1 was
15 played in open court.)

16 THE COURT: All right. We have finished playing the video,
17 and we are back on the record.

18 And, Mr. Schnack, you are still on cross-examination.

19 BY MR. SCHNACK:

20 Q. C., you had an opportunity to hear and see the video
21 that we just played; is that correct?

22 A. Yes.

23 Q. And it -- is it accurate and correct as far as what
24 you saw there?

1 A. Yes.

2 Q. And it hasn't been altered or changed?

3 A. Correct.

4 Q. That's correct?

5 A couple of things. In there, you said you're not in any
6 trouble or anything but your parents gave you a LifeLock 360, the
7 Life360 or whatever it is called. That's just an app that lets
8 your dad or mom or people know where you're at on your phone; is
9 that correct?

10 A. Yes.

11 Q. You didn't have that before, did you?

12 A. Correct.

13 Q. And can I assume that if your father would have found
14 out that you went to a party and that you went swimming in your
15 underpants and bra and that you drank, purchased liquor, and then
16 you drank and got drunk --

17 MRS. RODRIGUEZ: Your Honor, this question calls for
18 speculation.

19 THE COURT: You wish to be heard, Mr. Schnack?

20 MR. SCHNACK: We're not asking for speculation. We're
21 asking for --

22 MRS. RODRIGUEZ: He's asking what her father would have
23 done.

24 THE COURT: That would be speculation so that will be

1 sustained.

2 BY MR. SCHNACK:

3 Q. You said you're not in trouble on the tape. You
4 heard that; correct?

5 A. Yes.

6 Q. When you say that, I think you're referring to being
7 in trouble with your dad; is that correct?

8 A. Yes.

9 Q. If he -- did you have rules that your father set for
10 you?

11 A. Yeah.

12 Q. And I assume one of those rules you weren't supposed
13 to drink?

14 A. Yeah.

15 Q. Alcoholic beverages; correct?

16 A. Correct.

17 Q. You broke that rule, didn't you?

18 A. Correct.

19 Q. You weren't supposed to go swimming in your
20 underpants and bra in front of other people. Is that also
21 another rule or is that correct?

22 A. Yeah.

23 Q. You broke that, didn't you?

24 A. Yeah.

1 Q. You're not supposed to stay out all night; is that
2 correct?

3 A. Correct.

4 Q. Did you have a curfew then?

5 A. Yeah. It was 12:00.

6 Q. So you were supposed to be home by midnight?

7 A. But I was staying at a friend's house that night.

8 Q. So is that what you told your dad?

9 A. Yes. That's what I was going to do.

10 Q. Okay. But you didn't stay at a friend's house that
11 night, did you?

12 A. No.

13 Q. Did you tell him you were going to a drinking party?

14 A. No.

15 Q. So you broke a couple more rules, didn't you?

16 A. Yeah.

17 Q. And after all this happened, you didn't call your
18 dad. Is that because you didn't want to get in trouble for
19 breaking all of those rules?

20 A. Correct.

21 Q. And you spent the night in the camper rather than
22 going into your dad's home. Is that because you -- of the
23 condition you were in, the drinking and the vomiting and not
24 wanting to get in trouble with your dad because you broke his

1 rules?

2 A. Yeah.

3 Q. Now, earlier today, you told us this was on a
4 Saturday night or Sunday. On the tape, I think you said it was
5 on a Sunday night to Monday. Did I understand you correctly?

6 A. Yeah.

7 Q. So you got that wrong, too, didn't you?

8 A. Well, that was four months ago. I don't exactly
9 remember in detail everything.

10 Q. All right. But what you told us earlier today was
11 wrong, wasn't it?

12 A. Yes.

13 Q. You also told us earlier today while you were under
14 oath that you had been in [REDACTED] house on other occasions. Do
15 you remember saying that?

16 A. Yes.

17 Q. Now on the tape two days later, you told them that
18 you hadn't been in [REDACTED] house before that night.

19 A. I said I didn't think I have been but I definitely
20 have been.

21 Q. Okay. So when you told her you didn't think you had
22 been there, that was wrong?

23 A. I -- yes.

24 Q. And how many times had you been in [REDACTED] house

1 before that night?

2 A. Just once.

3 Q. I see. Now today you said after you told Drew to
4 stop, he jumped up and pulled up his pants and got in the game
5 chair. Remember that?

6 A. Yes.

7 Q. On the tape, you just said he just jumped right up
8 and got in the game chair. You left something out there, didn't
9 you today?

10 A. Which part?

11 Q. You never told us on the tape that he pulled up his
12 pants.

13 A. Well, he did.

14 Q. Now you heard on the tape where -- and I wrote it
15 down -- she was saying it's okay. It's your testimony today that
16 you were not okay with that; is that correct?

17 A. Can you repeat the question?

18 Q. On the tape, [REDACTED] made the statement or she was
19 saying it's okay.

20 A. Well, [REDACTED] had told me that Drew said what he said
21 that --

22 Q. Was okay?

23 A. That I was saying it was okay but I really can't say
24 that because I didn't hear it straight from Drew.

1 Q. Okay. Now on the tape and I keep calling it the
2 tape, the DVD, you said he woke up and he was inside of you or on
3 top of you or words to that effect; is that correct?

4 A. That I woke up to it?

5 Q. Yeah.

6 A. Yes.

7 Q. And then you said you pushed him away and five
8 minutes later or a couple seconds later or a couple minutes
9 later, it started again. You said that, didn't you?

10 A. Yeah. I don't remember how long it was after.

11 Q. So it could have been five minutes. It could have
12 been a couple seconds. It could have been minutes. You don't
13 remember. Is that fair?

14 A. It was definitely a couple minutes.

15 Q. As opposed to five minutes or a couple of seconds?

16 A. Yes.

17 Q. Now it has been four months. You heard what you said
18 on the tape. Is that wrong?

19 A. That's correct.

20 Q. It's correct or it is wrong?

21 A. Can you repeat the question?

22 Q. It has been four months. You have told me that
23 several times.

24 A. Yes, it has been four months.

1 Q. On the tape, you clearly say five minutes, a couple
2 seconds, or minutes. Is what you said on the tape on June 2nd
3 wrong?

4 A. Yes.

5 Q. The -- I'm just going to try and clear this up. This
6 -- your -- the top that you wore to the party stayed at the party
7 and then you came home and at least you woke up in your bra and a
8 hoodie; is that correct?

9 A. Yes.

10 Q. And your arms were in the hoodie but it was like
11 behind your neck. Is that fair?

12 A. Yes.

13 Q. But your bra hadn't been touched?

14 A. Yeah.

15 Q. And you don't know how you got that hoodie on. Is
16 that fair?

17 A. Yes.

18 Q. This is another one of those questions I don't like
19 asking but I have to. Was there any oral contact between Drew
20 Clinton and your vagina?

21 A. No.

22 Q. Do you remember doing an interview with a Brandy
23 Tallman?

24 A. No.

1 Q. She's the sexual assault nurse -- does that help you
2 any -- at the hospital?

3 A. No.

4 Q. Okay. Let me do it this way. You don't even
5 remember talking to her?

6 A. I do not.

7 Q. Do you remember being at the hospital?

8 A. I do.

9 Q. But you don't remember what information you gave her?

10 A. No.

11 Q. All right. So just so I'm clear, there was no
12 contact between Drew Clinton's mouth, oral contact, and your
13 vagina. Is that your testimony here this morning?

14 A. Not that I know of.

15 Q. All right. And you haven't ever told anybody that
16 there was. Is that fair?

17 A. Yes.

18 Q. And you don't remember what you told Brandy Tallman?

19 A. No.

20 Q. Do you -- you don't remember the interview with her
21 or you don't remember the contents of the interview with her?

22 A. I don't.

23 Q. You don't remember the contents?

24 A. I don't remember the interview at all.

1 Q. You don't even remember talking to her?

2 A. No.

3 Q. And that's the sexual assault nurse or the lady at
4 the hospital?

5 A. Yes. I don't know.

6 Q. Do you know who you talked to at the hospital?

7 A. I don't remember talking to anyone. I remember
8 talking to the detective and I talked to the lady who was doing
9 the rape kit on me a little bit.

10 Q. Okay. That's -- that's -- you remember talking to
11 the lady who did the rape kit. Is that fair?

12 A. Yes. I don't know what we talked about, though.

13 Q. You don't know what you talked about. That's what
14 you're telling me today?

15 A. Yes.

16 MR. SCHNACK: All right. If I could have just a moment,
17 Judge?

18 THE COURT: You may.

19 BY MR. SCHNACK:

20 Q. On the tape that we just saw, you showed the lady on
21 your leg where your underpants and sweatpants were to. Do you
22 remember doing that on the tape?

23 A. Yes.

24 Q. That's accurate; correct? The tape is accurate what

1 you showed her?

2 A. I cannot tell you if that's right or not. I don't
3 know.

4 Q. Because of the passage of time?

5 A. Yeah. It's been a long time. I don't remember.

6 Q. You showed her that on June 2nd. It's that you
7 remembered then but you don't remember now; is that correct?

8 A. I don't know how to answer that. Can you --

9 Q. After the police took your clothes and I think you
10 told us on the tape -- the police took your clothes from that
11 night; correct?

12 A. Yes.

13 Q. You don't know what they did with them, do you?

14 A. They --

15 Q. Let me -- that was a bad question. This is my fault.

16 A. Okay.

17 Q. From your only personal knowledge, not what somebody
18 has told you because we heard that but from your own personal
19 knowledge, you don't know what the police did with them whether
20 they went to the police station or they went to a lab, you don't
21 have any personal knowledge of that. Is that fair?

22 A. Yes.

23 MR. SCHNACK: Thank you. I'm done. Thank you.

24 THE COURT: All right. Redirect, Ms. Rodriguez.

1 MRS. RODRIGUEZ: Just briefly.

2 REDIRECT EXAMINATION

3 BY MRS. RODRIGUEZ:

4 Q. C., is it fair to say that when you woke up, the
5 defendant's penis was already in your vagina?

6 A. Yes.

7 Q. And so you were asleep before that happened?

8 A. Yes.

9 Q. And would it be fair to say you have no way of
10 knowing what, if anything, he did to you before you woke up?

11 A. Yeah.

12 MRS. RODRIGUEZ: Nothing further, Your Honor.

13 THE COURT: Anything further, Mr. Schnack?

14 MR. SCHNACK: No, Judge.

15 THE COURT: Okay. You may step down, ma'am.

16 THE WITNESS: Do I go back to where I was before?

17 THE COURT: Yeah. You want her back?

18 MRS. RODRIGUEZ: Yeah. She just needs to go back to the
19 office.

20 THE COURT: All right.

21 MR. SCHNACK: Can we ask her or admonish her, Judge?

22 THE COURT: Yes. Ma'am, you may not speak with your
23 testimony that you gave here today with anyone else, okay?

24 THE WITNESS: Yes, sir.

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

THE COURT: All right. Thank you, ma'am.

(Witness excused.)

(Further proceedings were had and taken but were not requested for transcription.)

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

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

I, Shannon M. Niekamp, an Official Court Reporter for the
Circuit Court of Adams County, Eighth Judicial Circuit of
Illinois, certify the foregoing to be a true and accurate
transcript of the testimony and proceedings.

Shannon M. Niekamp

OFFICIAL COURT REPORTER

Dated this 15th day
of January, 2022.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF)
ILLINOIS,)

Plaintiff,)

v.)

DREW CLINTON,)

Defendant.)

No. 21-CF-396

ORDER

On the court's motion, all transcripts prepared in this cause shall redact the names of all minors. The minor victim, as set forth in the charging document, may be referred to by initials.

There shall be no reporting or publishing of the minors' names without leave court. This prohibition applies to individuals and all print and digital media entities, agents and assigns.

A copy of this order shall be affixed to all originals and copies of the official transcripts/report of proceedings.

So ordered.

Entered: 1/15, 2022



Judge Scott D. Larson

cc: SAO
Def. counsel
Def.
Chief Judge

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

INDEX

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
Drew Clinton	4	65	85	86
C. V.	88	90		

EXHIBITS:	MARKED	RECEIVED
(Exhibits previously marked.)		
(None.)		

1 PROCEEDINGS

2 (The following is an excerpt only of
3 the testimony of Drew Clinton and
4 C. V.)

5 THE COURT: We are taking up 21-CF-396, People versus Drew
6 Clinton. Mr. Clinton appears in person and with counsel,
7 Mr. Drew Schnack. People appear by Assistant State's Attorney,
8 Anita Rodriguez.

9 We are in the defendant's case-in-chief. And, Mr. Schnack,
10 when we recessed yesterday, it was for your client to determine
11 whether or not he is going to testify. Has he made a
12 determination?

13 MR. SCHNACK: He is, Your Honor. He will be my next
14 witness.

15 THE COURT: Okay. So he is choosing to testify?

16 MR. SCHNACK: He is, Your Honor.

17 THE COURT: Okay. Then, Mr. Clinton, if you will step up to
18 the front of the courtroom, raise your right hand, and be sworn
19 by the clerk.

20 (Witness sworn.)

21 THE COURT: Okay. And if you will come around here and have
22 a seat right here in this chair and scoot up to the table to
23 where you are comfortable and then bend that microphone up a
24 little bit so it is in front of you.

1 And, Mr. Schnack, you may inquire.

2 MR. SCHNACK: Thank you.

3 DREW CLINTON

4 the defendant, called as a witness on his own behalf, being
5 first duly sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SCHNACK:

8 Q. You can take your mask off if that makes you more
9 comfortable.

10 Would you state your name, please?

11 A. I'm Drew Clinton.

12 Q. And, Drew, you're the defendant in this matter; is
13 that correct?

14 A. That's correct.

15 Q. Drew, how old are you?

16 A. I am 18.

17 Q. And what's your birth date?

18 A. May 18th, 2003.

19 Q. So you, on Memorial Day of this year, you would have
20 been just turned 18 by about two weeks; is that correct?

21 A. That is correct.

22 Q. And did you -- have you -- did you graduate from high
23 school?

24 A. Yes.

1 Q. And when did you graduate from high school?

2 A. In 2020.

3 Q. You actually graduated a year early; is that correct?

4 A. That is correct.

5 Q. And you have -- you live most of your life here in

6 Quincy; is that correct?

7 A. That is correct.

8 Q. Did you attend Quincy schools?

9 A. Yes.

10 Q. Quincy Public schools?

11 A. That's correct.

12 Q. And you made friends here in Quincy; is that correct?

13 A. That is correct.

14 Q. And then did you move out of Quincy at some point and

15 time?

16 A. Yes.

17 Q. When did you move?

18 A. After my sophomore year.

19 Q. So sophomore year, tenth grade, you and your family

20 moved; is that correct?

21 A. That's correct.

22 Q. And where did you move to?

23 A. I moved to Michigan. Taylor, Michigan.

24 Q. And who did you live with there?

1 A. My grandparents.

2 Q. And you graduated from the high school in Taylor,
3 Michigan; is that correct?

4 A. That is correct.

5 Q. Now, for the record, Taylor is close to Detroit; is
6 that correct?

7 A. That's correct.

8 Q. It's about six or seven hundred miles from here; is
9 that correct?

10 A. That's correct.

11 Q. And when I say here, I mean Quincy.

12 A. Yes.

13 Q. Just relax. I know you are scared, okay?

14 Did you maintain friendships with people here in Quincy
15 after you moved to Michigan?

16 A. Yes.

17 Q. And did you do that through the Internet?

18 A. Yes.

19 Q. And you heard I think [REDACTED] [REDACTED] say he played video
20 games with you or video chatted with you several times a week;
21 is that fair?

22 A. Yes.

23 Q. Did you do that with other friends here in Quincy,
24 also?

1 A. Yes.

2 Q. So basically your life was here in Quincy; is that
3 correct?

4 A. That's correct.

5 Q. After you graduated from high school, did you -- in
6 Michigan, you would have only been 17 years old; is that correct?

7 A. That's correct.

8 Q. And did you try and obtain employment?

9 A. Yes, until I was 18.

10 Q. Okay. You kind of ran into a stumbling block with
11 that; is that correct?

12 A. That's correct.

13 Q. And did you have employment -- you had a plan for
14 employment; is that correct?

15 A. That's correct.

16 Q. You had to be 18?

17 A. Yes.

18 Q. What was the job you were pursuing?

19 A. FedEx.

20 Q. Had you actually been hired by them or were you
21 waiting to turn 18 which had just happened?

22 A. I was waiting until I turned 18.

23 Q. And you wanted to work for Federal Express; is that
24 correct?

1 A. That is correct.

2 Q. You weren't going to go in the service or go on to
3 junior college or any college. You were going to go straight
4 into employment; is that right?

5 A. That is right.

6 Q. All right. Now, for the record, how tall are you?

7 A. 5'10.

8 Q. And how much do you weigh?

9 A. 125 pounds.

10 Q. And is that approximately what you weighed back on
11 Memorial Day of this year?

12 A. That's correct.

13 Q. Have you ever been involved in any sports in, say, in
14 high school? Extra-curricular sports?

15 A. Yes but no.

16 Q. What do you mean by that?

17 A. Like I played football my freshman year and then
18 stopped.

19 Q. Weren't big enough?

20 A. Yeah.

21 Q. You were getting beat up?

22 A. Yeah, a little bit.

23 Q. That here in Quincy?

24 A. Yes.

1 Q. Now you had occasion to come down here to Quincy, is
2 that correct, over the Memorial Day weekend?

3 A. That is correct.

4 Q. And how did you get here?

5 A. By train.

6 Q. Took a train from I'm assuming the Detroit area to
7 Chicago?

8 A. Yes.

9 Q. And then you had to transfer trains in Chicago to
10 come down to Quincy; is that correct?

11 A. That is correct.

12 Q. Did you have a lot of money with you?

13 A. No.

14 Q. Approximately how much money do you think you brought
15 with you?

16 A. Like \$50.

17 Q. Did you have a hotel room or a place to stay when you
18 were here in Quincy?

19 A. Yes.

20 Q. Where were you staying?

21 A. Like at my friend's house like.

22 Q. Same friend or different friends?

23 A. Different friends.

24 Q. All right. And had that been prearranged through the

1 Internet you would stay with them for a while and then move on to
2 the next house?

3 A. Yes.

4 Q. And is that what you were doing?

5 A. That's correct.

6 Q. Now, had you ever stayed at [REDACTED] over the Memorial
7 Day weekend when you were down here that period of time, had you
8 ever stayed -- did you spend any nights at [REDACTED] house?

9 A. Yes.

10 Q. Other than the night of the party, did you stay at
11 [REDACTED] house?

12 A. Yes.

13 Q. What night was that?

14 A. Saturday and Friday night.

15 Q. Okay. And I assume you slept down in the basement;
16 is that correct?

17 A. That's correct.

18 Q. All right. You knew his parents or you were
19 acquainted with them; is that correct?

20 A. That's correct.

21 Q. All right. Now, do you remember how long you were
22 here in Quincy on the Memorial Day weekend?

23 A. About a week.

24 Q. All right. And you -- I think we've heard or you

1 were planning to go back to the -- to your grandparent's house
2 when?

3 A. Monday or like that Tuesday after.

4 Q. Go ahead. Monday is Memorial Day. Either Monday or
5 Tuesday; is that correct?

6 A. That is correct.

7 Q. And were you going to take the train back?

8 A. Yes.

9 Q. All right. As far as relatives here in the Quincy
10 area, do you have some close relatives here in the Quincy area?

11 A. Yes.

12 Q. And who would that be?

13 A. My aunt and uncle.

14 Q. And they live here in Quincy on Gayla Drive?

15 A. That's correct.

16 Q. And that's who you are staying with or you have been
17 staying with since you posted bond; is that correct?

18 A. That is correct.

19 Q. Your mother and father don't live in Quincy area or
20 do they?

21 A. They do not.

22 Q. Do you have any older brothers or sisters in the
23 Quincy area?

24 A. No.

1 Q. Have you ever had a lawyer?

2 A. No.

3 Q. Have you ever been in trouble with the law?

4 A. No.

5 Q. Is this -- was this your first experience with police
6 officers and the law?

7 A. Yes.

8 MRS. RODRIGUEZ: Your Honor, my only objection to that is
9 the Court should not consider that in its decision.

10 THE COURT: Okay. The Court will take that as an objection.
11 And you may proceed, Mr. Schnack.

12 MR. SCHNACK: Thank you.

13 BY MR. SCHNACK:

14 Q. You were here or while you were here, you were going
15 to play in the Gus Macker; correct?

16 A. Correct.

17 Q. Now, we are making a record. That is what that young
18 lady in front of you is doing right here so although I believe
19 most of us know what the Gus Macker is, what is the Gus Macker?

20 A. It's a three v. three basketball tournament.

21 Q. And it is done around the park on the streets of
22 Quincy; is that correct?

23 A. That is correct.

24 Q. Had you played in that before?

1 A. Yes.

2 Q. And did you play with the same group of guys?

3 A. Yes.

4 Q. So did you come down here, among other things, to

5 play in the Gus Macker?

6 A. Yes.

7 Q. See your friends?

8 A. Yes.

9 Q. All right. And the Gus Macker, I think if memory

10 serves right, you check in on Friday and start your games on

11 Saturday? Is that what you did?

12 A. Yes.

13 Q. How did you guys do on Saturday?

14 A. Terrible.

15 Q. Did you win any games?

16 A. No.

17 Q. So you lost. You played two games and lost them

18 both?

19 A. That's correct.

20 Q. All right. Do you remember what time those games

21 were?

22 A. One was at 9:30 and the other one was at 12:30.

23 Q. And you -- there were four guys on your team, you and

24 three other guys?

1 A. That's correct.

2 Q. All right. So after you lose your first two games,
3 then you go into another division of the tournament; is that
4 right?

5 A. That is right.

6 Q. What is that called?

7 A. The toilet bowl.

8 Q. And are those games played on Sunday?

9 A. Yes.

10 Q. So your team graduated to the toilet bowl; right?

11 A. That's right.

12 Q. On Saturday night, you spent Saturday night at
13 [REDACTED] house as best you recall?

14 A. Yes.

15 MRS. RODRIGUEZ: Your Honor, I'm -- I have not objected to
16 all the leading questions through the preliminary matters but now
17 that we are getting into the substance, I would object to
18 continued leading questions.

19 MR. SCHNACK: That's fair.

20 THE COURT: All right. Mr. Schnack, rephrase your
21 questions.

22 BY MR. SCHNACK:

23 Q. Where did you spend Friday night or Saturday night
24 after the first two games?

1 A. At [REDACTED] house.

2 Q. All right. Did you go to any parties on either
3 Friday or Saturday night? What I will call graduation parties or
4 high school parties or however you want to characterize it.

5 A. Yes.

6 Q. Where did you go?

7 A. [REDACTED] had a graduation party at his house Friday night
8 and there was a party in Ursa or something like that Saturday
9 night.

10 Q. And did you go to that?

11 A. Yes.

12 Q. And did you go to bed on Saturday night at some time?

13 A. Yes.

14 Q. What time do you think you went to bed on Saturday
15 night?

16 A. Around 1:00.

17 Q. All right. That's 1:00 in the morning on actually
18 Sunday morning?

19 A. Yes.

20 Q. And then did you wake up? You obviously woke up on
21 Sunday morning; is that correct?

22 A. That is correct.

23 Q. Do you remember what time you woke up?

24 A. Around 10:30.

1 Q. And did you have the toilet bowl games on Sunday?

2 A. Yes.

3 Q. What, if you recall, what time were those -- that
4 game or those games?

5 A. That game was on -- the game was 11:30 is when it
6 started.

7 Q. And you guys won that game?

8 A. Yes.

9 Q. And as the result of that, did you play any more
10 games in the Gus Macker?

11 A. No.

12 Q. That was it?

13 A. That's correct.

14 Q. So you were done with the Gus Macker by what time on
15 Sunday?

16 A. 12:00.

17 Q. Then after you finished the Gus Macker, do you
18 remember what you did specifically?

19 A. I stayed at Gus Macker until 2:00 o'clock. And then
20 after that, I went to Darrell Kelley's grave.

21 Q. Who is Darrell Kelley?

22 A. The guy that got shot by Roger Parker.

23 Q. Is he a friend of yours?

24 A. Yes.

1 Q. Who went with you, if anybody, to that grave?
2 A. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] (phonetic).
3 Q. And how long were you at Darrell Kelley's grave?
4 A. For 30 minutes or 20 minutes.
5 Q. All right. Paid your respects?
6 A. That's correct.
7 Q. And you recall where you went then?
8 A. To [REDACTED] graduation party.
9 Q. Now, who is [REDACTED]?
10 A. [REDACTED] [REDACTED] (phonetic).
11 Q. Is he a friend of yours?
12 A. Yes.
13 Q. This is on Sunday night; is that correct?
14 A. That is correct.
15 Q. Is this the night you also went to [REDACTED] [REDACTED] home?
16 A. Yes.
17 Q. All right. When you -- do you remember what time you
18 went to [REDACTED] party?
19 A. Around 3:00.
20 Q. In the afternoon?
21 A. Yes.
22 Q. And was this a party with just teenagers or was it a
23 party with adults?
24 A. Party with adults.

1 Q. All right. So it was a -- characterize it. What was
2 it? What type of party?

3 A. A family graduation party.

4 Q. All right. Did you have anything of alcoholic nature
5 to drink there?

6 A. No.

7 Q. Did you have anything to eat there?

8 A. Yes.

9 Q. What did you eat, if you recall?

10 A. Chips and sandwiches.

11 Q. And do you remember how long you stayed at that
12 party?

13 A. For an hour.

14 Q. And after that party, where did you go next, if you
15 recall?

16 A. [REDACTED] graduation party.

17 Q. And where was that at?

18 A. At a park by Hollister-Whitney.

19 Q. And was -- what type of party was this? Was this a
20 teenage party or family-type party?

21 A. Family party.

22 Q. And did you have anything of an alcoholic nature to
23 drink there?

24 A. No, sir.

1 Q. These are all people you knew; is that correct?
2 A. That is correct.
3 Q. And how long approximately did you stay at that
4 party?
5 A. For an hour.
6 Q. And then where did you go?
7 A. I went to [REDACTED] [REDACTED] house to eat dinner.
8 Q. All right. And did you eat dinner at [REDACTED]?
9 A. Yes.
10 Q. Okay. Up until this time, had you had anything of an
11 alcoholic nature to drink?
12 A. No, sir.
13 Q. Do you -- did [REDACTED] mom and dad cook you dinner or
14 did you have to get your own or how did that work?
15 A. [REDACTED] mom and dad cooked us dinner.
16 Q. So you ate dinner with them?
17 A. That's correct.
18 Q. All right. Is that the last food you had to eat
19 until you had that Hardee's or McDonald's at the police station?
20 A. That is correct.
21 Q. And approximately what time would that have been?
22 A. Around 6:00 o'clock.
23 Q. After you ate dinner, what did you do? Did you stay
24 at [REDACTED] house for a while or what did you do?

1 A. After I ate dinner, my aunt and uncle came to pick me
2 up.

3 Q. And that's the one you just testified to?

4 A. Yes, sir.

5 Q. All right. And did they do that?

6 A. Yes.

7 Q. And where did you go next?

8 A. I went to their house to watch the Celtics and Nets
9 basketball game.

10 Q. And did you do that?

11 A. That's correct.

12 Q. How long do you think you stayed there?

13 A. For two hours.

14 Q. Is that -- just watch the whole game?

15 A. Yes.

16 Q. Then where did you go next?

17 A. [REDACTED] came to pick me up.

18 Q. And he did pick you up?

19 A. Yes.

20 Q. And where did you guys go?

21 A. We went to [REDACTED] graduation party.

22 Q. All right. And that's the party that we have been
23 talking about here for the last two days; is that correct?

24 A. That is correct.

1 Q. Now, up until the time you got there, had you had
2 anything of an alcoholic nature to drink?

3 A. No.

4 Q. When you got to the party, how did -- [REDACTED] picked you
5 up. Who else was in the vehicle, if anybody?

6 A. Repeat the question.

7 Q. Who was in the car with you and [REDACTED], if anybody?

8 A. It was just me and [REDACTED].

9 Q. All right. And you went to the party. And when you
10 got to the party, what did you do?

11 A. I started drinking.

12 Q. All right. Did you have a drink there?

13 A. Yes.

14 Q. Who gave you your first drink, if you know?

15 A. I don't know.

16 Q. All right. What did -- you've been asked on the tape
17 and you heard your answer. Do you remember what you had to drink
18 at the party?

19 A. Yes.

20 Q. Tell the Court what did you have to drink the entire
21 time you were at the party?

22 A. I had one -- I had two shots of Captain Morgan.

23 Q. Captain Morgan is a rum-type drink?

24 A. Yes, sir. And then two shots of those 99 things.

1 Q. All right. Where did you get those?

2 A. From C. V.

3 Q. That's the young lady who was first testifying here

4 today, is that correct, or two days ago?

5 A. That's correct.

6 Q. She gave you those. What else did you have to drink?

7 A. And then one Truly like -- like -- like just drink.

8 It was just like beer but like flavored.

9 Q. Okay. Flavored beer?

10 A. Something like that, yeah.

11 Q. Called Truly?

12 A. Yeah.

13 Q. All right. And did you have anything else to drink

14 that entire night of an alcoholic nature?

15 A. No, sir.

16 Q. Did you eat anything at that party?

17 A. No, sir.

18 Q. Did you go swimming at that party?

19 A. No, sir.

20 Q. Now, prior to this party, did you know C. V.?

21 A. No, sir.

22 Q. This is the first time you met her?

23 A. Yes.

24 Q. There's been at least some testimony that you were

1 trying to get on one of the two [REDACTED]. Did you ever say
2 anything like that?

3 A. No.

4 Q. Aside from C. V., there was a [REDACTED] [REDACTED] there; is
5 that correct?

6 A. That is correct.

7 Q. Had you ever met her before this evening?

8 A. No.

9 Q. Okay. When you were at the party, first off, you
10 don't know what time you got there, do you?

11 A. I do not.

12 Q. And do you know what time you left there?

13 A. I do not.

14 Q. Did you -- you weren't in swimming; is that correct?

15 A. That's correct.

16 Q. Were you back by the pool?

17 A. No.

18 Q. Where were you?

19 A. I was inside the house.

20 Q. And tell us about the party. Were there people in
21 the house? Were there, you know, how were the people dispersed?
22 How were they?

23 A. Everybody was everywhere. Like people were inside
24 the house, people were outside next to the pool, and people were

1 in the pool.

2 Q. All right. And you were -- you said you spent most
3 of your time inside; is that correct?

4 A. That is correct.

5 Q. Were there adults there?

6 A. Yes.

7 Q. Did you know any of the adults? Had you been
8 introduced to any of the adults?

9 A. No, not really.

10 Q. Who did you -- how many adults were there, if you
11 could recall?

12 A. Two, but I mean there was like older people.

13 Q. All right. Now I'm going to -- you're going to make
14 us all feel bad. When you say older people, there was some 24,
15 25-year-olds there; is that correct?

16 A. That's correct.

17 Q. That would be sisters of [REDACTED]?

18 A. Yes.

19 Q. And how many of those older people were there?

20 A. I think three.

21 Q. All right. And then [REDACTED] parents?

22 A. That's correct.

23 Q. Were there any other adults?

24 A. No.

1 Q. All right. And did you spend any significant amount
2 of time with C. V. or [REDACTED] -- well, with C. V. at that party?

3 A. No.

4 Q. Did you spend any significant amount of time with
5 [REDACTED] [REDACTED] at that party?

6 A. No.

7 Q. You saw [REDACTED] who just testified. You saw her come
8 in and testify here a couple days ago. Do you remember that?

9 A. Yes, I do.

10 Q. Did you spend any time with her?

11 A. No.

12 Q. As -- who did you talk to, if you recall?

13 A. To -- repeat the --

14 Q. At the party, did you spend your time with any one
15 small group of people or did you mingle? What did you do?

16 A. I was all over like all around talking to everyone.

17 Q. All right. And was it a good time?

18 A. It was amazing time.

19 Q. All right. Do you think you were intoxicated that
20 night?

21 A. Yes, sir, I was.

22 Q. And did you -- do you remember at some point in time
23 you got in a car with [REDACTED] and drove back to [REDACTED] house; is that
24 correct?

1 A. That is correct.

2 Q. Did you have anything to drink of an alcoholic nature
3 after you got in [REDACTED] car to drive back to the house?

4 A. No, sir.

5 Q. All right. Did anybody, as far as you -- that you
6 saw have anything to drink after you got in [REDACTED] car and drove
7 back to the house?

8 A. No, sir.

9 Q. When I say -- we'll talk about that more.
10 At some point in time, did you come outside and see the
11 people in the pool?

12 A. Yes.

13 Q. And they were swimming in various stages of -- most
14 of them didn't have swimming suits on; is that correct?

15 MRS. RODRIGUEZ: Your Honor, I would ask that he stop
16 leading the witness.

17 MR. SCHNACK: I'll rephrase.

18 THE COURT: All right.

19 BY MR. SCHNACK:

20 Q. What were they swimming in?

21 A. There was people that had swimming trunks and the
22 girls were like in their bra and underwear.

23 Q. And did you see C. V. there?

24 A. Yes.

1 Q. What did -- did anything draw your attention to her?
2 Was she doing anything that would -- that made you notice her?

3 A. Yes.

4 Q. What was that?

5 A. Her in her bra and underwear.

6 Q. And that drew your attention?

7 A. That's correct.

8 Q. Now, did you subsequently see her on the side of the
9 pool or up against the house?

10 A. Against the house, yes.

11 Q. All right. Did you ever see -- did you ever see her
12 laying on the side of the pool at all?

13 A. No, sir.

14 Q. You're not saying it didn't happen, are you?

15 A. No.

16 Q. You were in -- you just didn't see it?

17 A. I didn't see it.

18 Q. You were inside?

19 A. That's correct.

20 Q. Eventually you came outside again; is that right?

21 A. That is right.

22 Q. What did you notice about C. V.? Where was she at
23 this time when you came out and noticed her?

24 A. Against the wall.

1 Q. And the -- is this a -- what type of wall is this?

2 A. It's just -- it's connected to the house.

3 Q. So it is a house wall?

4 A. Yeah.

5 Q. And what was she doing?

6 A. She was throwing up.

7 Q. And were there people with her?

8 A. Yes.

9 Q. Tell us what you saw.

10 A. [REDACTED] [REDACTED] --

11 Q. First off, where were you? How far from this were
12 you, if you know?

13 A. I was like there was a sliding door to [REDACTED] house
14 so I was near there and she was against the wall like kind of
15 far.

16 Q. Okay. You know, from you to me?

17 A. Yeah. Like -- like -- like you to me.

18 Q. All right. You think that's about how far away you
19 were?

20 A. Yes.

21 Q. Was it lit up or were there pool lights or deck
22 lights or?

23 A. Yes.

24 Q. So there was plenty of lighting?

1 A. That's correct.

2 Q. What did you see? What did you see was going on with
3 C. V.?

4 A. She was throwing up and [REDACTED] [REDACTED] sisters were
5 taking care of her.

6 Q. When you say taking care of her, what were they
7 doing?

8 A. Making sure she was all right and throwing up in a
9 bucket.

10 Q. And is that what you saw?

11 A. That's correct.

12 Q. Eventually, [REDACTED] -- did [REDACTED] show up then and
13 come around then also?

14 A. Yes.

15 Q. Was he standing near you when this was going on?

16 A. Yes.

17 Q. Where was he? Was he next to you? Was he in the
18 pool?

19 A. Oh, yeah. He was next to me.

20 Q. All right. And then at some point in time, [REDACTED]
21 parents came out; is that correct?

22 A. That is correct.

23 Q. And you can't tell us what they said but you can tell
24 us what you observed. What did you observe about them? Were

1 they happy? Sad? Mad? What was their reaction to what they
2 were seeing?

3 A. They were mad.

4 Q. And were they by C. V. also?

5 A. That's correct.

6 Q. And as the result of them coming out and as a result
7 of what you saw, did you and -- was there a decision made to
8 leave?

9 A. Yes.

10 Q. What happened?

11 A. [REDACTED] wanted to take her home.

12 Q. When you say [REDACTED], that's your friend, [REDACTED] [REDACTED]?

13 A. Yes, that's correct.

14 Q. And did that happen?

15 A. Yes, it did.

16 Q. What happened?

17 A. He -- he picked her up and took her to the car.

18 Q. And did you go with him?

19 A. Yes.

20 Q. Did anybody else go with you?

21 A. Yes, [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

22 Q. All right. So there were five of you in the car?

23 A. Yes.

24 Q. [REDACTED], [REDACTED], C., [REDACTED]?

1 A. That's correct.

2 Q. And you. Was there any throwing up done in the car?

3 A. No.

4 Q. When you -- you left there, [REDACTED] drove; is that
5 correct?

6 A. That is correct.

7 Q. Was there any real conversation going on in the car
8 while you were driving?

9 A. Not really.

10 Q. And where did [REDACTED] drive to, if you know?

11 A. To the cutoff.

12 Q. All right. Now, you know Ridgewood Drive; is that
13 correct?

14 A. That is correct.

15 Q. That's where [REDACTED] lives on?

16 A. That's correct.

17 Q. Is that street -- it comes off of State and it goes
18 up a hill and down a hill; is that correct?

19 A. That's correct.

20 Q. Does [REDACTED] live on the first part of Ridgewood or
21 the back part of Ridgewood?

22 A. The back part.

23 Q. And that's actually down the hill; is that right?

24 A. That's correct.

1 Q. I think that has been shown in the pictures. You saw
2 those pictures?

3 A. That's correct.

4 Q. And are the pictures accurate?

5 A. Yes.

6 Q. Then if you go up the hill, is that where the cutoff
7 is?

8 A. Yes.

9 Q. And on the other side of the cutoff is a subdivision;
10 is that right?

11 A. That's correct.

12 Q. Do you know the name of that subdivision?

13 A. No.

14 Q. You have heard the word -- do you know where -- where
15 so when we say you were at the cutoff, were you on the Ridgebrook
16 side of the cutoff -- that's what I'm trying to do -- or were you
17 on the other side of the cutoff?

18 A. On the other side.

19 Q. All right. So you don't know the name of that road
20 or what that is, is that -- that subdivision; is that fair?

21 A. That is fair.

22 Q. But there is a place that you can walk through to get
23 from that subdivision down to [REDACTED] house; is that right?

24 A. That is right.

1 Q. And is that what you guys did?

2 A. That's correct.

3 Q. Who -- who drove the car?

4 A. [REDACTED] did.

5 Q. And where -- he stopped the car on the cutoff?

6 A. That's correct.

7 Q. All right. What happened next?

8 A. What happened next is [REDACTED] asked C. if she wanted to

9 go inside and she said no.

10 Q. All right. Go ahead.

11 A. And after that, I went outside the car and [REDACTED] was

12 outside the car.

13 Q. Who?

14 A. [REDACTED], [REDACTED] [REDACTED] and C. --

15 Q. You have to say [REDACTED] [REDACTED] or C. V.

16 A. All right. [REDACTED] [REDACTED] and C. V. and me were outside

17 the car and [REDACTED] was inside the car crying.

18 Q. [REDACTED] was?

19 A. Yes.

20 Q. Why was [REDACTED] crying?

21 A. He never told me.

22 Q. All right. You've heard in the trial that his dog

23 had passed away; is that correct?

24 A. That is correct.

1 Q. So then what happened?

2 A. After that, he got outside the car and then he asked

3 C. if she wanted to go inside again.

4 Q. And what happened?

5 A. And she said no.

6 Q. All right. And did you guys stick around outside and

7 wait a while more?

8 A. Yes.

9 Q. Do you have any idea how long the four of you waited

10 outside the car for either [REDACTED] to compose himself or for C. V. to

11 say she wanted to go inside?

12 A. Yes.

13 Q. Approximately how long were you guys outside that

14 car?

15 A. 30 minutes.

16 Q. So it was a fair amount of time; is that correct?

17 A. That is correct.

18 Q. Was C. V. throwing up during that period of time?

19 A. No.

20 Q. Was she doing anything?

21 A. No. She was just hanging out. Didn't feel good.

22 Q. Was she talking?

23 A. Yes.

24 Q. To anybody in particular?

1 A. No.

2 Q. Basically did she say she didn't want -- she didn't
3 want to go inside?

4 A. That's correct.

5 Q. Did she tell anybody why she didn't want to go
6 inside?

7 A. No.

8 Q. Eventually after you said about a half an hour, you
9 guys ended up inside; is that correct?

10 A. That is correct.

11 Q. How did you go inside? How did you get from the
12 cutoff down to [REDACTED] house?

13 A. Rephrase. Repeat the question.

14 Q. How did you get from the car at the cutoff down to
15 [REDACTED] house?

16 A. By walking.

17 Q. And did C. V. walk or did [REDACTED] carry her, if you
18 know?

19 A. [REDACTED] carried her.

20 Q. All right. Do you have any independent -- well,
21 strike that. So you walk down. How did you guys get into
22 [REDACTED] house? What door did you go through?

23 A. The side door.

24 Q. And you have seen the pictures of that; is that

1 correct?

2 A. That is correct.

3 Q. And that side door that comes in from the garage;
4 right?

5 A. Yes.

6 Q. Or does it? I don't know.

7 A. Well, no. No. There's a side door outside the
8 garage. That's the one we went through.

9 Q. All right. And you guys eventually ended up in the
10 basement; is that correct?

11 A. That is correct.

12 Q. Now, where in the basement -- you've seen the
13 pictures of the basement here in court; is that correct?

14 A. That is correct.

15 Q. And you have been in that house; is that correct?

16 A. That is correct.

17 Q. Are those pictures -- they are accurate? They
18 portray the layout of that basement; is that right?

19 A. That is right.

20 Q. And is that pretty much how it was when you guys
21 walked in the door that evening as you recall?

22 A. Yes.

23 Q. Now, what happened after you got inside the basement?

24 A. We went to the game room.

1 Q. And the game room is what -- is that where the ping
2 pong table is and that rather -- the sectional?

3 A. Yes. It is on the left when you go right down the
4 stairs, the game room is on the left.

5 Q. All right. And what did you do when you were -- did
6 all five of you go down there?

7 A. Yes.

8 Q. All right. What happened next when you were
9 downstairs?

10 A. [REDACTED] put C. V. on the couch and I was there and [REDACTED]
11 was there.

12 Q. All right. And she was awake at that time; is that
13 correct?

14 A. That is correct.

15 Q. And you and was [REDACTED] talking to her?

16 A. Yes.

17 Q. And were you listening?

18 A. Yes.

19 Q. Did you say anything to her?

20 A. No.

21 Q. Okay. You guys had been given some directions about
22 how to take care of her; is that correct?

23 A. That is correct.

24 Q. And did you -- those directions were given to you by

1 whom? You didn't know the person's name, did you?

2 A. No.

3 Q. But tell us where you got those directions.

4 A. From someone that was -- worked at the hospital or
5 something like [REDACTED] sister I think or something like that.

6 Q. All right. What directions did you follow? What did
7 you do or what did [REDACTED] do?

8 MRS. RODRIGUEZ: Objection. Objection to the hearsay, Your
9 Honor.

10 THE COURT: Court's going to overrule that objection. He
11 can say what they did.

12 BY MR. SCHNACK:

13 Q. What did you do?

14 A. [REDACTED] put her on her side on the love seat, love couch.

15 Q. And did [REDACTED] get a -- did he do anything else?

16 A. And he grabbed a trash can.

17 Q. And where did he put the trash can?

18 A. Next to the love seat on the right side.

19 Q. Now you have seen the pictures. There is kind of a
20 dark green or dark black or black tall trash can. Is that what
21 you're talking about?

22 A. That's correct.

23 Q. Did -- while you were there, did C. throw up -- C. V.
24 throw up in that trash can?

1 A. No, sir.

2 Q. You said she was awake. Was she talking at that
3 time?

4 A. Yes.

5 Q. What type of things was she talking about? What was
6 she saying?

7 A. How much she didn't feel good and -- repeat.

8 Q. What was C. V. saying? You said how much she didn't
9 feel good. How was she expressing that? What was she saying?

10 A. Like her stomach was hurting for some reason after
11 throwing up like at the party so she didn't throw up anymore. I
12 asked her if she wanted some water but.

13 Q. Did she want water?

14 A. No.

15 Q. All right. So after she was laid down and was laying
16 on the couch, did you stay with her the rest of that evening?

17 A. That is correct.

18 Q. Did you ever leave her?

19 A. No.

20 Q. Did -- there was a blanket at some point in time.

21 Did [REDACTED] -- did [REDACTED] give you a blanket?

22 A. Yes, that's correct.

23 Q. Did [REDACTED] give you one of his hoodies or shirts for
24 her or how did that occur?

1 A. Actually, before we went to the party, he gave me
2 that hoodie shirt and I put it on her at the cutoff.

3 Q. Uh-huh.

4 A. And that's how it got on her.

5 Q. All right. Did you get it pulled over her head
6 completely?

7 A. No.

8 Q. All right. So that's how -- that's finally we know
9 how the hoodie got on her; is that right?

10 A. That's correct.

11 Q. And [REDACTED] you said gave you a blanket and he set up
12 the trash can?

13 A. That's correct.

14 Q. Did you put the blanket on her right away or not?

15 A. No.

16 Q. And did [REDACTED] or [REDACTED] or [REDACTED] or anybody stay in
17 that room with you?

18 A. No.

19 Q. Now, I think it was [REDACTED] but one of the girls came
20 into court and testified that they said something to you about
21 not trying anything with her and you told them you would never do
22 that. Did that conversation ever happen?

23 A. No.

24 Q. As far as the other kids are concerned, did they --

1 you saw them at the party; is that correct?

2 A. That is correct.

3 Q. All right. After you got to [REDACTED] house and you
4 got C. down, was on the love seat, who stayed in that room?

5 A. Just me and her.

6 Q. Did [REDACTED] [REDACTED] stay in that room to help her friend?

7 A. No.

8 Q. Did [REDACTED] stay there to help a friend?

9 A. No.

10 Q. Did [REDACTED] stay there to help her friend?

11 A. No.

12 Q. You heard [REDACTED] say that he and [REDACTED] went to bed and
13 that [REDACTED] [REDACTED] slept on the floor. Do you have any personal
14 knowledge of that?

15 A. No.

16 Q. So you don't know what was going on in that room; is
17 that fair?

18 A. That is fair.

19 Q. Did they ever come into the room you were at -- in?

20 A. No.

21 Q. You heard me ask them is there any way that they
22 would have seen or heard what went on in the room that you and C.
23 V. were in?

24 A. That's correct.

1 Q. They couldn't have, could they?
2 A. They couldn't.
3 Q. And they didn't?
4 A. And they didn't.
5 MRS. RODRIGUEZ: Your Honor, he can't testify to what others
6 saw.
7 MR. SCHNACK: I'll withdraw.
8 THE COURT: That will be sustained.
9 BY MR. SCHNACK:
10 Q. They did -- did anybody ever come into that room
11 during the time you were in there up until the end?
12 A. No.
13 Q. Now, as far as we heard you on the tape say you were
14 there two, three, or four hours. Is that accurate?
15 A. That is accurate.
16 Q. Why can't you give us a better explanation as to how
17 long you were there?
18 A. Because my phone was dead.
19 Q. All right. Was the room dark?
20 A. No.
21 Q. What was lighting it up?
22 A. LED lights.
23 Q. Pardon?
24 A. LED lights.

1 Q. What's that?

2 A. Like they're like changing color lights on, like, the
3 top of the -- the top of the room.

4 Q. All right. So it isn't like this room where we have
5 fluorescent lights and it's lit up very well. These are more
6 mood lighting. Is that a fair statement?

7 A. Yes.

8 Q. What were you wearing?

9 A. My red Champion shirt, gray shorts, white socks, and
10 red Vans.

11 Q. Same thing that you had on in the tape or the DVD we
12 saw?

13 A. That's correct.

14 Q. All right. During the period of time the two, three,
15 or four hours that you were in that room with C. V., did she ever
16 fall -- was she asleep?

17 A. No.

18 Q. Was she talking to you?

19 A. Yes.

20 Q. Did you -- you said on the tape you checked on her
21 every five minutes. Tell us about that.

22 A. Because she didn't feel good so I would check up. I
23 would ask her if she was okay every five minutes or sooner.

24 Q. And what would she say?

1 A. That she is fine.

2 Q. Did she say anything else to you?

3 A. No.

4 Q. Did she -- did you ever give her a blanket?

5 A. Yes.

6 Q. What did -- why did you give her a blanket?

7 A. Because she said she was freezing.

8 Q. She was free?

9 A. Freezing.

10 Q. And did you -- and as a result of that, did you give
11 her a blanket?

12 A. That is correct.

13 Q. Did -- you earlier you said something about water.
14 Did that happen earlier or when was that?

15 A. That was later on.

16 Q. Tell us about it.

17 A. So when she asked me for the blanket, when she was
18 freezing and I put the blanket on her, I asked her if she wanted
19 some water and she said no.

20 Q. Did you have more -- I mean, you said you checked on
21 her every five minutes or so. That went on for either an hour or
22 two or three or four or however long you were in that room; is
23 that fair?

24 A. That is fair.

1 Q. Did she always verbally respond and talk to you?

2 A. Yes.

3 Q. Is there any time that you were concerned that she
4 didn't understand you?

5 A. No.

6 Q. Did she ever mumble or stumble or ever have any -- a
7 hard time answering you?

8 A. No.

9 Q. Now, at some point in time, you were sitting on the
10 couch at the end of that love seat; is that correct?

11 A. That is correct.

12 Q. And did -- tell us, did you put her legs on your lap?

13 A. That is correct.

14 Q. Tell us why you did that.

15 A. Because she was like falling off the couch like her
16 feet were off the couch.

17 Q. All right. And did you have to do anything while you
18 were in that room with her to keep her on the couch?

19 A. Repeat the question.

20 Q. You said she was like falling off the couch.

21 Explain. Tell us about that.

22 A. She was just laying like on her side and she didn't
23 really have her -- like she really wasn't on the couch.

24 Q. All right. So did she fall off the couch?

1 A. No.

2 Q. Did you do anything with regard to that? With regard
3 to her falling or staying on the couch, did you -- you put a
4 blanket on her. Did you do anything with regard like that?

5 A. No. I -- no.

6 Q. All right. Did you ever get up and push her back on
7 the couch?

8 A. No. Well, repeat the question, please.

9 Q. Did you ever push her back onto the couch?

10 A. No.

11 Q. All right. So you're talking to her this whole time
12 but you are not having what you call long conversations; is that
13 correct?

14 A. That is correct.

15 Q. And she understood you?

16 A. Yes.

17 MRS. RODRIGUEZ: Objection. He can't testify to what
18 somebody else understood.

19 THE COURT: That will be sustained.

20 BY MR. SCHNACK:

21 Q. Did she ever do anything or say anything to indicate
22 to you she didn't understand you?

23 A. No.

24 Q. When you would ask her if she was all right, were her

1 -- were her responses appropriate?

2 A. Yes, sir.

3 Q. And you asked her if she wanted water, was her
4 response appropriate?

5 A. Yes, sir.

6 Q. When you asked her if she said she was freezing and
7 you put a blanket on her, were her responses appropriate?

8 A. That's correct.

9 Q. Now, at some point in time, you put her legs on your
10 lap and you've told us that; correct?

11 A. Correct.

12 Q. Why did you do that again?

13 A. Because she -- she wasn't like on her side really so
14 that's why I did that.

15 Q. All right. And did you eventually start rubbing her
16 legs?

17 A. Yes, that's correct.

18 Q. Tell us about it.

19 A. I was just rubbing on her thighs and making sure she
20 was okay.

21 Q. And that led to more, didn't it?

22 A. Yes.

23 Q. Tell us about it.

24 A. So I started rubbing on her thighs and asking --

1 Q. Did she have her pants up or down? She had on
2 sweatpants. We've heard that. Did she have her sweatpants --
3 were they up tight around her tummy or were they lower or where
4 was --

5 A. They were lower.

6 Q. All right. Did she have on underpants?

7 A. Yes.

8 Q. All right. Were you rubbing on -- when you were
9 rubbing on her leg, was her -- were her -- was that on above her
10 clothes or were her sweatpants off?

11 A. They were on.

12 Q. So you were rubbing on her leg and she had her
13 sweatpants up; is that correct?

14 A. That is correct.

15 Q. Did that lead to more things?

16 A. Yes, sir.

17 Q. Tell us about it. I know you don't want to do this
18 but the Judge needs to hear it so tell us about it.

19 A. So I started rubbing on her thighs and I asked her if
20 this was okay every time and she said yes and then she seemed --

21 Q. Slow down. You asked her if it was all right; is
22 that correct?

23 A. That is correct.

24 Q. Meaning what?

1 A. If this was fine me rubbing on her thighs.

2 Q. And what did she say?

3 A. That it was fine.

4 Q. Did she say specific words?

5 A. No, not really.

6 Q. Just yes, it is fine?

7 A. Yes, sir.

8 Q. Did you keep doing that?

9 A. Yes.

10 Q. At some point in time, did you take or did her
11 sweatpants come down a little bit?

12 A. Yes.

13 Q. Did you do that?

14 A. Yes.

15 Q. Did she help you?

16 A. Yes.

17 Q. How did she help you?

18 A. She pulled them down with me while I was doing it so
19 she was helping.

20 Q. All right. She's testified and we saw the tape where
21 she said her sweatpants were down to around what I'll say the
22 middle of her thigh between -- above her -- two or three or four
23 inches above her knee. You've seen that on the tape; is that
24 correct?

1 A. That is correct.

2 Q. Is that accurate?

3 A. Yes.

4 Q. Now, she had on underpants, also; is that correct?

5 A. That is correct.

6 Q. Did those get pulled down?

7 A. Yes.

8 Q. Who did that?

9 A. We both did.

10 Q. She was laying on her or sitting on her sweatpants
11 and underpants; is that correct?

12 A. That is correct.

13 Q. So you got those pulled down to mid-thigh; is that
14 correct?

15 A. That is correct.

16 Q. Did you then start rubbing her --

17 MRS. RODRIGUEZ: Your Honor.

18 Q. Tell us what happened.

19 A. So I started rubbing on her thigh and that's when I
20 was asking if this was fine and she said yes. And then I went
21 further up every time and she was saying it was fine. And so it
22 led to me sticking my finger inside of her.

23 Q. And you did push a finger inside of her; is that
24 correct?

1 A. That is correct.

2 Q. And then did she say anything else to you?

3 A. No. She just -- she enjoyed it.

4 Q. Well --

5 MRS. RODRIGUEZ: Objection, Your Honor.

6 MR. SCHNACK: You can't --

7 THE COURT: That will be sustained.

8 BY MR. SCHNACK:

9 Q. Did she tell you at some point in time to stop?

10 A. Yes.

11 Q. And what -- when she said stop, what did you do?

12 A. I stopped.

13 Q. Now, she testified that she said it twice and she

14 didn't believe you heard her say it the first time. That would

15 be correct; is that right? You only heard it once?

16 A. That's correct.

17 Q. And your reaction was to stop?

18 A. Yes.

19 Q. Then what did you do?

20 A. I stopped and then I got up and went to the gaming

21 chair.

22 Q. Did you ever have to pull up your pants or do -- or

23 did you ever have your pants down or off?

24 A. No, sir.

1 Q. Did you ever place your penis inside of her?

2 A. No, sir.

3 Q. Did you ever put your penis on her stomach?

4 A. No, sir.

5 Q. Did you at any time rape her?

6 A. No.

7 Q. Now, as far as while this was going on, did you have
8 an erection?

9 A. Yes.

10 Q. Did it stay in your pants?

11 A. Yes.

12 Q. Did you put your hand in your pants that night?

13 A. Yes.

14 MRS. RODRIGUEZ: Your Honor, I'm going to object to the
15 leading questions.

16 MR. SCHNACK: I'll rephrase it.

17 THE COURT: All right. Rephrase it.

18 BY MR. SCHNACK:

19 Q. I don't know how. There -- you've heard the
20 gentleman say there was DNA on the inside of some multi-colored
21 underpants. You heard him say that yesterday; is that correct?

22 A. That is correct.

23 Q. Are those your underpants, the multi-colored
24 underpants that he talked about that he swabbed the inside of?

1 A. That is correct.

2 Q. Did you have your hand in the inside of your
3 underpants?

4 A. Yes.

5 Q. How many times after this event occurred with C. V.
6 did you place your hand inside of your underpants that day?

7 A. Like that night?

8 Q. Well, let's start with that night.

9 A. Like.

10 Q. Did you do it while you were on the couch while you
11 were there?

12 A. Yes.

13 Q. Why did you put your hand in your pants?

14 A. To warm my hands up and then when I had -- is this
15 when she left?

16 Q. No. Before she left.

17 A. To fix my --

18 Q. You got to say it.

19 A. My penis.

20 Q. You had an erection?

21 A. Yes.

22 Q. What did you do?

23 A. I fixed it like I moved it over.

24 Q. All right. Then you went -- did you go to the

1 bathroom at [REDACTED] house?

2 A. Not that night.

3 Q. Earlier the next morning when the officer got there?

4 A. Yes, that's correct.

5 Q. I assume you used your hand to go to the bathroom?

6 A. Of course.

7 Q. I assume you touched your penis?

8 A. Of course.

9 Q. And I assume you touched the inside of your
10 underwear?

11 MRS. RODRIGUEZ: Your Honor, again, object to the leading.

12 Q. Did you touch the inside of your underwear when you
13 went to the bathroom to get your penis out?

14 A. That's correct.

15 Q. Did you use the same hand to get your penis out that
16 you had placed in C. V.?

17 A. That's correct.

18 Q. You're right-handed?

19 A. Yes.

20 Q. Did you go to the bathroom at the police station?

21 A. That is correct.

22 Q. Did you do -- tell us what happened going to the
23 bathroom at the police station.

24 A. The same thing that happened at [REDACTED] house.

1 Q. Well, did you put your hand in your underpants?

2 A. Yes.

3 Q. Now, after C. V. told you to stop, you said you got
4 up and played video games; is that correct?

5 A. That is correct.

6 Q. Did she stay on the love seat?

7 A. Yes.

8 Q. Did she fall asleep?

9 A. Yes.

10 Q. For how long?

11 A. Probably like 20 minutes.

12 Q. All right. Did she eventually get up and leave the
13 room?

14 A. That is correct.

15 Q. She told us that she got up like nothing happened and
16 said she had to pee and walked out of the room. Is that how you
17 remember it?

18 A. Repeat the question.

19 MRS. RODRIGUEZ: Your Honor, I'm going to object to asking
20 him to comment on another witness's testimony.

21 THE COURT: That -- that will be sustained. Refrain --
22 rephrase your question, Mr. Schnack.

23 BY MR. SCHNACK:

24 Q. You said she fell asleep on the love seat for about

1 20 minutes. She eventually got up; is that correct?

2 A. That is correct.

3 Q. How -- what did you see her do? Did she say
4 anything? What happened when she got up?

5 A. When she got up, she just walked out the room.

6 Q. Did she run out of the room?

7 A. No.

8 Q. Did she say anything about having to pee?

9 A. No.

10 Q. Not that you remember?

11 A. Not that I remember.

12 Q. Then at some point in time, [REDACTED] comes into the
13 room; is that correct?

14 A. That is correct.

15 Q. And he basically confronts you; is that right?

16 A. That is correct.

17 Q. Did that happen twice? He came into the room and
18 left and then came back?

19 MRS. RODRIGUEZ: Your Honor, again, I'm going to object to
20 him continually leading the witness.

21 THE COURT: That will be -- that will be sustained.

22 BY MR. SCHNACK:

23 Q. How many times did [REDACTED] come into the room?

24 A. Twice.

1 Q. The first time he came into the room, did -- what
2 happened?

3 A. He asked me if I raped her and I said no.

4 Q. All right. Anything else?

5 A. No.

6 Q. Did [REDACTED] then leave the room?

7 A. Yes.

8 Q. Did he come back?

9 A. Yes.

10 Q. The second time he came back, did his demeanor
11 change?

12 A. Yes.

13 Q. What happened? Tell us about it.

14 A. He got mad and he asked me -- he asked me the same
15 question, did I rape her, and I said no, I did not.

16 Q. Did you start crying?

17 A. Yes.

18 Q. Why would you -- why did you cry?

19 A. Because I didn't rape her.

20 Q. [REDACTED] -- you can't tell us -- how was [REDACTED] acting?

21 A. Like mad because C. was crying saying that I raped
22 her so he was believing her.

23 Q. Are you afraid of [REDACTED]?

24 A. Yes.

1 Q. What did you do the rest -- okay. Did you have
2 anything to do with getting C. V. out of the house that morning
3 or whatever it was?

4 A. No.

5 Q. Did you see [REDACTED] come over to the house?

6 A. No.

7 Q. What did you do?

8 A. After [REDACTED] left the room, I asked for a phone
9 charger and then I went to sleep.

10 Q. All right. Is that the first sleep you had since you
11 woke up at [REDACTED] house the day before?

12 A. That's correct.

13 Q. Had you still had not had anything to eat other than
14 what you have told us about?

15 A. That's correct.

16 Q. And do you have any idea how long you slept?

17 A. For a couple hours.

18 Q. All right. What woke you up?

19 A. I had to take a pee.

20 Q. All right. Did anybody come to the house to talk
21 with you or to --

22 A. Repeat the question.

23 Q. That morning after they all left, you're in the house
24 down in the basement. Did any -- did [REDACTED] mom or dad ever

1 come downstairs?

2 A. No.

3 Q. That evening, did [REDACTED] mom or dad ever come
4 downstairs?

5 A. No.

6 Q. In your presence, did anybody ever go up to get
7 [REDACTED] mom or dad?

8 A. No.

9 Q. Eventually, Officer Summers, a police officer who you
10 now know as Officer Summers came; is that correct?

11 A. That is correct.

12 Q. And we saw on his body camera how he took you to his
13 squad car. Is that all accurate?

14 A. Yes.

15 Q. Now, they took you in the squad car to the police
16 station; is that correct?

17 A. That is correct.

18 Q. All right. And they put you in a room there; is that
19 correct?

20 A. That is correct.

21 Q. And you stayed in that room for how long?

22 A. Hours.

23 Q. Had you still had anything to eat?

24 A. No.

1 Q. Had you had any more sleep?

2 A. No.

3 Q. In the video when we first see you, you have your
4 hands inside of your shirt. Why were your hands inside of your
5 shirt?

6 A. Because it was freezing.

7 Q. And the one exhibit that shows all the period of
8 time, the hours you were in that room by yourself, were you cold?

9 A. Yes.

10 Q. Were you -- tell us how you felt.

11 A. I felt really, really tired and really, really cold.

12 Q. Were you scared?

13 A. Yes.

14 Q. Now, at any time, did Officer Summers or anybody have
15 any conversations with you while you were in that room until
16 Detective Hollensteiner and Detective Billingsley came in?

17 A. Summers would come in every 30 minutes to ask me if I
18 wanted water, I had to go pee, or get a -- if I was hungry.

19 Q. And eventually they got you the McDonald's that we
20 see on the table; is that correct?

21 A. That is correct.

22 Q. And you get to eat that after you have done the
23 interview; is that correct?

24 A. No.

1 Q. You -- when did you eat that?

2 A. He asked me and then he got me it and then before the
3 detectives came, I ate one of the sandwiches.

4 Q. All right.

5 A. And that when later on I ate the other one.

6 Q. All right. So is that the first food you had to eat
7 since you had the meal at [REDACTED] house, [REDACTED] parents' house,
8 on Sunday evening?

9 A. That is correct.

10 Q. Did you cooperate with the officers' requests?

11 A. Yes, that's correct.

12 Q. They gave you the Miranda Rights. Do you know what
13 those are?

14 A. No.

15 Q. All right. That piece of paper. Do you remember on
16 the tape that you signed a piece of paper?

17 A. Yeah.

18 Q. All right. Have you ever heard of Miranda Rights
19 before?

20 A. No. Never.

21 Q. When they told you you have a right to remain silent,
22 you heard them say that; is that correct?

23 A. That is correct.

24 Q. And you understood what they were saying; is that

1 correct?

2 A. That is correct.

3 Q. And you signed off on that; is that correct?

4 A. That is correct.

5 Q. So when they read all that to you, you understood it
6 and you signed it; is that right?

7 A. That is right.

8 Q. They -- did they force you to do that?

9 A. No.

10 Q. We've seen the detectives and Officers Summers, they
11 treated you fairly, is that -- other than the fact that you were
12 cold; is that fair?

13 A. That is correct.

14 Q. Did you answer all of their questions to the best of
15 your ability?

16 A. Yes.

17 Q. Now on the tape, you look -- this is my word -- a
18 little strange or a little weird. You're yawning a lot and
19 things like that. Did you see that?

20 A. Yes.

21 Q. Is that how you normally act?

22 A. No.

23 Q. Can you account for some of that?

24 A. Yes. Yes. What -- repeat the question.

1 Q. Why did you act in the manner you acted on the tape?
2 A. Because I was really tired from the night before and
3 freezing.
4 Q. Were you scared?
5 A. Yes.
6 Q. Were you hungry?
7 A. Yes.
8 Q. Were you innocent?
9 A. Yes.
10 Q. Now, you had -- how much money did you have on you
11 when you were down at the police station?
12 A. \$10.
13 Q. Did you know your aunt's phone number?
14 A. No.
15 Q. Did you know anybody's phone number off the top of
16 your head?
17 A. No.
18 Q. Did you ever ask to call anybody?
19 A. Yes.
20 Q. And we saw that on the tape; is that right?
21 A. That is correct.
22 Q. Who did you ask to call?
23 A. My father.
24 Q. And they told you you couldn't because you were 18;

1 is that correct?

2 A. That is correct.

3 Q. 18 by two weeks?

4 A. That is correct.

5 Q. You were -- when you finally got to jail, is that the
6 first time you have ever been in jail?

7 A. That's correct.

8 Q. Were you in the adult facility of the jail over here
9 if you know?

10 MRS. RODRIGUEZ: Your Honor, I'm going to object to this as
11 irrelevant.

12 THE COURT: It is irrelevant. The Court will sustain the
13 objection.

14 BY MR. SCHNACK:

15 Q. Did you call [REDACTED] [REDACTED] from jail?

16 A. Yes, that's correct.

17 Q. And did you call anybody else from jail?

18 A. [REDACTED], too.

19 Q. On the tape of you that was played yesterday, you saw
20 that; is that correct?

21 A. That is correct.

22 MR. SCHNACK: At -- no. I don't have anything further.
23 Thank you.

24 THE COURT: Questions, Ms. Rodriguez.

1 CROSS-EXAMINATION

2 BY MRS. RODRIGUEZ:

3 Q. Mr. Clinton, going back to the party, you've
4 described the drinks that you had. Did anybody force you to
5 drink those?

6 A. No.

7 Q. Okay. So you did it on your own?

8 A. That's correct, ma'am.

9 Q. And over what period of time? What time did you get
10 to the party?

11 MR. SCHNACK: Objection. It is asked and answered. He
12 doesn't know.

13 THE COURT: I am going to overrule the objection. She has a
14 right to cross-examine him.

15 THE WITNESS: I don't know.

16 BY MRS. RODRIGUEZ:

17 Q. And do you know what time it was that you left the
18 party with the other individuals?

19 A. No. I don't know.

20 Q. Do you know if it was after midnight?

21 A. No. I don't know.

22 Q. The drinks that you drank, were they earlier on in
23 the night?

24 A. Yes.

1 Q. In your interview, you said they got me drunk. Who
2 got you drunk?

3 A. Repeat the question.

4 Q. In your interview, you heard your interview, you said
5 they got me drunk. Who got you drunk? Who are you blaming that
6 on?

7 A. Nobody.

8 Q. Okay. During the time you were at the party, you saw
9 C. V. up against the house; is that right?

10 A. That's correct.

11 Q. And she was puking?

12 A. That's correct.

13 Q. Is that correct?

14 A. Yes.

15 Q. And how long -- did you observe how long she was up
16 against the house and was puking?

17 A. No, ma'am.

18 Q. You don't know how long that occurred?

19 A. No, I don't.

20 Q. Did you stand there watching for a period of time?

21 A. No.

22 Q. When you came out of the house -- you were in the
23 house; right?

24 A. That's correct.

1 Q. And you came out and saw her up against the wall; is
2 that right?

3 A. That's correct.

4 Q. You said people were attending to her?

5 A. Yeah. [REDACTED] sisters.

6 Q. [REDACTED] sisters were helping her. She was obviously
7 very intoxicated; is that correct?

8 MR. SCHNACK: Objection. He can't know that. He can
9 testify to what he saw.

10 THE COURT: That -- that will be sustained. Rephrase your
11 question.

12 BY MRS. RODRIGUEZ:

13 Q. So at that point, you saw that she was -- she was at
14 least sick; is that correct?

15 A. Yeah. That's correct.

16 Q. Okay. And earlier before that happened, did you
17 observe her drinking alcoholic drinks?

18 A. No.

19 Q. Okay. So you testified she gave you a drink. She
20 gave you a shooter?

21 A. She gave me two shooters.

22 Q. She gave you two shooters. And at that time, was she
23 drinking shooters?

24 A. She only drank the two with me that I know.

1 Q. Okay. So she drank two with you and then gave two to
2 you?

3 A. Yeah. So when she first got to the party when she
4 first showed up, she handed me one of those shooters right away.

5 Q. So she handed you one shooter. And did you drink
6 that in her presence?

7 A. Yes.

8 Q. Was she drinking in your presence?

9 A. Yes.

10 Q. Okay. And how many did she drink while she was in
11 your presence?

12 A. Two.

13 Q. And how long were you standing there with C. V.?

14 A. Like drinking?

15 Q. Yes.

16 A. Not long.

17 Q. Okay. And that was the first time you had ever met
18 her; correct?

19 A. That is correct.

20 Q. Okay. You had never seen her?

21 A. No.

22 Q. You had never talked to her before?

23 A. No.

24 Q. Did somebody at the party introduce you to her?

1 A. That is correct.

2 Q. Who introduced you?

3 A. [REDACTED] and [REDACTED].

4 Q. And so they -- did they just tell you what her name
5 was or tell me how that went.

6 A. Yeah. They just told me that one of [REDACTED] best
7 friends were coming down and they asked me if I wanted to get on
8 like hook up with her.

9 Q. They asked you if you wanted to hook up with her?

10 A. Yes. That's correct.

11 Q. And did you say yes?

12 A. Yes.

13 Q. Okay. And so you expressed an interest in getting
14 together with her?

15 A. Repeat the question.

16 Q. You expressed an interest in getting together with C.
17 V.?

18 A. That is correct.

19 Q. But C. V. never told you she was interested; isn't
20 that correct?

21 A. That is correct.

22 Q. Okay. And did you also indicate you were interested
23 in getting with [REDACTED] [REDACTED]?

24 A. Not really, no.

1 Q. Okay. What do you mean by not really?
2 A. I never really talked to her at that party.
3 Q. Did you meet [REDACTED] [REDACTED] at the party?
4 A. Yes. In the beginning with C. V. and [REDACTED] [REDACTED].
5 Q. So the three, [REDACTED] and the two [REDACTED], were there
6 together when you met them?
7 A. Yes.
8 Q. Did you already know [REDACTED]?
9 A. Yes.
10 Q. But you met the both [REDACTED]?
11 A. That is correct.
12 Q. And it's your testimony today that at that party, you
13 never yourself indicated you were interested in getting with C.
14 V.?
15 A. Repeat the question.
16 Q. At the party, did you yourself indicate to [REDACTED] or
17 [REDACTED] or anybody else that you were interested in hooking up
18 with C. V.?
19 A. Yes.
20 Q. Okay. So you did express that interest?
21 A. Yes.
22 Q. Okay. And was that early on in the party or later in
23 the party?
24 A. I don't remember.

1 Q. Other than the -- when you first met C. V., did you
2 spend any other time at the party visiting with her?

3 A. With the second shot, I did.

4 Q. So you had a second shot and you were with her at the
5 time you had the second shot?

6 A. Yes.

7 Q. Okay. And how long were you with her at that time?

8 A. Not long.

9 Q. Okay. You were just standing together?

10 A. Yeah.

11 Q. Okay. And after the second shot, then you -- did you
12 have any further contact with C. V. that night?

13 A. No.

14 Q. When you observed the people in the swimming pool,
15 they were -- you said there were several females in the swimming
16 pool; is that correct?

17 A. That is correct.

18 Q. And they were all swimming in their bras and
19 underwear; is that right?

20 A. That's correct.

21 Q. And how many were there?

22 A. I don't remember.

23 Q. Several?

24 A. Yeah.

1 Q. You said at some point after the [REDACTED] parents came
2 out, there was a mutual decision to leave the house?

3 A. That's correct.

4 Q. And was that that you needed to take C. V. home?

5 A. That's -- well, that wasn't up to my decision. I
6 didn't hear what was going on with that.

7 Q. You don't know why you decided to leave?

8 A. Well, yes.

9 Q. Was it because of C. V.'s condition she was in?

10 A. Yes.

11 Q. Okay. Because she was sick and vomiting?

12 A. Yes.

13 Q. Is that correct?

14 A. That's correct.

15 Q. And was she -- did she have to be physically carried
16 out to [REDACTED] car?

17 A. That's correct.

18 Q. Who carried her to [REDACTED] car?

19 A. [REDACTED].

20 Q. And that's because she wasn't in any shape to walk;
21 isn't that correct?

22 A. She couldn't walk because she felt sick.

23 Q. Okay. So she couldn't walk. And then was it a short
24 drive to the cutoff?

1 A. Yes.

2 Q. And you said you were outside at the cutoff for about
3 30 minutes or so?

4 A. Yeah. That's correct.

5 Q. Okay. Now, at one point, did -- did C. V. say she
6 didn't want to get out of the car?

7 A. Yes.

8 Q. Okay. And was that because she was sick?

9 A. That's correct.

10 MR. SCHNACK: Objection. He can't know why she said that.

11 THE COURT: Court's going to overrule the objection.

12 MR. SCHNACK: Fine.

13 THE COURT: I've heard several sufficient evidence.

14 MR. SCHNACK: I'm fine. I'll withdraw it. Yeah, that's
15 fine. No jury.

16 THE COURT: Go ahead.

17 BY MRS. RODRIGUEZ:

18 Q. So did she not want to get out of the car because she
19 was sick?

20 A. I don't know.

21 Q. Okay. And during that 30 minutes or so that you were
22 by the car, did she -- that you were by the car, did she ever get
23 out of the car?

24 A. Yes.

1 Q. And did you have to help her get out of the car?

2 A. No.

3 Q. She got out on her own power?

4 A. Yes.

5 Q. Okay. Once she got out of the car, did she vomit?

6 A. No.

7 Q. Did she ever lay down on the street?

8 A. Yes because she was trying to gag herself to throw

9 up.

10 Q. So she laid down on the floor -- on the street and

11 was trying to gag herself to throw up?

12 A. Yes.

13 Q. Okay. And was it after that that [REDACTED] carried her

14 into the house?

15 A. Later on, yes.

16 Q. Okay. And, again, she wasn't able to walk herself,

17 was she?

18 A. That's correct.

19 Q. Because she was sick?

20 A. That's correct.

21 Q. You said when -- when [REDACTED] carried C. in, he laid her

22 on the couch in the game room; is that right?

23 A. That is correct.

24 Q. Mr. Schnack referred to a ping pong table. The ping

1 pong table is actually in the main living room area; is that
2 correct?

3 A. Yeah, that's correct.

4 Q. Okay. So that is not the game room?

5 A. No.

6 Q. The game room is a separate room?

7 A. Yes.

8 Q. Off to the left of the stairs?

9 A. Yes. That's correct.

10 Q. And you said that it had these LED lights on?

11 A. That's correct.

12 Q. Are those the same blue lights that were on when
13 Officer Summers came to get you?

14 A. That is correct.

15 Q. And you saw that in the video yesterday?

16 A. That's correct.

17 Q. You said when [REDACTED] put C. down on the couch, that she
18 was -- she was awake at that time?

19 A. That is correct.

20 Q. And you said that -- that they were talking. [REDACTED] was
21 talking to C.?

22 A. Yes.

23 Q. You said he put her on her side; is that right?

24 A. That is correct.

1 Q. Is that because so she wouldn't get sick?

2 A. That's correct.

3 Q. Didn't want her laying on her back and she was
4 vomiting; is that right?

5 A. She wasn't vomiting.

6 Q. No. You didn't want to put her on her back in case
7 she vomited?

8 A. Oh, yeah. That's correct.

9 Q. So he put her on her side on the couch and put a
10 trash can in front of her?

11 A. That's correct.

12 Q. Now, when you were interviewed by the officers, you
13 indicated that C. V. was wrecked. Isn't that the word you used?

14 A. That's correct.

15 Q. And that meant, in your opinion, she was very
16 intoxicated?

17 A. Yes.

18 Q. Okay. And that's when -- when she was taken to the
19 game room?

20 A. No.

21 Q. Didn't you -- didn't, in the recording, didn't you
22 say that Drew dragged her -- that you dragged her inside and then
23 you corrected and said that [REDACTED] picked her up and carried her in
24 and that she was wrecked?

1 A. No, I don't remember that.

2 Q. And after she was placed in that room, didn't you say
3 you had to check on her every five minutes to make sure she was
4 okay?

5 A. That is correct.

6 Q. Okay. And that's because of her condition at the
7 time she was placed on that couch; isn't that correct? You had
8 to check on her every five minutes to make sure she was okay?

9 A. Yes.

10 Q. And that was because of the condition she was in?

11 A. That's correct.

12 Q. And didn't you also indicate that she did not want to
13 be moved because she was -- didn't want to vomit?

14 A. No, that is not correct.

15 Q. You didn't tell the officers -- you heard the video
16 yesterday. Didn't you say twice that she didn't want you to move
17 her?

18 A. That's correct. She didn't want me to remove her --
19 move her.

20 Q. Because she was going to throw up again?

21 A. No.

22 Q. You didn't hear that?

23 A. Nope.

24 Q. Okay. How long and how long were you in the room

1 before you became bored and started touching up on her?

2 A. I don't remember.

3 Q. Well, you were checking on her every five minutes to
4 make sure she was okay; is that right?

5 A. That's correct.

6 Q. And so do you know how many times you checked up on
7 her before you became bored and decided to start touching up on
8 her?

9 A. No, I do not remember.

10 Q. Now, you have told us here today that after you
11 started touching up on her thighs, that you kept asking her if it
12 was okay what you were doing; is that right?

13 A. That is correct.

14 Q. And, in fact, you have told us here today that she
15 not only said it was okay but she assisted you in pulling off --
16 pulling down her sweatpants. Is that what you're telling us here
17 today?

18 A. That is correct.

19 Q. And you're telling us here today that she not only
20 said it was okay what you were doing but she also assisted you in
21 pulling down her underwear. Is that what you are telling us here
22 today?

23 A. That is correct.

24 Q. Now, when you were interviewed by the officers on May

1 31st, you knew what you were accused of; correct?

2 A. When?

3 Q. You knew what you were accused of?

4 A. No. I was not at the time.

5 Q. Okay. You were asked specifically about touching
6 her; correct?

7 A. Later on, yes.

8 Q. Okay. And initially in that interview, you totally
9 denied any touching, that you had touched her at all; isn't that
10 correct?

11 A. No.

12 Q. At the first part of the interview, did you deny
13 doing anything to her?

14 MR. SCHNACK: Objection, Your Honor. It's argumentative.
15 The document -- the DVD speaks for itself.

16 THE COURT: That will be sustained. The Court -- the Court
17 heard and remembers the interview so you may ask a different
18 question, Ms. Rodriguez.

19 BY MRS. RODRIGUEZ:

20 Q. At the time that you admitted that you had penetrated
21 her vagina with your finger, do you remember that part of the
22 interview?

23 A. Yes, I do, ma'am.

24 Q. Okay. You eventually admitted to that; correct?

1 A. That is correct.

2 Q. And during that time during that part of the
3 interview, did you ever tell the officers that she not only
4 consented but she assisted in pulling down her -- her sweatpants
5 and her underwear?

6 A. No, I did not.

7 Q. And you didn't do that because that's not what
8 happened; isn't that correct?

9 A. Repeat the question.

10 Q. You didn't tell the officers that because that's not
11 what happened, is it?

12 A. Repeat the question.

13 Q. You did not tell the officers that C. V. assisted in
14 pulling down her gray sweatpants and her underwear, you didn't
15 tell them that because that's not what happened.

16 A. That's not correct.

17 Q. When [REDACTED] -- when your friend, [REDACTED], came in and
18 confronted you about raping C., do you remember that?

19 A. Yes, I do, ma'am.

20 Q. You said he came in twice; isn't that correct?

21 A. That is correct.

22 Q. And you denied raping her but you admitted that you
23 pen -- that you used your finger on her; correct?

24 A. Correct.

1 Q. And at that time, [REDACTED] was mad?

2 A. The second time, yes.

3 Q. Okay. Did you tell him that she agreed to it and she
4 helped pull down her own clothing?

5 A. He never asked that.

6 Q. And you didn't think that that was important to tell
7 him?

8 A. No.

9 Q. After -- after C. left the room or -- excuse me. Let
10 me withdraw that. After you got done using your finger on C.,
11 you said you got up and played on the Xbox; is that right?

12 A. That is correct.

13 Q. And at what point did you put your hands in your
14 pants?

15 A. Before that.

16 Q. You put your hands in your pants before you sat in
17 the game chair or after?

18 A. Before.

19 Q. So you have described how you were sitting on the
20 couch and you were having this sexual contact with C. V.;
21 correct?

22 A. Correct.

23 Q. Okay. At some point, she said stop?

24 A. That is correct.

1 Q. And you're saying that was after you had already
2 penetrated her with your finger; is that right?

3 A. Repeat the question.

4 Q. She said stop; correct?

5 A. Correct.

6 Q. And that was when you were sexually penetrating her
7 -- your finger to her vagina?

8 A. Yes.

9 Q. Okay. And then you said you got up and went to the
10 game chair?

11 A. That is correct.

12 Q. Okay. When did you put your hands in your pants to
13 fix your -- your penis?

14 A. I don't remember.

15 Q. Okay. Was it after that? After you got up from the
16 couch?

17 A. I don't remember.

18 Q. Okay. Do you even remember doing that?

19 A. Yes.

20 Q. And when you say you had to fix yourself, fix your
21 penis, explain what you mean by that.

22 A. Like.

23 Q. What did you do?

24 A. I just put it on my underwear, like, it's hard to

1 explain but.

2 Q. You didn't ejaculate?

3 A. No.

4 Q. And the underwear that you were wearing at that time
5 are the same underwear that the officers took from you; correct?

6 A. That is correct.

7 Q. When [REDACTED] came in the second time, you acknowledge
8 that you started crying?

9 A. That is correct.

10 Q. And were you -- were you crying because you were
11 upset at what you had done?

12 A. No.

13 Q. You weren't upset at what had happened?

14 A. No.

15 Q. You were just simply upset because your friend was
16 mad at you?

17 A. Yes.

18 Q. And did you -- were you sitting in the chair when you
19 started crying?

20 A. I don't remember.

21 Q. Did you fall on the floor crying?

22 A. No.

23 Q. That didn't happen?

24 A. No, that did not.

1 Q. The hoodie that you said you helped put on C. outside
2 before you went in the house, were you wearing that hoodie?

3 A. Yes, that's correct.

4 Q. At the party?

5 A. Yes, that's correct.

6 Q. Okay. So was it [REDACTED] hoodie that he had given you
7 to wear to the party?

8 A. Yes, that's correct.

9 Q. And then you helped put it on her before she was
10 carried into the house?

11 A. That is correct.

12 Q. Okay. And were you able to put that on her all the
13 way?

14 A. No.

15 Q. It was just on her arms?

16 A. Yes.

17 Q. And did you have difficulty trying to put that on
18 her?

19 A. No.

20 Q. Why didn't you put it on all the way?

21 A. Because that's when she was trying to gag herself out
22 when she was laying down.

23 Q. Okay. So that's when she was -- was she laying down
24 on the street trying to gag herself when you were trying to put

1 the hoodie on her?

2 A. Yes.

3 MRS. RODRIGUEZ: No further questions, Your Honor.

4 THE COURT: Redirect?

5 MR. SCHNACK: Yeah.

6 REDIRECT EXAMINATION

7 BY MR. SCHNACK:

8 Q. When you checked on her every five minutes, at any
9 time did she say other than she was sick, not feeling well, did
10 -- was her response that she was okay?

11 A. Yes.

12 MR. SCHNACK: And, Judge, I forgot to ask him one question
13 so I would like to do that and then obviously it can go back --

14 THE COURT: Go ahead.

15 BY MR. SCHNACK:

16 Q. On -- the officers told you something, you made a
17 statement to the officers about this was wrong. Do you remember
18 making that statement?

19 A. Yes.

20 Q. What did you mean by that?

21 A. Because I cheated on my girlfriend with someone I
22 didn't even know.

23 Q. Slow down. You cheated on -- you had a girlfriend
24 back in Michigan?

1 A. That's correct.

2 Q. And you cheated on her?

3 A. That's correct.

4 Q. With someone you didn't know. What do you mean by
5 that?

6 A. I didn't even know the person that --

7 Q. You cheated on?

8 A. What had happened.

9 MR. SCHNACK: Thank you. Nothing further.

10 THE COURT: Ms. Rodriguez.

11 RECROSS-EXAMINATION

12 BY MRS. RODRIGUEZ:

13 Q. So you didn't tell the officers that you stopped
14 because it was wrong because you were sexually penetrating
15 somebody who was passed out?

16 A. Repeat the question.

17 MR. SCHNACK: Objection. It is a compound question. It is
18 argumentative.

19 THE COURT: Rephrase -- rephrase the question,
20 Ms. Rodriguez.

21 BY MRS. RODRIGUEZ:

22 Q. When you told the officers that it was wrong, do you
23 remember saying that?

24 A. That is correct.

1 Q. And you stopped using your finger on her because it
2 was wrong. Is that what you told the officer?

3 A. No.

4 Q. Okay. What did you -- when you told the officer you
5 stopped because it was wrong, what did you stop?

6 A. My finger.

7 Q. Using your finger on her; correct?

8 A. Yes.

9 MRS. RODRIGUEZ: Okay. Nothing further, Your Honor.

10 MR. SCHNACK: Nothing further.

11 THE COURT: You may step down.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 MR. SCHNACK: Your Honor, we would rest.

15 THE COURT: All right. Ms. Rodriguez, do you have any
16 rebuttal evidence?

17 MRS. RODRIGUEZ: Your Honor, I would recall C. V.

18 THE COURT: Okay.

19 Ma'am, if you will step up to the front of the courtroom,
20 raise your right hand and be sworn by the clerk.

21 (Witness sworn.)

22 THE COURT: Come around here and have a seat again. And
23 then scoot up to the table to where you are comfortable and speak
24 towards the microphone, please.

1 THE WITNESS: Okay.

2 THE COURT: Ms. Rodriguez.

3 C. V.

4 called as a witness on behalf of the People of the State of
5 Illinois, being first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MRS. RODRIGUEZ:

9 Q. C., just a few more questions. You're the same C. V.
10 that previously testified in this case; is that correct?

11 A. Yes.

12 Q. Okay. Just a couple more questions. When you were
13 carried down -- when you went to [REDACTED] house after the [REDACTED] [REDACTED]
14 party, do you remember that?

15 A. Yes.

16 Q. Okay. Do you remember being carried down to the
17 basement?

18 A. That we went down -- like we didn't go in the house
19 at all. We just went from downstairs from the downstairs
20 basement door into the bedroom or the game room.

21 Q. Right. Into the game room. You remember being
22 carried down there?

23 A. Yes.

24 Q. Okay. Once you were placed on the couch, do you know

1 how you were placed on the couch? How you were laying?

2 A. I remember getting laid down and then I just fell
3 right asleep with my head on the left side of the couch.

4 Q. Okay. So after -- after you laid down, you were laid
5 down on the couch?

6 A. Yes.

7 Q. Did you ever help Devon (phonetic) -- excuse me --
8 did you ever help the defendant pull down your sweatpants?

9 A. No.

10 Q. Did you ever help him pull down your underwear?

11 A. No.

12 Q. Did you ever tell him that it was okay that he was
13 rubbing on your legs?

14 A. No.

15 Q. Did you ever tell him that you were enjoying or it
16 was okay that he was putting a finger in your vagina?

17 A. No.

18 Q. You previously testified that you told him stop
19 twice?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. Did he ever, at the time that you told him to stop,
24 did he have his finger in your vagina?

1 A. I thought it was his penis is what I recall but.

2 Q. Okay. And that's what you have testified to?

3 A. Yes.

4 Q. Okay. You indicated that after you were placed on
5 the couch, that you immediately fell asleep?

6 A. Yes.

7 Q. Did you ever wake up and have an ongoing conversation
8 with Drew Clinton?

9 A. I did not.

10 MRS. RODRIGUEZ: No further questions, Your Honor.

11 THE COURT: Questions, Mr. Schnack?

12 CROSS-EXAMINATION

13 BY MR. SCHNACK:

14 Q. You thought it was his penis in you?

15 A. That's what I recall, yes.

16 Q. But you didn't know?

17 A. I cannot know for sure. He had a cushion over my
18 face.

19 MR. SCHNACK: Nothing further.

20 THE COURT: Anything further, Ms. Rodriguez?

21 MRS. RODRIGUEZ: No, Your Honor.

22 THE COURT: Ma'am, you may step down.

23 THE WITNESS: Do I need to exit the room?

24 THE COURT: Pardon?

1 THE WITNESS: Do I need to exit the room or can I have a
2 seat?

3 THE COURT: You can have a seat, ma'am.

4 (Witness excused.)

5 THE COURT: Okay. Ms. Rodriguez, any additional rebuttal
6 evidence?

7 MRS. RODRIGUEZ: No, Your Honor.

8 THE COURT: Mr. Schnack, any surrebuttal?

9 MR. SCHNACK: No, Your Honor.

10 (Further proceedings were had and
11 taken but were not requested for
12 transcription.)

13 *****

14

15

16

17

18

19

20

21

22

23

24

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

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

I, Shannon M. Niekamp, an Official Court Reporter for the
Circuit Court of Adams County, Eighth Judicial Circuit of
Illinois, certify the foregoing to be a true and accurate
transcript of the testimony and proceedings.

Shannon M. Niekamp

OFFICIAL COURT REPORTER

Dated this 15th day
of January, 2022.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF)
ILLINOIS,)

Plaintiff,)

v.)

DREW CLINTON,)

Defendant.)

No. 21-CF-396

ORDER

On the court's motion, all transcripts prepared in this cause shall redact the names of all minors. The minor victim, as set forth in the charging document, may be referred to by initials.

There shall be no reporting or publishing of the minors' names without leave court. This prohibition applies to individuals and all print and digital media entities, agents and assigns.

A copy of this order shall be affixed to all originals and copies of the official transcripts/report of proceedings.

So ordered.

Entered: 1/15, 2022



Judge Scott D. Larson

cc: SAO
Def. counsel
Def.
Chief Judge

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

FILED

JAN 18 2022

Dei. B. Hochwandsner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
v.)
)
DREW CLINTON,)
)
Defendant.)

No. 21-CF-396

ORDER

On the court's motion, all transcripts prepared in this cause shall redact the names of all minors. The minor victim, as set forth in the charging document, may be referred to by initials.

There shall be no reporting or publishing of the minors' names without leave court. This prohibition applies to individuals and all print and digital media entities, agents and assigns.

A copy of this order shall be affixed to all originals and copies of the official transcripts/report of proceedings.

So ordered.

Entered: 1/15, 2022

Scott D. Larson

Judge Scott D. Larson

cc: SAO
Def. counsel
Def.
Chief Judge

I hereby certify that a copy has been:
Mailed, postage prepaid Faxed
Personally delivered Emailed
SAO PO Counsel
Plaintiff Defendant
1-18-22 Date *[Signature]* Deputy Clerk

McCartney

No. _____

E-FILED
2/10/2022 2:06 PM
CYNTHIA A. GRANT
SUPREME COURT CLERKIN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Motion for Supervisory
ex rel. Gary L. Farha,	)	Order
State’s Attorney of Adams County, Illinois,)	
)	
Movant,	)	Underlying Case
	)	No. 21 CF 396
v.	)	Circuit Court of the
	)	Eighth Judicial Circuit,
THE HONORABLE ROBERT K. ADRIAN,	)	Adams County, Illinois
Circuit Court Judge of the Eighth)	
Judicial Circuit, and DREW S. CLINTON,	)	The Honorable
	)	Robert K. Adrian,
Respondents.	)	Judge Presiding.

MOTION FOR SUPERVISORY ORDER

Pursuant to Article VI, section 16, of the Illinois Constitution of 1970 and this Court’s Rule 383, the People of the State of Illinois respectfully request that this Court issue a supervisory order directing the Honorable Robert K. Adrian (“respondent”) to (1) vacate his January 3, 2022 order, and (2) sentence Drew Clinton to a term of four to fifteen years in prison, as mandated by statute.¹

BACKGROUND

Respondent Drew Clinton was charged with three counts of criminal sexual assault of C.V. in violation of 720 ILCS 5/11-1.20. SR11.² Counts one and two

¹ The People have contemporaneously filed, in the alternative, a motion for leave to file an original mandamus complaint.

² “SR_” refers to the supporting record from the underlying case, *People v. Clinton*, Adams County case No. 21 CF 396, which is filed with this motion.

alleged that Clinton penetrated the vagina of his minor victim with his penis through the use or threat of force (Count 1) and while knowing that she was unable to give knowing consent (Count 2). *Id.* Count three alleged that Clinton penetrated the vagina of his minor victim with his finger knowing that she was unable to give knowing consent. *Id.* Clinton waived his right to a jury, pleaded not guilty, and proceeded to a bench trial. SR96-97.

At trial, C.V. testified that she was a 16-year-old high school sophomore on May 30, 2021, when the attack occurred. SR162-63. On that date, she attended a graduation party in her hometown of Quincy, Illinois. SR164. C.V. and her friends arrived at the party at about 11 p.m. and found 20 to 30 other young people gathered around a pool behind the house. SR165-66. There was alcohol at the party, and C.V. consumed “like six” “small bottles of alcohol.” SR168. After consuming the second bottle, C.V. began vomiting, “and then later on in the night, it just got worse.” *Id.*

C.V. stripped down to her underwear and joined eight to ten other people in the pool, where she continued drinking. SR169-70. Eventually, someone helped C.V. out of the pool, and C.V. vomited again. SR170. A friend helped C.V. back into her clothes, and someone carried her to the backseat of a car. SR171, 173-74. The next thing C.V. remembered was arriving at a friend’s house and being carried inside, where she was placed on the couch in the basement game room. SR175-78. C.V. then fell asleep. *Id.*

C.V. was awoken by “something over [her] face and somebody . . . on top of [her].” SR179. Someone was holding a couch cushion over C.V.’s face and penetrating her vagina with his penis. *Id.* C.V. told her attacker to stop, and when he did not stop, she rolled off the couch and fled to a basement bedroom. *Id.* As she fled, she was able to identify Clinton as her attacker. SR180. Clinton quickly pulled up his pants and started playing video games, “acting like nothing just happened.” SR182-83.

C.V. had met Clinton at the party. SR180. She did not talk to him at the party after they were introduced (on cross-examination she acknowledged that she gave him one of her small bottles of alcohol when they met, SR202), but he was one of five people in the car that drove C.V. to her friend’s house. SR181. She had no contact with him at the house before he attacked her. SR182.

When C.V. entered the basement bedroom, she found three friends. SR184. She told them that Clinton “raped [her] and just got up and acted like nothing had happened.” *Id.* C.V. then called a friend to pick her up and told the friend that she “had just been raped and [did] not want to be in the same house as him and . . . want[ed] to go home.” SR185-86. Ian Frese and another friend drove C.V. home, and they all slept in the camper that was parked outside her house because C.V. “didn’t want to go inside and wake up [her] parents.” SR186.

When C.V. began feeling sick to her stomach, she finally went into her home. SR186-87. Her dad woke up, she told him what happened, and they called the police. SR187. An officer came to their house, and C.V. gave the officer a statement and the clothes she had been wearing at the time of the attack. SR187, 189. C.V. then went to the hospital where she told a nurse what happened, and they collected physical evidence. SR188-89.

Clinton testified in his defense. He was 18 years old at the time of the crime. SR246. He had graduated from high school a year earlier, and while he had spent much of his life in Quincy, he moved to Taylor, Michigan during his sophomore year of high school. SR247. Nevertheless, Clinton maintained friendships with several people in Quincy and had taken the train from Taylor to visit them on the weekend of the attack. SR251. Clinton's account of the party was largely similar to C.V.'s. Like C.V., Clinton remembered that the two met briefly at the party, C.V. gave Clinton one or two drinks, and they did not "spend any significant amount of time" together at the party. SR264, 267. Clinton saw C.V. swimming in the pool in her underwear and throwing up near the house afterwards. SR268, 270. Eventually, he left the party with C.V. and some mutual friends. SR272.

Although Clinton's description of the party was largely consistent with C.V.'s, his version of what happened when they arrive at the friend's home differed significantly. According to Clinton, the group stood outside for approximately 30

minutes because C.V. did not want to go inside. SR276. During that time, Clinton testified, C.V. was not vomiting and was conversing with the group. *Id.* He agreed with C.V. that she was carried into the house and placed on a couch in the game room. SR277-79. Clinton and C.V.'s friends then sought instructions on how to care for C.V. in her intoxicated state from one of their sisters, who "worked at the hospital." SR280. At that point, according to Clinton, C.V. was awake and spoke with him about the fact that she was feeling sick. SR279, 281.

Clinton and C.V. were alone in the game room for several hours. SR283-84. Clinton testified that C.V. did not fall asleep and was talking to him the entire time. SR285. Every five minutes, Clinton asked C.V. if she was okay, and she repeatedly assured him she was fine. SR285-86. Eventually, he sat on the end of the couch and put her feet in his lap. SR287. Clinton then started rubbing C.V.'s thighs "and making sure she was okay." SR289. Clinton testified that C.V. then helped him pull down her sweatpants and underwear. SR291-92. Clinton acknowledged that he penetrated C.V.'s vagina with his finger. SR292. He also acknowledged that at some point, C.V. told him to stop; according to his testimony, Clinton stopped and went to play video games. SR293, 297. C.V. then fell asleep for 20 minutes. SR297. When she woke up, she got up and left the room. SR298. Clinton denied ever lowering his pants or penetrating C.V.'s vagina with his penis. SR293-94.

After hearing C.V.'s and Clinton's testimony, as well as testimony from other witnesses to the evening's events and regarding the physical evidence gathered from C.V.'s and Clinton's bodies and clothing, respondent found Clinton guilty of count three: penetrating C.V.'s vagina with his finger knowing that she was unable to give knowing consent. SR119.

Defense counsel filed two post-trial motions. The first argued that the court should enter a judgment of not guilty on count three because: (1) the prosecutor made prejudicial comments in closing arguments; (2) Clinton was "denied equal protection of the laws"; (3) witnesses suffered from "bias and prejudice," resulting in inconsistent statements "and outright lies to the court"; and (4) the verdict was against the manifest weight of the evidence. SR120-21. The second motion argued that the minimum sentence of four years in prison was unconstitutional (1) on its face because mandatory minimum sentences violate separation of powers principles, and (2) as applied to Clinton "based upon the Defendants [*sic*] lack of criminal record, his educational abilities, and all other mitigating factors." SR122-23.

Respondent heard arguments on both motions and then ruled from the bench, stating:

This Court is required to do justice. This Court is required to do justice by the public, it's required to do justice by me, and it's required to do justice by God. It's a mandatory sentence to the Department of Corrections. This happened when this teenager -- because he was and is a teenager, was two weeks past 18 years old. He has no prior record, none whatsoever. By law,

the Court is supposed to sentence this young man to the Department of Corrections. This Court will not do that. That is not just. There is no way for what happened in this case that this teenager should go to the Department of Corrections. I will not do that.

SR142-43. Respondent then concluded, “Mr. Clinton has served almost five months in the county jail, 148 days. For what happened in this case, that is plenty of punishment. That would be a just sentence.” SR143.

ARGUMENT

Article VI, section 16, of the Illinois Constitution vests this Court with supervisory authority over all lower courts of this state. Ill. Const. 1970, art. VI, § 16. This Court will issue a supervisory order if the normal appellate process will not afford adequate relief and “where intervention is necessary to keep an inferior court or tribunal from acting beyond the scope of its authority.” *In re J.T.*, 221 Ill. 2d 338, 347 (2006) (citing *People ex rel. Birkett v. Bakalis*, 196 Ill. 2d 510, 512-13 (2001)). Here, a supervisory order is necessary to prevent respondent from acting beyond his authority under 720 ILCA 5/11-1.20(b)(1), 730 ILCS 5/5-4.5-30(a), and this Court’s precedent, especially where respondent explicitly framed his ruling to deprive the People of appellate review.

Criminal sexual assault is a Class 1 felony, carrying a mandatory minimum sentence of four years in prison. 720 ILCA 5/11-1.20(b)(1); 730 ILCS 5/5-4.5-30(a). It is beyond dispute that the General Assembly had

authority to set this mandatory term. “[T]his [C]ourt has repeatedly recognized that the legislature has the power to prescribe penalties for defined offenses, and that power necessarily includes the authority to prescribe mandatory sentences, even if such sentences restrict the judiciary’s discretion in imposing sentences.” *People v. Coty*, 2020 IL 123972, ¶ 24.

Moreover, nothing requires the legislature to give greater weight or consideration to factors such as an offender’s age, criminal record, or rehabilitative potential than to the seriousness of the offense. *Id.*; *People v. Rizzo*, 2016 IL 118599, ¶ 39. Instead, the legislature may consider the severity of an offense and determine that no set of mitigating circumstances could permit an appropriate punishment less than a mandatory minimum. *Rizzo*, 2016 IL 118599, ¶ 39; *People v. Huddleston*, 212 Ill. 2d 107, 145 (2004); *People v. Dunigan*, 165 Ill. 2d 235, 244-47 (1995).

In concluding that 148 days in county jail was a “just sentence” based on his view that Clinton’s age and lack of a criminal record carried greater weight than the severity of his crime, SR143, respondent exceeded his authority by impermissibly substituting his own judgment for that of the General Assembly, which has concluded that no set of mitigating circumstances could permit a sentence of less than four years in prison.

Respondent did not grant Clinton’s motion to declare the sentencing statute unconstitutional as applied to him. Nor, as respondent recognized,

SR143, would there be any ground to do so. The only basis for departing from a mandatory sentence that could conceivably apply here is under the “cruel or degrading standard” that gives effect to article I, section 11, of the Illinois Constitution. *Rizzo*, 2016 IL 118599, ¶ 28. Under that standard, a defendant must show that the challenged penalty is “so wholly disproportionate to the offense committed as to shock the moral sense of the community.” *Coty*, 2020 IL 123972, ¶ 31 (internal quotations omitted); *accord Rizzo*, 2016 IL 118599, ¶¶ 28, 36-39, 41. For an as-applied challenge, the court also considers the particular offender and whether it shocks the moral sense of the community to apply the designated penalty to him, bearing in mind that the legislature may constitutionally consider the severity of an offense and determine that no set of mitigating circumstances could permit an appropriate punishment of less than the minimum. *See Rizzo*, 2016 IL 118599, ¶ 39; *Huddleston*, 212 Ill. 2d at 141-45.

In an apparent effort to shield his order from appellate review, respondent chose not to apply this analysis. Respondent stated:

The Court could find that the sentencing statute for this offense is unconstitutional as applied to this Defendant. But that’s not going to solve the problem because, if the Court does that, this Court will be reversed by the Appellate Court, and Mr. Clinton will end up in the Department of Corrections.

Mr. Clinton has served almost five months in the county jail, 148 days. For what happened in this case, that is plenty of punishment. That would be a just sentence. The Court can’t do that.

But what the Court can do, because this was a bench trial, the Court will find that the People failed to prove their case on Count 3. The Court is going to reconsider its verdict, is going to find the Defendant not guilty on Count 3. And, therefore, the case -- the Defendant will be released from custody.

SR143. In other words, respondent recognized that he had no authority to depart from the mandatory minimum and thus purported to reverse his judgment as to Clinton's guilt on count three to deny review of his order via the normal appellate process.

To be sure, a court has the authority to reconsider and correct its own rulings, including both interlocutory and final judgments. *People v. Mink*, 141 Ill. 2d 163, 171 (1990). But the record belies any argument that respondent did that here. Rather than reconsidering and "correcting" its prior finding of guilt, respondent stated that his ruling was contrived to impose a "just sentence" of 148 days in jail, far below the statutory minimum set by the General Assembly. And he acknowledged that he avoided the constitutional challenge so he could deny the appellate court an opportunity to review his order. SR143; *see also People v. Miller*, 202 Ill. 2d 328, 335 (2002) (recognizing this Court's jurisdiction pursuant to Rule 603 to review circuit court's finding that mandatory minimum is unconstitutional as applied to defendant). In short, then, respondent declared that his judgment alone determined a "just sentence" for Clinton's crime, exceeding his authority under the Illinois Constitution, statute, and this Court's precedent — and did so in a way that

was calculated to deny the People any opportunity to challenge his ruling via an appeal.

Even taking respondent's order as a reconsideration of its finding of guilt rather than an unlawful sentence, respondent still exceeded his authority. Respondent based his judgment not on the evidence introduced at trial, but on his realization that Clinton faced a mandatory minimum sentence of four years in prison. Whether a juror in a jury trial or a trial judge in a bench trial, the factfinder may consider only the evidence admitted at trial. *See People v. Wallenberg*, 24 Ill. 2d 350, 354 (1962) ("This court has held that the deliberations of the trial judge are limited to the record made before him during the course of the trial."); *People v. Rivers*, 410 Ill. 410, 419 (1951) (trial judge in bench trial "is in the identical position of the jury and all the recognized rules for the protection of the defendant's rights apply with equal force"); *see also* Illinois Pattern Jury Instruction, Criminal, No. 1.01 ("It is [jurors'] duty to determine the facts and to determine them only from the evidence in this case."), No. 1.01A ("[Jurors] should not do any independent investigation or research on any subject or person relating to the case."). Indeed, jurors are specifically instructed, "You are not to concern yourself with possible punishment or sentence for the offense charged during your deliberation." Illinois Pattern Jury Instruction, Criminal, No. 1.01. Thus, respondent was not free to reverse his judgment in reliance on extra-record information regarding the possible sentence for the offense.

Finally, to allow respondent's act to stand would be to endorse judicial nullification of mandatory sentencing requirements established by the legislature despite the absence of any constitutional infirmity. "The historic position of the jury affords ample ground for tolerating the jury's assumption of the power to insure lenity." *United States v. Maybury*, 274 F.2d 899 (2d Cir. 1960). But a "judge is hardly the voice of the community," even when he sits as factfinder, and does not have the same authority. *Id.* at 903. Structurally, judicial nullification violates separation of powers principles because as long as the legislature acts within its constitutional authority to determine the scope of criminal conduct and appropriate penalties, the courts must give effect to those determinations. *United States v. Kozminski*, 487 U.S. 931, 939 (1988). By refusing to enforce a valid criminal statute, a judge acts as a quasi-legislator and usurps the authority of the legislative branch, while undermining confidence in the judicial process. *See Whalen v. United States*, 445 U.S. 684, 689 (1980).³

³ Indeed, respondent's extra-judicial action has generated negative media coverage for Illinois's court system around the country and internationally. *See, e.g.*, Maria Cramer & Isabella Grullon Paz, *Judge Tosses Teen's Sexual Assault Conviction, Drawing Outrage*, The New York Times (Jan. 13, 2022) (available at <https://tinyurl.com/5n6w8ada>); Maria Luisa Paul & Meryl Kornfield, *Judge Criticized for Reversing Teen's Sexual Assault Verdict, Saying 148 Days in Jail is "Plenty"*, The Washington Post (Jan. 13, 2022) (available at <https://tinyurl.com/3h6y9s5d>); Maya Yang, *Illinois Judge Sparks Outrage by Reversing 18-year-old's Rape Conviction*, The Guardian (Jan. 13, 2022) (available at <https://tinyurl.com/2p93xcdw>).

Because respondent exceeded his authority and no relief is available by way of the ordinary appellate process, the People respectfully request that this Court issue a supervisory order directing respondent to (1) vacate his January 3, 2022 order, and (2) sentence Drew Clinton to a term of four to fifteen years in prison, as mandated by statute.

Of Counsel

GARY L. FARHA
State's Attorney of Adams County

PATRICK DELFINO
Director

DAVID J. ROBINSON
Chief Deputy Director

LINDA SUSAN MCCLAIN
Of Counsel

State's Attorneys
Appellate Prosecutor

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

JANE ELINOR NOTZ
Solicitor General of Illinois

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

By: /s/ Garson S. Fischer
GARSON S. FISCHER
Assistant Attorney General
100 West Randolph Street,
12th Floor
Chicago, Illinois 60601-3218
(773) 590-6911
eserve.criminalappeals@ilag.gov

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

By: /s/ Garson S. Fischer
GARSON S. FISCHER
Assistant Attorney General

CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. The undersigned certifies that on February 10, 2022, the foregoing **Motion for Supervisory Order** was electronically filed with the Clerk, Illinois Supreme Court, through the Odyssey eFileIL system, which will serve the following:

Andrew C. Schnack, III
Schnack Law Offices
510 Vermont Street
Quincy, Illinois 62301
(217) 224-4000
schlaw@adams.net

The Honorable Robert K. Adrian
Adams County Circuit Courthouse
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2100
radrian@illinoiscourts.gov

/s/ Garson S. Fischer
Attorney for Movant
People of the State of Illinois

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE

Plaintiff/Petitioner

Circuit Court No: 2021CF396

v

CLINTON, DREW S

Defendant/Respondent

CERTIFICATION OF RECORD

The record for transfer has been prepared and certified in the form required for transmission to the receiving court.

It consists of:

1 Volume(s) of the Case Record, containing 335 pages.

3 Volumes(s) of the Confidential Case Record, containing 285 pages.

I do hereby certify that this certification of the record pursuant to 735 ILCS 5/2-106 to be a true and complete copy containing the originals of all papers filed in the case, including all orders entered, issued out of my office this 19th DAY OF January, 2022.

Lori R Geschwandner, Clerk of the Circuit Court

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE)		
	)	Plaintiff/Petitioner	Circuit Court No: 2021CF396
v)		
)		
)		
CLINTON, DREW S)		
	)	Defendant/Respondent	

CHANGE OF VENUE - TABLE OF CONTENTS

Page 1 of 3

<u>Title/Description</u>	<u>Page No</u>
INFORMATION	5 - 5
ORDER FILED.	6 - 6
AFFIDAVIT OF ASSETS & LIABILITIES	7 - 8
PRETRIAL RELEASE ORDER FILED.	9 - 9
STATUS HEARING	10 - 10
BILL OF INDICTMENT	11 - 12
NOTICE OF VICTIM'S ASSERTION OF RIGHTS	13 - 13
PLEADS NOT GUILTY	14 - 14
ADMONISHMENT SHEET FILED	15 - 15
ORDER FOR PRE-CONVICTION TESTING	16 - 17
CERTIFICATE OF COMPLIANCE	18 - 18
MOTION TO CONTINUE	19 - 19
NOTICE OF HEARING	20 - 20
MOTION FOR DISCOVERY	21 - 24
MOTION FOR SPEEDY TRIAL	25 - 26
MOTION FOR BILL OF PARTICULARS	27 - 29
SECOND MOTION FOR DISCOVERY BEFORE TRIAL	30 - 32
MOTION FOR BOND REDUCTION	33 - 35
NOTICE OF HEARING	36 - 39
AMENDED NOTICE OF HEARING	40 - 43
MOTION FOR SUBSTITUTION OF COUNSEL	44 - 44
SET FOR HEARING	45 - 45
PRE TRIAL ORDER	46 - 46
REMAINS AS SET ON 8/2/21	47 - 47
CONT'D TO SEPTEMBER JURY	48 - 48

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE)		
	)	Plaintiff/Petitioner	Circuit Court No: 2021CF396
v)		
)		
)		
CLINTON, DREW S)		
	)	Defendant/Respondent	

CHANGE OF VENUE - TABLE OF CONTENTS

Page 2 of 3

<u>Title/Description</u>	<u>Page No</u>
ORDER FOR GPS ELECTRONIC SURVEILLANCE	49 - 50
10% BOND	51 - 51
MOTION TO PROHIBIT	52 - 53
ORDER FILED.	54 - 54
PEOPLE'S DISCOVERY RESPONSE CERTIFICATE OF COMPLIANCE	55 - 57
PEOPLE'S FIRST MOTION IN LIMINE	58 - 60
PEOPLE'S SECOND MOTION IN LIMINE	61 - 61
PEOPLE'S THIRD MOTION IN LIMINE	62 - 64
PEOPLE'S FOURTH MOTION IN LIMINE	65 - 65
PEOPLE'S MOTION TO EXCLUDE	66 - 66
MOTION FOR BILL OF PARTICULARS	67 - 67
SUPPLEMENTAL	68 - 68
AMENDED SUPPLEMENTAL DISCOVERY	69 - 69
MOTION TO CONTINUE	70 - 70
CONT'D TO 8/23/21	71 - 71
ORDER	72 - 73
DEFENDANT'S DISCOVERY RESPONSE CERTIFICATE OF COMPLIANC	74 - 75
SUBPOENA - TO ISSUE	76 - 86
SECOND SUPPLEMENTAL DISCOVERY RESPONSE	87 - 87
AMENDED THIRD MOTION IN LIMINE	88 - 90
SET FOR HEARING	91 - 91
PRETRIAL MOTIONS	92 - 92
ORDER FILED.	93 - 93
REMAINS SET FOR JURY	94 - 94
APPEARS W/COUNSEL	95 - 95

FROM THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE)		
	)	Plaintiff/Petitioner	Circuit Court No: 2021CF396
v)		
)		
)		
CLINTON, DREW S)		
	)	Defendant/Respondent	

CHANGE OF VENUE - TABLE OF CONTENTS

Page 3 of 3

<u>Title/Description</u>	<u>Page No</u>
WAIVER OF JURY	96 - 96
SET FOR BENCH TRIAL	97 - 97
PEOPLE'S EXHIBIT #12A (	98 - 104
PEOPLE'S EXHIBIT #12B	105 - 107
PEOPLE'S EXHIBIT #12C	108 - 109
PEOPLE'S EXHIBIT #12E	110 - 116
PSI ORDERED	117 - 118
BENCH TRIAL	119 - 119
POST TRIAL MOTION	120 - 121
MOTION	122 - 123
PEOPLE'S RESPONSE TO MOTION	124 - 125
PEOPLE'S RESPONSE TO POST TRIAL MOTION	126 - 126
NOT GUILTY	127 - 127
ROP SENTENCING HEARING 1/3/22	128 - 146
NOTICE OF FILING FOR EXPUNGEMENT	147 - 148
REQUEST TO EXPUNGE & IMPOUND	149 - 152
NOTICE OF MOTIONS	153 - 157
UNREDACTED TRANSCRIPTS	158 - 158
ROP EXCERPT 10/13/21 (REDACTED)	159 - 242
ROP EXCERT 10/15/21 (REDACTED)	243 - 335
ORDER	336 - 336

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
vs.)
)
DREW S. CLINTON,)
(DOB: 5/18/03))
Defendant.)

Case No. 21-CF-396

FILED

JUN 01 2021

Geri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

INFORMATION

On behalf of the People of the State of Illinois, Adams County State's Attorney Gary L. Farha charges:

That on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his penis into the vagina of C.J.V. by the use of force or threat of force, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(1). (F-1) (Category A Offense)

TRE:cae

[Signature]

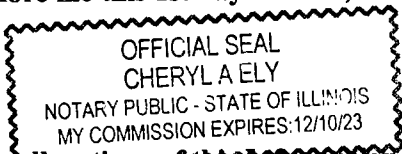
(Assistant) State's Attorney

STATE OF ILLINOIS)
) SS
COUNTY OF ADAMS)

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

[Signature]

Sworn to before me this 1st day of June, 2021.



[Signature]
_____ Notary Public

Based on the allegations of this Information as well as the police report and attached affidavit of _____, the Court finds probable cause; arrest warrant to issue. Bail set in the sum of \$ _____.

DATED: _____

JUDGE

DATE OF ARREST: 5/31/21
CFN# QPD - Q21-11602

AO-4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

vs. Plaintiff.

Drew Clinton

Defendant.

21 CF 396 ORDER

APPEARANCE ORDER

Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

Defendant appears personally.

1. Todd Nelson appears as defense counsel for bond purposes only

2. Defendant acknowledges receipt of copy of Charging document and is advised of nature of charges, possible penalties, pertinent constitutional rights, and trial in absentia.

3. Defendant requests appointed counsel.

A. Affidavit of Assets and Liabilities is submitted.

B. Court finds defendant to be indigent and appoints Vanessa Pratt to represent defendant.

C. Court finds defendant is not indigent and denies request.

D. Defendant advised of possible obligation to repay County for Public Defender expenses.

4. Cause is continued to _____, 20____, at _____, in courtroom _____.

A. On motion of defendant.

B. On motion of People.

5. Bail Bond

A. is set at \$ 75,000 (10%).

B. is continued.

C. remains as previously set and defendant is remanded to custody of Sheriff

D. is reduced to \$ _____

Charge prepaid [] Faxed []
Counsel delivered [] Emailed []
Counsel [] V. Pratt []
Defendant []
Date 6/11/21
Deputy Clerk

6. Defendant pleads not guilty and cause is set for (jury trial / bench trial / hearing) on _____, 20____, at _____ before Judge _____

7. Cause is set for:

A. Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

B. Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. for consideration of recognizance bond. Defendant is eligible for a \$30.00 per day credit against the 10% cash bond required to secure release. After the \$30.00 per day credit is applied, Defendant would be eligible for a recognizance bond on or about the above date, provided the same is approved by the Court. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

C. Preliminary Hearing on June 7, 2021, at 3:30 p.m. in Courtroom 1A

8. The court finds that probable cause exists for the arrest of the defendant (_____ a.m./p.m.).

9. Pre-trial to be held on _____, 20____, at a time to be set by the clerk. Defendant must appear personally for pre-trial review or a warrant will be issue for his/her arrest.

10. Other: Def shall have no contact, direct or indirect w/ CV and stay 1,000 ft away from her and her residence

11. Other: her residence

XPTS ordered.

ENTER: 6/11, 2021

CC: S.A.O. Defendant Defendant's Counsel (A.C.S.D.)

[Signature] JUDGE

REPORTER:

CLERK:

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

FILED

vs DREW CLINTON

2021 21CF396

Defendant.

Clara M. Schwendner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO

AFFIDAVIT OF ASSETS AND LIABILITIES

I, Drew Clinton, defendant in this case, on oath state that I am without enough income to hire and maintain counsel, and that I make the following statement TO SUPPORT MY REQUEST TO BE REPRESENTED BY COURT APPOINTED COUNSEL.

- 1. Name Drew S. Clinton Date of Birth 5/18/03
- 2. Address 9063 Monroe Blvd Phone No. 313-677-6890
- City Taylor State Mi Zip Code 48180

3. Family:

(A) Married Single Divorced Widowed Separated

(B) Names and Ages of all children in your care:

(C) Name of anyone else in your care and your relationship to them:

Name of Employer None

Address of Employer None

Occupation (what kind of job) None Length of Employment None

(PLEASE COMPLETE EVERY BLANK (BOTH SIDES) AND PRINT OR WRITE CLEARLY

EARNINGS/SOURCE OF INCOME:

(A) \$ _____ per week from job (hourly rate \$ _____)
 average number of hours per week _____

- (B) \$ _____ per month from:
1. _____ Welfare/Public Aid
 2. _____ Disability (S.S.I. or other)
 3. _____ Workmen's Compensation or Unemployment Benefits
 4. _____ Pension, Trust, Annuity or Retirement Plan
 5. _____ Other Sources(state, fed., local or private benefit plan)

\$ 0 **TOTAL MONTHLY INCOME OR EARNINGS**

<u>ASSETS(what you own)</u>	<u>LIABILITIES(what you owe)</u>
What is the value of your:	
1. Home \$ _____	1. Monthly Rent or Mortgage \$ _____
2. Other Real Estate \$ _____	2. Monthly Car Payment \$ _____
3. Car(s): \$ _____ Make(s) _____ Year(s) _____	3. Food & Other Monthly Expenses \$ _____
4. Other Personal Property \$ _____ (jewelry, household contents, etc.)	4. Monthly Cable T.V. Bill \$ _____
5. Bank Accounts \$ _____	5. Monthly Payments and Other Debts \$ _____ To Whom Owed:
6. Cash on Hand \$ _____	_____
7. Total Value of Life or Other Insurance Policies \$ _____	_____
8. Total Value of Stocks, Bonds, Securities or Trusts \$ _____	_____
9. Other Assets \$ _____ List Item(s) Here: _____	_____
_____	_____
TOTAL VALUE OF ASSETS \$ <u>0</u>	TOTAL MONTHLY DEBTS \$ <u>0</u>

If released on Bond, cash amount posted \$ _____ My own with 100%
 Source of Bond: family (defendant's money or borrowed from whom)

Under penalty of perjury, I certify the foregoing is true and correct.

Subscribed and sworn to before me _____, 20 _____

X [Signature]
 (Sign full name)

Deputy Clerk

(Revised 8/28/02)

IN THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

JUN 11 2021

PEOPLE OF THE STATE OF ILLINOIS
Plaintiff

Case No(s): 21CF396

Drew Clinton

Defendant

~~PRETRIAL RELEASE ORDER~~
PRETRIAL RELEASE ORDER

In addition to the conditions of bail, which are listed on the defendant's bail bond, the defendant is ordered as a condition of bail to participate in the Pretrial Services Program, including:

The defendant shall:

- 1. Appear at all times and dates as directed by the Court.
- 2. Upon release from custody, report immediately to Pretrial Services (Probation Department), located in the Adams County Courthouse, 521 Vermont, Quincy, IL 62301. If released after regular business hours, report immediately to Pretrial Services the next business day.
- 3. Not leave the State of Illinois without permission of the Court.
- 4. Not violate any criminal statute, law or ordinance of any jurisdiction.
- 5. Report as directed to and remain under the supervision of Pretrial Services.
- 6. Abide by any directives of Pretrial Services.
- 7. Allow Pretrial Services to visit and/or telephone the defendant's residence or place of employment at any time.
- 8. Be cooperative and truthful with Pretrial Services in all matters, including signing releases of information as requested.
- 9. Notify Pretrial Services within 24 hours of any changes in the defendant's place of residence, phone numbers, e-mail, school, or employment status.
- 10. Notify Pretrial Services of any violation of bond conditions and/or police contacts within 24 hours.
- 11. Not have contact or communicate directly or indirectly, including third party contact with any codefendants, complaining witnesses or their family members or CVS
- 12. Refrain from having in their body the presence of any illicit or prescription drug unless prescribed by a physician.
- 13. Submit to substance abuse counseling as directed by Pretrial Services.
- 14. Undergo random urinalysis testing in a manner set forth by Pretrial Services. Refusal to be tested and/or positive results will be considered a violation of this order.
- 15. Abide by the terms and conditions of Electronic Home Monitoring, GPS Monitoring or SCRAM Monitoring.
- 16. Not consume or possess alcohol or enter any establishment whose primary business is the sale of alcohol.
- 17. Additional Conditions: _____

ENTER: 6/11/2021

CC: SA: ✓
Def: ✓
Prob. Dep.: ✓

[Signature]
Judge

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

vs.
Drew Clinton
Defendant(s).

NO. 21 CP 396
ORDER

PRELIMINARY HEARING / ARRAIGNMENT / PLEA ORDER

FILED

JUN 07 2021

Defendant appears and with lawyer, Vanessa Pratt, and People
appear by Laura Keck.

___ A. After hearing evidence and arguments, Court finds probable cause that Defendant committed felony offenses as charged.

___ B. Court finds no probable cause as to all counts; cause dismissed; bond discharged.

___ C. Defendant waives right to Preliminary Hearing in open court with counsel present and the Court finds said waiver to have been made knowingly, voluntarily and freely.

___ D. Defendant is advised of the charges, possible penalties, pertinent constitutional rights, and trial and sentencing "in absentia"; (Defendant is advised of extended maximum term; discretionary or mandatory consecutive sentencing; mandatory DOC; mandatory Class X sentencing).

___ E. Defendant pleads not guilty and demands jury trial; trial set for _____, _____, at 9:00 AM before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; status hearing set for _____ at _____ M; all motions to be filed by _____, _____; discovery to be completed by _____, _____. The

Defendant must appear personally at the pre-trial and status hearing or a warrant will be issued for his/her arrest.

___ F. Parties advise Judge of proposed plea negotiation, namely: _____

Court conditionally concurs, and Defendant pleads guilty to offense of _____

Court finds plea to be knowingly, voluntarily and intelligently entered finds a factual basis and enters judgment on the plea. Defendant advised of sentencing in absentia. Jury waiver filed. Cause set for sentencing on _____, _____, at _____ M. PSI Ordered.

* X G. On motion of Defendant over obj People/Court, cause continued to June 16 2021, at 1:30 P M., for status of BOI in Courtroom 1B.

___ H. Other: _____

~~Bond continued~~ / Defendant remanded to Sheriff

ENTER: 6/7 2021

[Handwritten Signature]
JUDGE

cc: SA _____
Def. _____
Atty _____
Sheriff _____
Prob. Dept. _____

VP

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS, ON June 10, 2021
Plaintiff,
vs. No. 21-CF-396
DREW S. CLINTON (DOB: 5/18/03),
Defendant.

FILED

JUN 10 2021

Jeri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

BILL OF INDICTMENT

The Grand Jurors summoned, drawn, qualified, certified, selected and sworn in and for the County of Adams in the State of Illinois, IN THE NAME AND BY THE AUTHORITY OF THE PEOPLE OF THE STATE OF ILLINOIS, upon their oaths, present that on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his penis into the vagina of C.J.V. by the use of force or threat of force, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(1), contrary to the statute and AGAINST THE PEACE AND DIGNITY OF THE SAME PEOPLE OF THE STATE OF ILLINOIS. (F-1) (Category A Offense)

SECOND COUNT: And the Grand Jurors aforesaid, IN THE NAME AND BY THE AUTHORITY OF THE SAME PEOPLE AFORESAID, upon their oaths aforesaid, do further present that on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his penis into the vagina of C.J.V. and he knew that she was unable to give knowing consent to the act, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(2), contrary to the statute and AGAINST THE PEACE AND DIGNITY OF THE SAME PEOPLE OF THE STATE OF ILLINOIS. (F-1) (Category A Offense)

THIRD COUNT: And the Grand Jurors aforesaid, IN THE NAME AND BY THE AUTHORITY OF THE SAME PEOPLE AFORESAID, upon their oaths aforesaid, do further present that on or about the 31st day of May, 2021, at and within Adams County, Illinois, DREW S. CLINTON committed the offense of CRIMINAL SEXUAL ASSAULT in that he knowingly committed an act of sexual penetration with C.J.V. by placing his finger in the vagina of C.J.V. and he knew that she was unable to give knowing consent to the act, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(2), contrary to the statute and AGAINST THE PEACE AND DIGNITY OF THE SAME PEOPLE OF THE STATE OF ILLINOIS. (F-1) (Category A Offense)

[Signature]
FOREMAN
of the aforesaid Grand Jury

WITNESS

Jessica Hollensteiner

Let Warrant issue, returnable forthwith. Bail set in the sum of \$ 13,500.

ENTER: June 10, 2021



JUDGE

I, Lori Geschwandner, Clerk of the Circuit Court in and for said County, in the State aforesaid, do hereby certify that the within and foregoing is a true copy of a certain Bill of Indictment, with names of witnesses endorsed thereon, presented by the Grand Jurors in and for said County, on June 10, 2021 against Drew S. Clinton and returned into Court on the 10th day of June, 2021, for the crime of Criminal Sexual Assault (3 Counts).

Witness my hand and seal of said Circuit Court at Quincy, Illinois, this 10th day of June, 2021.

Lori Geschwandner

By: 

COUNTY OF ADAMS



FILED

JUN 15 2021

Lori R. Bachwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

GARY L. FARHA
State's Attorney

TODD R. EYLER
First Assistant State's Attorney

TERRY L. GIBSON
Victim Witness Coordinator

CHERYL A. ELY
Office Administrator

ANITA M. RODRIGUEZ
Sex Crimes & Drug Court
Prosecutor

LAURA K. KECK
Domestic Violence
Prosecutor

JAMIE L. FRIYE
Juvenile & Mental Health
Prosecutor

BRETT J. JANSEN
D.U.I., Traffic &
Conservation Prosecutor

JOSHUA L. JONES
Lead Trial Attorney

COUNTY: Adams

CASE NAME: PEOPLE v. Drew S. Clinton

CASE NO. 21 CF396

NOTICE OF VICTIM'S ASSERTION OF RIGHTS

Pursuant to Section 4.5(c.5) (1) of the Rights of Crime Victims and Witnesses Act [725 ILCS 12/4.5 (c-5) (1)], I assert the rights checked below that are guaranteed to me under Article I, Section 8.1 (a) of the Illinois Constitution. I understand that if I change my mind, I must complete and sign a new Notice of Victim's Assertion of Rights and give the form to the State's Attorney's Office.

Please Check Items

- The right to be treated with fairness and respect for my dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
- The right to notice and to a hearing before a court ruling on a request for access to any of my records, information, or communications which are privileged or confidential by law.
- The right to timely notification of all court proceedings.
- The right to communicate with the prosecution.
- The right to be heard at any post-arraignment court proceeding in which one of my rights is a issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.
- The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.
- The right to timely disposition of the case following the arrest of the accused.
- The right to be reasonably protected from the accused throughout the criminal justice process.
- The right to have my safety and my family's safety considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.
- The right to be present at the trial and all other court proceedings on the same basis as the accused, unless I will testify and the court determines that my testimony would be materially affected if I hear other testimony at the trial.
- The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of my choice.
- The right to restitution.

Printed Name of Victim: Cameron Vaughan

Signature of Victim: Cameron Vaughan

Date: Jun 6-14-21

ADAMS COUNTY COURTHOUSE: 521 Vermont Street:
Quincy, Illinois 62301
Phone (217) 277-2225: Fax (217) 277-2017
www.co.adams.il.us

4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

JUN 16 2021

NO. 21-CF-396

ORDER

vs. Drew S. Clinton

Defendant(s)

R. Brooks
CLERK, ADAMS CO.

PRELIMINARY HEARING / ARRAIGNMENT / PLEA ORDER

Defendant appears and with lawyer, VRP, and People appear by 8770.

- A. After hearing evidence and arguments, Court finds probable cause that Defendant committed felony offenses as charged.
- B. Court finds no probable cause as to all counts; cause dismissed; bond discharged.
- C. Defendant waives right to Preliminary Hearing in open court with counsel present and the Court finds said waiver to have been made knowingly, voluntarily and freely.

D. Defendant is advised of the charges, possible penalties, pertinent constitutional rights, and trial and sentencing "in absentia"; (Defendant is advised of extended maximum term; discretionary or mandatory consecutive sentencing; mandatory DOC; mandatory Class X sentencing).

E. Defendant pleads not guilty and demands jury trial; trial set for 8-9, 2021, at 9:00 AM before Judge Henze; pre-trial to be held on ~~8-2~~ 7-30, 2021, at a 10 AM time to be set by the clerk; status hearing set for 7-14 at 10 A M; all motions to be filed by 7-9, 2021; discovery to be completed by 7-2, 2021. The Defendant must appear personally at the pre-trial and status hearing or a warrant will be issued for his/her arrest.

F. Parties advise Judge of proposed plea negotiation, namely: _____

Court conditionally concurs, and Defendant pleads guilty to offense of _____

Court finds plea to be knowingly, voluntarily and intelligently entered finds a factual basis and enters judgment on the plea. Defendant advised of sentencing in absentia. Jury waiver filed. Cause set for sentencing on _____, at _____ M. PSI Ordered.

G. On motion of Defendant/People/Court, cause continued to _____, _____, at _____ M., for _____ in Courtroom _____.

H. Other: Order for pre-conference hearing signed.

Bond continued / Defendant remanded to Sheriff.
ENTER: Co-16, 2021

Mark J. [Signature]
JUDGE

cc: SA
Def. VRP
Atty
Sheriff
Prob. Dept.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

v.

JUN 16 2021

No. 21 CF 396

Drew S. Clinton
Defendant

Dr. P. Washburne
Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

Count 1: Criminal Sexual Assault Class: F-1 MSR 3 yrs to return
Normal Sentencing Range 4-15 Enhanced Range _____

Sentencing Enhancements: ___ extended term; ___ Cls X offender; ___ double enhance. X S.O.R.A. require
Truth in Sentencing: 50%, 75%, (85%) Eligible for Drug Court: yes/(no) Mental Health Ct: yes/(no)
Eligible for Conditional Discharge/ Probation: yes/(no) If yes, eligible for _____ months.

Count 2: Criminal Sexual Assault Class: F-1 MSR 3 yrs to return
(Ct. 2 is an alternative charge to Ct. 1)
Normal Sentencing Range 4-15 Enhanced Range _____

Sentencing Enhancements: ___ extended term; ___ Cls X offender; ___ double enhance. X S.O.R.A. require
Truth in Sentencing: 50%, 75%, (85%) Eligible for Drug Court: yes/(no) Mental Health Ct: yes/(no)
Eligible for Conditional Discharge/ Probation: yes/(no) If yes, eligible for _____ months.

Count 3: Criminal Sexual Assault Class: F-1 MSR 3 yrs to return
Normal Sentencing Range 4-15 Enhanced Range _____

Sentencing Enhancements: ___ extended term; ___ Cls X offender; ___ double enhance. X S.O.R.A. require
Truth in Sentencing: 50%, 75%, (85%) Eligible for Drug Court: yes/(no) Mental Health Ct: yes/(no)
Eligible for Conditional Discharge/ Probation: yes/(no) If yes, eligible for _____ months.

Prior Offenses that enhance sentence: _____

X Mandatory Consecutive Sentencing with IF convicted of Ct. 3, it is
mandatory consecutive to Ct. 1 or Ct. 2
_____ Discretionary Consecutive Sentencing with _____

Mandatory sentencing Provisions (ie. Jail time, Public Service Work, fines and assessments)
Schedule 4 Delinquent #1, 317; prevention letter +
per the cost of 1984 & 7
Minimum and Maximum possible fine: \$75 - \$25,000

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.) NO. 21 CF 391
)
Drew S. Clinton,)
)
Defendant.)

FILED

JUN 16 2021

ORDER FOR PRE-CONVICTION TESTING
Pursuant to 720 ILCS 5/11-1.10(e)

R. Duchowicz
Clerk of Court
CLERK, ADAMS CO.

THE COURT makes the following FINDING: (check applicable subsection)

- (1) The defendant is charged with a violation of Section 11-1.20 (Criminal Sexual Assault), Section 11-1.30 (Aggravated Criminal Sexual Assault) or Section 11-1.40 (Predatory Criminal Sexual Assault of a Child) and the Court has found probable cause at a preliminary hearing; OR
- (2) A Bill of Indictment has been returned charging the defendant with a violation of Section 11-1.20, Section 11-1.30 or Section 11-1.40; OR
- (3) The defendant is charged with a violation of Section 11-1.20, Section 11-1.30 or Section 11-1.40 but the Court has found the defendant unfit to stand trial pursuant Section 104-16 of the Code of Criminal Procedure of 1963 prior to the preliminary hearing; OR
- (4) A request for the testing has been made by a named victim of a violation of Section 11-1.20, Section 11-1.30 or Section 11-1.40 in this case.

IT IS HEREBY ORDERED pursuant to the provisions of 720 ILCS 5/11-1.10(e) that the defendant herein shall undergo medical and laboratory testing for sexually transmittable diseases, including a test for infection with human immunodeficiency virus (HIV), or other identified causative agent of acquired immunodeficiency syndrome (AIDS), all testing shall consist of tests approved by the Illinois Department of Public Health.

IT IS FURTHER ORDERED that, in the event of a positive result for HIV infection, a reliable supplemental test based upon recommendations of the United States Centers for Disease Control and Prevention shall be administered.

IT IS HEREBY ORDERED that said test and examination shall be performed only by licensed medical personnel and shall include an analysis of any bodily fluids which the medical personnel deem appropriate and necessary, as well as a physical examination for the defendant's person.

ORDER FOR PRE-CONVICTION TESTING
PAGE 2

IT IS FURTHER ORDERED THAT THE Sheriff shall transport the defendant, if in custody, to and from the Quincy Medical Group ambulatory clinic where the necessary blood samples and examination shall be performed for the purposes stated herein, preferably on Tuesdays, Wednesdays or Fridays within 14 days of the entry of this order, except that tests shall not be performed less than 91 days from the crime date of 5-21-21. If the defendant is on bond, then the defendant shall report directly to a medical facility to initiate the testing by presenting a copy of this Order within 14 days of the date of this Order. The cost of such testing and examination in the sum of \$984.87, or other amount as billed to Adams County, Illinois and shall be paid by Adams County and shall be taxed as costs against the accused, if convicted.

IT IS FURTHER ORDERED that the results of the tests and any follow-up tests shall be kept strictly confidential by all medical personnel involved in the testing and must be delivered to the undersigned Judge in a sealed envelope by personal or certified mail delivery. The Judge shall deliver the results in a sealed envelope to the State's Attorney and to the defendant (or defendant's counsel, if represented by counsel). The State's Attorney shall deliver the results of testing to the victim.

IT IS FURTHER ORDERED that the Clerk of the Court forward copies of this order to defendant, defendant's attorney, the Adams County Sheriff if the defendant is incarcerated, the Adams County State's Attorney and Adams County State's Attorney Victim-Witness Coordinator.

THIS ORDER IS ENTERED within 48 hours of the finding as indicated above:

DATED: 6-16-21



JUDGE

I hereby certify that a copy hereof is
mailed, postage prepaid, Faxed
personally delivered Emailed
SAO PO Counsel
Plaintiff Defendant
6-16-21 Kg
Deputy Clerk

ACSD

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

FILED

JUN 23 2021

Lori R. Hochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
)
)
DREW S. CLINTON,)
)
Defendant.)

No. 21-CF-396

CERTIFICATE OF COMPLIANCE

Now comes the Defendant and certifies to the Court that Defendant has complied with Supreme Court Rule 413 in providing discovery to the Prosecution. Defendant shall supplement this certification with any additional discovery if circumstances change.

DREW S. CLINTON, Defendant

By *Vanessa R. Pratt*
Vanessa R. Pratt

VANESSA R. PRATT
Attorney for DEFENDANT
521 Vermont Street
Quincy, IL 62301

Proof of Service

The undersigned certifies that a copy of the foregoing instrument was served upon the State's Attorney's Office by hand delivery on the 23rd day of June 2021.

DRP

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
)
DREW S. CLINTON,)
)
)
Defendant.)

No. 21 CF 396

FILED

JUN 25 2021

Lori A. Hochstetler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

MOTION TO CONTINUE JURY TRIAL

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois and moves to continue the jury trial in this case, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts, all F-1. One charge of Criminal Sexual Assault was initially filed by Information with the defendant having his first court appearance on June 1, 2021 following his May 31, 2021 arrest. On June 10, 2021, a Grand Jury returned a Bill of Indictment for the three counts of Criminal Sexual Assault, as stated.
2. On June 16, 2021, the defendant was arraigned, pled not guilty and set this case for the August 9, 2021 jury trial docket. Discovery for the August 9, 2021 jury trial docket is set for July 2, 2021.
3. There was physical evidence seized in this case which has been sent to the Illinois State Police forensic laboratory for examination for DNA evidence. The initial examination of the evidence has not taken place yet.
4. There is no possibility of the People meeting today's discovery deadline.
5. The defendant's initial 120-day speedy trial period will end on September 28, 2021. The People are initially asking to continue this case to the September 13 - 24, 2021 jury trial docket. It is anticipated that further continuances will ultimately be necessary to complete the DNA testing but the initial examination of the evidence should be completed before the September jury trial docket.

WHEREFORE, the undersigned prays for a continuance of the jury trial initially to the September 13 - 24, 2021 jury trial docket although it is likely that the People will need to request additional time beyond that docket to complete DNA testing, as permitted by Supreme Court Rule.

Dated: June 25, 2021

PEOPLE OF THE STATE OF ILLINOIS

[Signature]
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 25 DAY OF June, 2021.

[Signature]

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 v.) NO. 21 CF 396
)
 DREW S. CLINTON,)
)
 Defendant.)

FILED

JUN 25 2021

Jeri R. Schwandner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

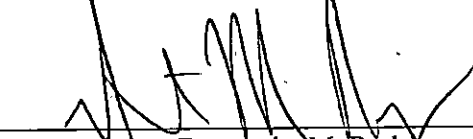
NOTICE OF HEARING

TO: Vanessa Pratt
Attorney for Defendant

You are hereby notified that on July 14, 2021 at 10:00 a.m., a representative of the Adams County State's Attorney's Office will appear before the Honorable Robert K. Adrian, or such other Judge as may be sitting in his stead, in courtroom 1B, Adams County Courthouse, 521 Vermont Street, Quincy, Illinois, for the purpose of a hearing on the People's Motion to Continue Jury Trial.

Dated: June 25, 2021

PEOPLE OF THE STATE OF ILLINOIS

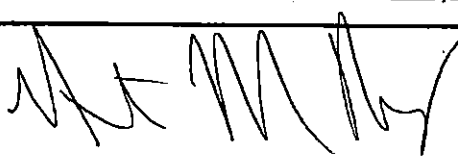

 By: Anita M. Rodriguez
 Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-deliv

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 25 DAY OF June, 2021.



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
 OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR DISCOVERY TO DEFENDANT

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and moves this Court that the Administrative Order Relating to discovery in Felony Cases be applied to the State's Attorney to disclose and produce certain evidence which is essential and material to the preparation of the defense and pursuant to Supreme Court Rule

1. The names and last known addresses of all persons whom the State intend to call.
2. Any and all relevant written or recorded statements of persons whom the State intend to call as witnesses and all other reports prepared by law enforcement investigators including memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements.
3. Any memoranda reporting or summarizing oral statements made by person whom the State intends to call as witnesses.
4. Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.

5. A transcript of those portions of grand jury minutes containing testimony of the accused and relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.

6. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons, and statements of qualifications of the expert.

7. Any record of prior criminal convictions, which may be used for impeachment, or persons whom the State intends to call as witnesses at hearing or trial.

8. The State informing defense counsel of electronic surveillance (including wiretapping) of conversations to which the accused was a party, of his premises.

9. Any material or information or names of witnesses within its possession or control which tends to negate the guilt of the accused of the offense charged, or would tend to reduce his punishment therefore.

10. A copy of any warrant, complaint for warrant and affidavit used to obtain evidence pertaining to this case.

11. A copy of any warrant, complaint for warrant and affidavit used in affecting the arrest of this case.

12. A list of prior convictions which the State intends to use to impeach the defendant should he choose to testify in this cause.

13. The disclosure by the State of any evidence in its possession as to whether it will rely on prior acts or convictions of a similar nature for proof of intent, knowledge, identity, motive or other relevant purpose of the accused.

14. Disclosure of any and all promises, inducements or representations made by any persons the State intends to call as witnesses at trial, including but not limited to promises of no prosecution, immunity or promises of lesser sentences or recommendations for such to a prosecutor or court in exchange for testimony at trial or hearing or cooperation in the investigation of the above-entitled manner.

15. Disclosure of the name of the confidential source along with any and all video tapes, audio tapes, and recordings of the Defendant of the alleged incident.

DREW S. CLINTON, Defendant

By



Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant


IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR SPEEDY TRIAL

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and requests a speedy trial pursuant to 725 Illinois Compiled Statutes 5/103-5.

DREW S. CLINTON, Defendant

By  _____
 Andrew C. Schnack, III
 One of His Attorneys


SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

MOTION FOR BILL OF PARTICULARS

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and state that he has been charged in the above-entitled cause of action.

Said Defendant alleges that the charge in said cause of action does not sufficiently inform him of the particular charge so that they are unable to properly prepare her defense.

WHEREFORE, said Defendant prays that this Honorable court grant to them the following for each count of said charge:

- a) That the People state with specificity the date of the alleged occurrence, if other than that specified in the charge;
- b) That the People state with specificity the place of the alleged occurrence;
- c) That the People state with specificity the time of the alleged occurrence as nearly as may be determined.

Defendant further states to this Honorable Court that all of the foregoing requested information is necessary to the Defendant in order to prepare a defense in said cause of action.

DREW S. CLINTON, Defendant

By: _____



Andrew C. Schnack, III
One of His Attorneys


SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
lawoffice@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	


SECOND MOTION FOR DISCOVERY BEFORE TRIAL

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Supreme Court Rule 412 and United States vs. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 LEd 2d 481 (1985), requests the People to disclose and produce the following:

1. Disclosure of any and all promises, inducements or representations made to any persons the prosecution intends to call as witnesses at trial, including but not limited to promises of no prosecution, immunity or promises of lesser sentences or recommendations for such to a prosecutor or court in exchange for testimony at trial or cooperation in the investigation of the above-entitled matter.

All of the above requested information is necessary to the Defendant in order to prepare a defense in this case.

DREW S. CLINTON, Defendant

By 
Andrew C. Schnack, III
One of His Attorneys

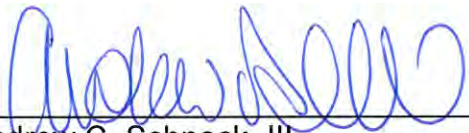
SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

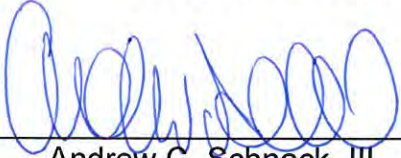
MOTION FOR BOND REDUCTION

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Illinois Compiled Statutes, 725 ILCS 5/110-6, requests that the bond previously set be reduced and for reasons states:

1. That the Defendant is 18 years old, his birthday being May 18, 2003.
2. That the Defendant just graduated from high school
3. That the Defendant has an aunt who works in the county clerk's office, Amy Eaton, who lives on Gayla Drive in Quincy, Adams County, Illinois who he will reside with while this matter is pending.
4. That the Defendant has no prior criminal records
5. That it is almost impossible to defend at 18-year-old boy who is in the Adams County Jail listening to seasoned, veteran adult inmates.
6. That it is necessary that the Defendant's attorney be able to speak with him on a regular basis in a private, face-to-face setting.

WHEREFORE, Defendant prays that his bond be reduces to an amount he can pay, which would be in approximately the amount of \$10,000.00 - \$15,000.00 with 10% rule to apply.

DREW S. CLINTON, Defendant

By 

Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that she served the above and foregoing instrument by e-filing true and correct copies of the same on this the 28 day of June 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY


PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

NOTICE OF HEARING

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301

YOU ARE HEREBY NOTIFIED that on the 14th day of July 14, 2021 at 8:45 a.m. or as soon as I can be heard, I will present to the presiding Judge in the Adams County Courthouse, Quincy, Adams County, Illinois, a Motion for Bond Reduction, copies of which are attached hereto and made apart hereof, and will at that time introduce evidence in support of said Motion and will request that the Court enter an Order as prayed for in said Motion, at which time and place you may appear should you see fit so to do.

DREW S. CLINTON, Defendant

By: 
Andrew C. Schnack, III
Attorney at Law

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that he served the above and foregoing instrument by e-filing true and correct copies of the same on this the 29 day of June, 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	


MOTION FOR BOND REDUCTION

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Illinois Compiled Statutes, 725 ILCS 5/110-6, requests that the bond previously set be reduced and for reasons states:

1. That the Defendant is 18 years old, his birthday being May 18, 2003.
2. That the Defendant just graduated from high school
3. That the Defendant has an aunt who works in the county clerk's office, Amy Eaton, who lives on Gayla Drive in Quincy, Adams County, Illinois who he will reside with while this matter is pending.
4. That the Defendant has no prior criminal records
5. That it is almost impossible to defend at 18-year-old boy who is in the Adams County Jail listening to seasoned, veteran adult inmates.
6. That it is necessary that the Defendant's attorney be able to speak with him on a regular basis in a private, face-to-face setting.

WHEREFORE, Defendant prays that his bond be reduces to an amount he can pay, which would be in approximately the amount of \$10,000.00 - \$15,000.00 with 10% rule to apply.

DREW S. CLINTON, Defendant

By 

Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

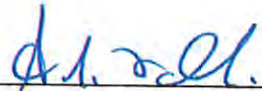
PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2021-CF-396
)	
DREW S. CLINTON,)	
)	
Defendant.)	

AMENDED NOTICE OF HEARING

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301

YOU ARE HEREBY NOTIFIED that on the 7th day of July, 2021 at 8:45 a.m. or as soon as I can be heard, I will present to the presiding Judge in the 5dams County Courthouse, Quincy, Adams County, Illinois, a Motion for Bond Reduction, copies of which are attached hereto and made apart hereof, and will at that time introduce evidence in support of said Motion and will request that the Court enter an Order as prayed for in said Motion, at which time and place you may appear should you see fit so to do.

DREW S. CLINTON, Defendant

By: 
Andrew C. Schnack, III
Attorney at Law

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

PROOF OF SERVICE

The undersigned certifies that he served the above and foregoing instrument by e-filing true and correct copies of the same on this the 30 day of June, 2021.

TO: Adams County Circuit Clerk
521 Vermont Street
Quincy, IL 62301

TO: Adams County State's Attorney's Office
521 Vermont Street
Quincy, IL 62301



Andrew C. Schnack, III

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTYTHE PEOPLE OF THE STATE
OF ILLINOIS,

Plaintiff,

vs.

DREW S. CLINTON,

Defendant.

No. 2021-CF-306

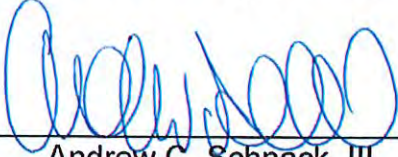
MOTION FOR BOND REDUCTION

Now comes the Defendant, DREW S. CLINTON, by his attorneys, Schnack Law Offices, and pursuant to Illinois Compiled Statutes, 725 ILCS 5/110-6, requests that the bond previously set be reduced and for reasons states:

1. That the Defendant is 18 years old, his birthday being May 18, 2003.
2. That the Defendant just graduated from high school
3. That the Defendant has an aunt who works in the county clerk's office, Amy Eaton, who lives on Gayla Drive in Quincy, Adams County, Illinois who he will reside with while this matter is pending.
4. That the Defendant has no prior criminal records
5. That it is almost impossible to defend at 18-year-old boy who is in the Adams County Jail listening to seasoned, veteran adult inmates.
6. That it is necessary that the Defendant's attorney be able to speak with him on a regular basis in a private, face-to-face setting.

WHEREFORE, Defendant prays that his bond be reduces to an amount he can pay, which would be in approximately the amount of \$10,000.00 - \$15,000.00 with 10% rule to apply.

DREW S. CLINTON, Defendant

By 

Andrew C. Schnack, III
One of His Attorneys

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff,

vs.

DREW S. CLINTON,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 2021-CF- 396

MOTION FOR SUBSTITUTION OF COUNSEL

Now comes VANESSA PRATT and moves that ANDREW C. SCHNACK, III be substituted in her stead as attorney for the Defendant.

Now comes ANDREW C. SCHNACK, III, Attorney at Law, and hereby enters her appearance herein as Attorney for the Defendant, DREW S. CLINTON.

VANESSA PRATT
521 Vermont Street
Quincy, IL 62301



Attorney at Law

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301



ANDREW C. SCHNACK, III
Attorney at Law

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

JUL 07 2021

NO.

21 CF 396

vs.

Drew Clifton

Abi R. Duchasombr...

ORDER

Defendant
ILLINOIS, ADAMS CO.

PRELIMINARY HEARING / ARRAIGNMENT / PLEA ORDER

Defendant appears and with lawyer, ACS, and People appear by TE.

A. After hearing evidence and arguments, Court finds probable cause that Defendant committed felony offenses as charged.

B. Court finds no probable cause as to all counts; cause dismissed; bond discharged.

C. Defendant waives right to Preliminary Hearing in open court with counsel present and the Court finds said waiver to have been made knowingly, voluntarily and freely.

D. Defendant is advised of the charges, possible penalties, pertinent constitutional rights, and trial and sentencing "in absentia"; (Defendant is advised of extended maximum term; discretionary or mandatory consecutive sentencing; mandatory DOC; mandatory Class X sentencing).

E. Defendant pleads not guilty and demands jury trial; trial set for _____, _____, at 9:00 AM before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; status hearing set for _____ at _____ M; all motions to be filed by _____, _____; discovery to be completed by _____, _____. The

Defendant must appear personally at the pre-trial and status hearing or a warrant will be issued for his/her arrest.

F. Parties advise Judge of proposed plea negotiation, namely: _____

Court conditionally concurs, and Defendant pleads guilty to offense of _____

Court finds plea to be knowingly, voluntarily and intelligently entered finds a factual basis and enters judgment on the plea. Defendant advised of sentencing in absentia. Jury waiver filed. Cause set for sentencing on _____, _____, at _____ M. PSI Ordered.

G. On motion of Defendant People/Court, cause continued to 8/2/2021, _____, at 3:00 p M., for Hearing on Motion For in Courtroom 113.

H. Other: Bond Reduction
Court Date of 7/14/21 is vacated
Bond continued. Defendant remanded to Sheriff.

ENTER: 7/17/2021

Valerie Slav
JUDGE

cc: SA _____
Def. _____
Atty CSS _____
Sheriff _____
Prob. Dept. _____

KC

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
DREW CLINTON,)
)
Defendant.)

FILED

JUL 21 2021

No. 2021-CF-396

Jeri B. Buchwaldner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PRE-TRIAL ORDER

As this case remains set for Pre-Trial Conference on Friday, July 30, 2021 and Jury Trial on Monday, August 9, 2021, it is hereby Ordered as follows:

1. Any pre-trial motions not already set for hearing before the presiding felony judge, shall be filed no later than close of business on Wednesday, July 28, 2021.
2. Proposed Jury Instructions, a Statement of the Case and proposed Witness Lists shall be exchanged and provided to the Court at the Pre-Trial Conference.

Entered: July 21, 2021

Holly J. Henze

Hon. Holly J. Henze

Copy: SAO
ACS
Def

I hereby certify that a copy hereof was:

Mailed, postage prepaid Faxed
 Personally delivered Emailed
 SAO PO Counsel
 Plaintiff Defendant

7/22/21 _____
Date Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois
(Plaintiff)

JUL 30 2021

Drew Clinton
(Defendant)

Shirley W. Schwemmer
(State's Attorney)

No. 21CF396

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: JWS Defendant appears by: AcSTW

Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)

2. On motion of People, the PRE-TRIAL CONFERENCE IS CONTINUED TO-
2 day of August at 3:00 P. M. Courtroom # 113
 (Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
 The parties stipulate and agree as follows:

- A) The expected length of trial is _____ days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is - WAIVED - REQUESTED;
- D) Twelve jurors with _____ ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- F) Special Setting:
- G) Pre-Trial Motions:

Jury Instructions, Witness lists & Statement of the case due by

for lay on motion to continue

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ or plea (or bench trial setting) on the _____ day of _____ at _____ M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET. CDB 08-02-21

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____

7. OTHER: Def arranges ready for trial.
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 7-30-2021
 cc: SAC
 DEFENDANT:
 DEFENDANT'S ATTORNEY -

Drew Hensel
JUDGE

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois

AUG 02 2021

(Plaintiff)

vs.

Drew Clinton

(Defendant)

Abi R. Duchowich
Clerk Court in Adams County
ILLINOIS, ADAMS CO.

21 CF 396

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: A. Rodriguez Defendant appears by: Archie C. Schaeck III
Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)
- 2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO _____ day of _____ at _____ M. Courtroom # _____.
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. **PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.**
The parties stipulate and agree as follows:

- A) The expected length of trial is _____ days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
- D) Twelve jurors with _____ ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- F) Special Setting:
- G) Pre-Trial Motions:

All motions to be filed by August 13, 2021; Status hearing on Aug. 18, 2021 at 9:00 AM

4. DEFENDANT **WAIVES JURY** AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ day of _____ at _____ M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO Sept. 13, 2021, at 9:00 A.M. before Judge Hucker; pre-trial to be held on Sept. 3, 2021, at 9:00 time to be set by the clerk; discovery to be completed by Aug. 6, 2021

7. OTHER: People's Motion to continue jury trial is granted over objection
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED:
cc: SAO-

DEFENDANT-
DEFENDANT'S ATTORNEY

ACED

ACED

"GPS ordered -
1,000 Det away from
Judge's home & work"

Motion for bond reduction is granted.
Bond reduced to \$25,000 - 10% to go to govt

Hucker
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

People of the State of Illinois,
Plaintiff,

Vs.

Drew S. Clinton
Defendant.

FILED

AUG 02 2021

Case No. 2021 CF396

Shari R. Bachman

ORDER FOR GPS ELECTRONIC SURVEILLANCE MONITORING

The Defendant having been arrested for/charged with a domestic violence offense as set out in 725 ILCS 5/110-5(f), probable cause for said arrest and detention having been found and the Court having considered applicable statutory factors regarding bail IT IS HEREBY ORDERED:

1. Defendant shall, **prior to release on bond posted**, have an Electronic Surveillance Monitoring device (GPS) installed on his/her person through the approved Adams County Circuit Court provider CAM Systems (312-251-7004).
2. Defendant shall continuously wear the GPS as a condition of bond until further order of the Court.
3. Defendant shall contact CAM Systems and promptly execute any required contract or written agreement with CAM Systems regarding installation of the device.
4. Defendant shall fully comply with all terms and conditions of wearing the GPS and instructions from CAM and/or the Probation personnel, promptly pay all costs of the GPS and immediately notify CAM Systems of any problems or malfunction of the GPS.
5. Defendant shall not tamper with, obstruct, damage or alter the GPS or its equipment.
6. Defendant shall stay at least 1000 feet from the residence ^{+ employment} of the victim and the following locations all listed below:
7. a) 2641 Muncie Hill Drive, Quincy, IL
b) 3418 Broadway St. Quincy (Tropical Smartlie)
c) 6006 Broadway, Quincy, IL (Dicks Sporting Goods)
8. Defendant shall comply with the terms of any pending Order of Protection.

~~X~~ Upon request of Defendant and the Court having found the Defendant to be indigent, the Clerk of the Court is authorized to disburse fro Defendant's cash bond on deposit, the initial installation costs for CAM Systems for the GPS. Defendant acknowledges that any such disbursement shall not otherwise be refunded to Defendant or the assignee of the bond, notwithstanding any discharge or release of the bond deposit.

Defendant shall comply with all standard and other conditions of bond as imposed by any separate order.

Def shall reside in Adams Co, IL

I hereby certify I have read, understand and received a copy of the this order.

Date: 8-1-2021

Signed: _____

Enter: 8-1-2021

[Signature]

Judge

Cc: Def
SAO
PO
Def. Atty.
ACSD/Jail

I hereby certify that a copy has been
mailed, postage prepaid Faxed
personally delivered Emailed
to PO Counsel *DSchnack*
Plaintiff Defendant
8/2/21 Kg
Date Signature
Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

NO.: 21CF396

Defendant's date of birth: x 5/18/03

vs.

Defendant: Drew Clinton

APPEARANCE BOND

The person named above, as DEFENDANT, and whose signature appears below, has been charged with the offense(s)

Crim sex assault/force

FILED

AUG 03 2021

Bond for this offense has been set at \$ 25,000 10% Jan. R. Hochwender dollars.
Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

Therefore, in consideration of being released from custody, the DEFENDANT, AGREES:

- 1 That he/she is indebted to the PEOPLE OF THE STATE OF ILLINOIS in the full amount of the appearance bond stated above.
- 2. That as security for the performance of this agreement, there has been deposited the following:
 10% BOND. The Defendant/ Depositor has deposited \$ 2,500 in cash 10% of the bond as stated above.
 RECOGNIZANCE or Individual Bond.
 REAL ESTATE BOND. (Separate sworn statement and schedule required.)

Approved _____

3. That the DEFENDANT SHALL;

- A. Personally appear to answer the charge(s) at the Adams County Courthouse, Quincy, Illinois, on the 18 day of August, 21 at 9:00 M., Court room# 1B and appear each time as ordered by the Court, until discharged.
- B. Submit himself/herself to the orders and process of the Court.
- C. Not violate any criminal statute of any jurisdiction.
- D. Not leave the State of Illinois without permission of the Court.
- E. Give written notice of any address change to the Clerk of this Court within 24 hours.
- F. Other Conditions: _____
- G. Domestic violence Addendum on reverse page.

Date: _____ Time: _____

NOTICE TO PERSON PROVIDING BOND MONEY IF OTHER THAN THE DEFENDANT

I hereby acknowledge that I have posted bond for the defendant named above. I further understand that if the defendant fails to comply with the conditions of this bond, that the Court shall enter an Order declaring the bond to be forfeited and used to pay costs, attorney's fees, fines or other purposes authorized by the Court. I further understand that, within the discretion of the Court, part of all of the bond may be used to pay fines, costs, fees, and restitution in this case as well as similar financial obligations incurred by the defendant in other cases pending against the defendant, and any child support obligations of the defendant that are in arrears. I further understand that all or a portion of the bond posted may be used upon order of the court to pay for any evaluations and other expenses incurred by the defendant as a condition of bond.

Print Depositor's Name Amey M. Eaton
Signature Amey M. Eaton
Print Address 1328 Gayla Dr.
City, State, Zip Quincy IL 62305

ASSIGNMENT OF BOND BY THE DEFENDANT

I hereby authorize the return of the bond herein posted to the person shown above after all conditions of this bond have been met.

Signature of DEFENDANT: Amey M. Eaton

- White— Court Copy
- Canary— Defendant's Copy
- Pink— Police Copy
- Gold— Bond Assignment

(SEAL)

CERTIFICATE OF DEFENDANT

I, Defendant, do hereby state that I know and understand the terms and conditions of this appearance bond as shown on the FRONT AND REVERSE SIDE of this appearance bond form. I understand further that if at any time prior to the final disposition of the charge(s), I escape or am released on bond and fail to appear in Court when required I thereby waive my right to confront the witness against me; the trial and/or sentencing can proceed in my absence; I forfeit the security posted; judgment will be entered against me for the full amount of this bond, plus costs; a warrant may be issued, in which event additional bond may be required to be posted. I understand and accept the terms and conditions set forth above and on the reverse side on this appearance bond.

Signature of DEFENDANT Drew Clinton
Print Address x 1328 Gayla Dr
City, State, Zip Quincy IL 62305

Signed and acknowledged before me and bond received by me this 3 day of August 21.

Signature of OFFICIAL [Signature]

(OFFICIAL CAPACITY)

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,))	
)	
Plaintiff))	
)	
vs. )	)	No. 2021-CF-396
)	
DREW CLINTON,))	
)	
Defendant))	

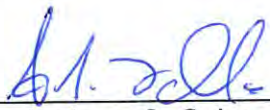
MOTION TO PROHIBIT

Now comes the Defendant, DREW CLINTON, by his attorneys Schnack Law Offices and moves this Honorable Court to prohibit the State's Attorney's Office or defense counsel from interjecting sympathy or prejudice into the case either during jury selection or at any time and more specifically states as follows:

1. That prohibits either party from talking about the age of the alleged victim in the above-entitled matter other than the fact that she was under 21 years of age and not legally old enough to drink alcoholic beverages.
2. That it would be unduly prejudicial to the defendant to have her age placed in front of the jury when the issue of her age is not relevant to any of the charges presently filed.

WHEREFORE, Defendant prays that the State be prohibited from interjecting statements to elicit sympathy or prejudice into the case with the jury during jury selection or any time during the trial in the above-entitled matter.

DREW CLINTON, Defendant

By: 

Andrew C. Schnack, III
One of his Attorneys

SCHNACK LAW OFFICES, PC
510 Vermont Street
Quincy, IL 62301
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

People

FILED

vs.

AUG 4th 2021

2021 CF 396

Drew S. Clinton

Lori A. Bachwender
Clerk, Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.
Defendant.

ORDER

By agreement of the parties,
the text messages/Facebook messages which
were filed as an attachment to defendant's
Witness Disclosure are impounded in the
Court file pending any pretrial motion hearing
~~pending~~ regarding those messages and/or
until further order of the Court.

Enter: 8-4-2021

cc: SAO

Det.

ACS III

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed
Personally delivered Emailed
SAO PO Counsel Drew
Plaintiff Defendant
Date 8/4/21 Deputy Clerk Kg

Robert K. Cook
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.) NO. 2021 CF 396
)
DREW S. CLINTON,)
)
Defendant.)

FILED

AUG 09 2021

Jori R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S DISCOVERY RESPONSE
CERTIFICATE OF COMPLIANCE

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and responds to the Defendant's Discovery Motion, which is deemed to be filed by administrative order, and certifies that she has complied with discovery as follows:

1. The following persons may be called as witnesses at the trial of this case:
 - a. C.J.V.
 - b. Jessica Hollensteiner, Quincy Police Department
 - c. Thomas Culp, 93 Ridgewood Drive, Quincy, Illinois
 - d. Ratayia Bias
 - e. Cami Bross
 - f. Kristopher Billingsley, Quincy Police Department
 - g. J.D. Summers, Quincy Police Department
 - h. Scott Vaughan, 2641 Manor Hill Drive, Quincy, IL 62301
 - i. Rachel Vaughan, 2641 Manor Hill Drive, Quincy, IL 62301
 - j. Shaylon Sargent, 2028 Spruce St., Quincy, Il 62301
 - k. Ian Frese, 803 Eagle Trace, Quincy, IL 62305
 - l. Kenneth Culp, 930 Ridgewood Dr, Quincy, IL 62301
 - m. Tamra Culp, 930 Ridgewood Dr., Quincy, IL 62301
 - n. Hayden Merreighn, 1418 S. 34th St., Quincy, IL 62301
 - o. E. O'Brien, RN, Blessing Hospital
 - p. Dr. Melaina Chandou, Blessing Hospital
 - q. Brandy Tallman, RN, Blessing Hospital
 - r. Jessica Bolton, Child Advocacy Center, 1420 Harrison, Quincy, Illinois
 - s. Andrew Clinton
 - t. Dareea Patrick Paiva, ISP laboratory (address on report)
 - u. Svetlana Gershburg, ISP laboratory (address on report)
 - v. Dana Pitchford, ISP laboratory
 - w. Any expert witness from ISP laboratory performing additional DNA testing, if

- any. Name(s) will be provided as soon as known.
2. All police reports and investigative reports of other agencies have previously been provided. The People will continue to provide reports if they become available.
 3. The following items of physical evidence may be used at the trial of this cause:
 - a. The sexual assault evidence collection kit, QPD #004
 - b. Defendant's statement of rights form, 5/31/2021, 1541 hours
 - c. DVD of recorded interview of the defendant, QPD #020 (the actual interview portion begins at approximately 15:39 hours)
 - d. Clothing worn by C.J.V. during the assault, QPD evidence #001
 - e. Green blanket, QPD evidence #002
 - f. Green pillow case, QPD evidence #003
 - g. Urine specimen from C.J.V. collected at Blessing, QPD evidence #005
 - h. Defendant's buccal swab, QPD evidence #006
 - i. Buccal swabs from defendant's fingers, QPD evidence #009 - #016
 - j. Defendant's clothing including grey shorts, QPD #017, red shirt, QPD #018 and underwear, QPD #019
 - k. Body cam footage from J.D.Summers has been requested and will be provided as soon as it is available – including statements taken from C.J.V., Scott Vaughan, Shaylon Sargent and Ian Frese, if any.
 - l. Consent to search form (930 Ridgewood Dr.) signed by Kenneth Culp
 - m. CAC recorded interview of C.V., 6-2-2021 by Jessica Bolton
 - n. Digital medical records of C.V., pages 1 – 35.
 - o. DVD of jail calls involving the defendant as more fully-described in Supplemental Report #4 of CFN 2021-11602
 - p. DVD of photographs of 930 Ridgewood.
 - q. Grand Jury Transcript, 6-10-21
 - r. ISP laboratory report #1 dated 7-6-2021 by Dareea Patrick Paiva
 - s. ISP laboratory report #2 dated 7-9-2021 by Svetlana Gershburg
 - t. ISP laboratory report #3 dated 7-14-2021 by Dana Pitchford
 - u. ISP laboratory report #4 dated 7-19-2021 by Svetlana Gershburg
 - v. Please note: Supreme Court Rule 417 materials from the Illinois State Police Laboratory will be made available upon specific request from defense counsel and a court order will need to be obtained.
 - w. A current C.V. of experts Svetlana Garshburg, Dana Pitchford and Dareea Paiva will be obtained and provided, if requested.
 - x. Additional DNA testing on any items listed above may be requested and performed and any additional results, if any, will be provided as soon as received.
 4. There is no information as requested in paragraphs 8, 11, 13 and 14.
 5. A record check will be conducted in Adams County for prior convictions of the listed witnesses which can be used for impeachment. Findings will be provided.

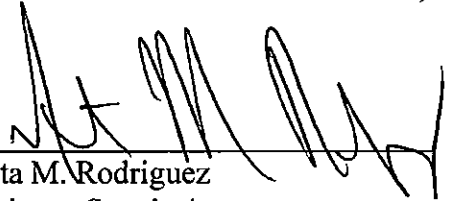
- 6. The following reports of expert witnesses have been provided: reports as stated above
- 7. If the Defendant chooses to testify at trial, the People will seek to impeach the Defendant with the following prior convictions: None known

Specific disclosure is requested of the Defendant of any prior convictions which could be used for impeachment of the Defendant which are not listed here from any jurisdiction.

WHEREFORE, the undersigned certifies that she has fully responded to Defendant's Discovery Motion and has fully complied with the discovery laws of this State. As additional information becomes available, it will be provided to defense counsel in a timely manner.

DATED: August 9, 2021

PEOPLE OF THE STATE OF ILLINOIS,

By: 
 Anita M. Rodriguez
 Assistant State's Attorney

GARY L. FARHA
 Adams County State's Attorney
 521 Vermont
 Quincy, IL 62301
 (217) 277-2225

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CASE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID. BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 9 DAY OF August, 2021

hard-copy



IN THE CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 13 2021

PEOPLE OF THE STATE OF ILLINOIS)
)
vs.)
)
DREW S. CLINTON,)
)
Defendant.)

No. 2021 CF 396

Ari R. Buchwald
Clerk of Court & Adm. Clerk
ILLINOIS, ADAMS CO.

PEOPLE'S FIRST MOTION IN LIMINE

NOW COME THE PEOPLE OF THE STATE OF ILLINOIS, by their attorney, Gary Farha, State's Attorney of Adams County, Illinois, by Assistant State's Attorney Anita Rodriguez, and moves this Honorable Court to prohibit and bar defense counsel or the Defendant or any witness from alluding to, referring to or in any manner bringing before the jury, whether as a panel or jury selected to try this case, any of the following matters:

1. Any plea negotiations between the People of the State of Illinois and the Defendant.
2. The punishment that the Defendant may receive in the event of conviction.
3. That the Defendant, if convicted, will always have a record as a convicted felon, including no statement or suggestion that the defendant has no prior criminal record.
4. Suggestions that the decision as to whether the defendant will testify is made by the defendant's attorney.
5. Evidence from any witness, including calling said witness to the witness stand who has not been previously provided in discovery and listed as a witness by the defense.

6. Character evidence from any witness not specifically limited to opinion and reputation evidence of character for truth and veracity, and specifically precluding testimony concerning specific instances of conduct unless the Court finds that the specific acts of conduct of the defendant or the victim are regarding a “pertinent trait of character.” Ill. R. Evid. 404.

7. Any act of misconduct on the part of any witness for the People of the State of Illinois, not amounting to a final conviction for a felony or a misdemeanor involving moral turpitude.

8. Any evidence concerning the reputation, or the person’s opinion, of any witness for the People of the State of Illinois for truth and veracity, until such time as the People have had the opportunity to test the qualifications of the person offering such evidence outside of the presence of the jury

9. Any evidence that would be in violation of the Court’s rulings on any pretrial motions, whether those motions were filed by the People or by the defense.

10. Use in evidence or for impeachment of any witness, any books, papers, documents, photographs, or tangible objects not previously provided in discovery, as of this date, or immediately after a hearing on this motion, as provided in S. Ct. Rule 413(d)(ii).

11. Any matter or allegation of fact of impeachment which the defense cannot perfect. *People vs. Lewis, 2017 IL App (4th) 150124, ¶37; People vs. Williams, 204 Ill. 2d 191, 208.*

12. Any definition or suggestion of how the jury should define or not define reasonable doubt. *See People vs. Speight, 153 Ill.2d 365, 374 (1992)* (“The law in Illinois

is clear that neither court nor counsel should attempt to define the reasonable doubt standard for the jury"); *People vs. Malone*, 126 Ill.App.2d 265 (1st Dist. 1970) (holding that since the court is prohibited from defining reasonable doubt, it is within the trial court's discretion to deny defense counsel an opportunity to comment on the meaning of reasonable doubt).

The above matters should not be mentioned unless and until the Defendant's attorney first approaches the bench and makes known to the Court and the attorney for the People of the State of Illinois, outside the presence and hearing of the jury, that said attorney intends to offer such proof, thus permitting the jury to be retired and the evidence and objections heard, and the Court to rule on the admissibility of such evidence, before it is placed before the jury, thus preventing prejudicial error no subsequent instruction could cure.

WHEREFORE, the People pray that this motion, in all things as requested, be granted.

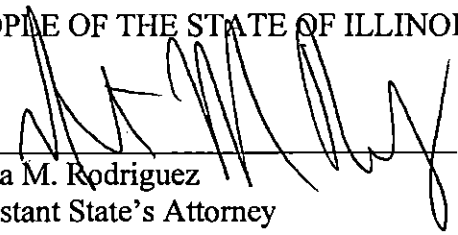
Dated: August 12, 2021

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

By:

Anita M. Rodriguez
Assistant State's Attorney



GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, IL 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE DELIVERED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 13 DAY OF August, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 13 2021

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
DREW S. CLINTON,)
)
) Defendant.)

No 2021 CF 396

Alex R. Buchwalter
Clerk of Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S SECOND MOTION IN LIMINE
(pursuant to 725 ILCS 5/115-7, rape shield)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court, pursuant to 725 ILCS 5/115-7, to prohibit the introduction of certain evidence at trial, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts to C.J.V.
2. That pursuant to statute, the defense should be prohibited, in advance of trial, from implying in questions asked of witnesses or from eliciting testimony from C.J.V. or from any other witness, that C.J.V. engaged in sexual activity with any individual, other than the defendant, either before or after the time of the charged crimes nor should there be evidence permitted of reputation evidence.
3. That in the event the defendant intends to offer evidence of prior sexual activity between himself and C.J.V., he should be required to present an offer of proof at an in camera hearing prior to trial, as required by 725 ILCS 5/115-7b.
4. That there is no constitutional reason why such evidence should be permitted.

WHEREFORE, the People pray that the victim in this case be afforded the protections of the rape shield statute, 725 ILCS 5/115-7, as stated above.

Dated: August 12, 2021

PEOPLE OF THE STATE OF ILLINOIS

[Signature]
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED ON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SAID ATTORNEYS WITH POSTAGE FULLY PAID AND DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE IN ADAMS COUNTY, ILLINOIS, ON THE 13 DAY OF August, 2021

[Signature]

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.) No 2021 CF 396
)
)
)
DREW S. CLINTON,)
) Defendant.)

FILED

AUG 13 2021

Aeri R. Duchowicz
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S THIRD MOTION IN LIMINE
(Ill. R. Evid. 803 excited utterance)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court, pursuant to Ill. R. Evid. 803, to permit into evidence at the trial of this cause certain evidence as an exception to the hearsay rule, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts to C.J.V., from the late night of May 30, 2021 into the early morning hours of May 31, 2021.
2. That the People's evidence will be that C.J.V. was sleeping when the sexual assault began and that it continued for a few minutes after C.J.V. woke up and after she told the defendant to stop. That immediately after the defendant stopped sexually assaulting C.J.V., she walked into an adjacent room and told Thomas Culp that the defendant had raped her. C.J.V. was crying as she woke up Thomas Culp and made the report to him. Two other persons in the room, Ratayia Bias and Cami Bross, may have heard what C.J.V. reported. Further information regarding what Ratayia Bias and Cami Bross heard will be provided as soon as it is obtained.
3. That C.J.V. contacted her friend, Shaylon Sargent and told her what had happened to her and asked her to pick her up from the location where she was assaulted. Ian Frese was present in the car when C.J.V. was picked up and transported. Shaylon Sargent and Ian Frese could testify to what C.J.V. reported to each of them regarding the sexual assault within a very short time after the sexual assault. Further information regarding what was reported to them is being obtained and will be provided prior to a hearing on this motion.
4. Ill. R. Evid. 803 provides: "The following are not excluded by the hearsay rule, even though the declarant is available as a witness: (2) Excited Utterance. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Likewise, evidence is admissible under this hearsay exception even if the declarant is unavailable. *People v. White, 198 Ill. App. 3d 641 at 658.*
5. The excited utterance hearsay exception, also known as the spontaneous declaration hearsay exception, has long been recognized in Illinois common law. There are three requirements for a hearsay statement to be admissible under the excited utterance/spontaneous declaration exception, (1) there must be an occurrence sufficiently startling to produce a spontaneous and unreflecting statement, (2) there

must be an absence of time for the declarant to fabricate the statement, and (3) the statement must relate to the circumstances of the occurrence. *People v. Williams*, 193 Ill. 2d 306 at 352, 739 N.E. 455, 250 Ill. Dec. 692 (2000); *People v. White*, 198 Ill. App. 3d 641, 555 N.E. 2d 1241, 144 Ill. Dec. 722 (1990). *White* cites a 1961 Illinois Supreme Court, *People v. Poland*, 22 Ill. 2d 175, 174 N.E. 2d 804, where the court, citing 6 Wigmore, Evidence, 3d ed., sec. 1747, recognized that this hearsay exception has been characterized as both the “spontaneous declaration” hearsay exception as well as the “excited utterance” hearsay exception. *White*, 198 Ill. App. 3d at 648.

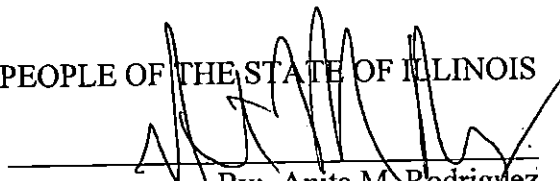
6. In *People v. Williams*, *supra*, the Court discussed many of the factors to consider:

“In addition, the fact that a declarant’s statement is made at the first opportunity to speak supports a finding of spontaneity (citation omitted) but a declarant may make a spontaneous declaration to a person even after having spoken previously to another (*People v. House*, 141 Ill. 2d at 386, 152 Ill. Dec. 572, 566 N.E. 2d 259). ...the fact that a statement was made in response to a question does not necessarily destroy spontaneity (further citations omitted). No one factor is dispositive. *Georgakopoulos*, 303 Ill. App. 3d at 1012, 237 Ill. Dec. 156, 708 N.E. 2d 1196. The time factor has been described as an ‘elusive’ factor, ‘whose significance will vary with the facts of each case.’ *House*, 141 Ill. 2d at 382, 152 Ill. Dec. 572, 566 N.E. 2d 259. Indeed, the period of time that may pass without affecting the admissibility of a statement under the spontaneous declaration exception varies greatly. See, e.g., *People v. Gacho*, 122 Ill 2d 221, 119 Ill Dec. 287, 522 N.E. 2d 1146 (1988) (statement made 6 ½ hours after the occurrence was admissible). *People v. Newell*, 135 Ill. App. 3d 417, 90 Ill. Dec. 327, 481 N.E. 2d 1238 (1985) (statement made 20 minutes after the occurrence was properly excluded). The critical inquiry is ‘whether the statement was made while the excitement of the event predominated.’ (further citation omitted) quoting M.Graham, Cleary & Grahams Handbook of Illinois Evidence ¶803.3, at 627 (5th Ed. 1990)” *Williams*, 193 Ill. 2d 306 at 353.
7. In *House*, *supra*, the Court stated “We reject out of hand any contention that a declarant cannot make a spontaneous declaration to a person after having spoken previously to another...No such *per se* rule exists.... The fact that the declarant may have previously spoken to another is merely a factor to consider in determining admissibility.” *House*, 141 Ill. 2d 323 at 386.
8. The statement made by C.J.V. to Thomas Culp, and to Ratayia Bia and Cami Bross, if they were awake when the statement was made, is clearly an excited utterance and should be admissible into evidence at trial as a hearsay exception.
9. Further information is being obtained as to the statements made to Shaylon Sargent and/or Ian Frese. The People are calling to the attention of the defense, at this time, that the People may request that those statements be admitted into evidence as an exception to the hearsay rule as excited utterance after further information is obtained.

WHEREFORE, the People pray for an order allowing into evidence at the trial of this cause, the testimony, as stated above, under the excited utterance exception to the hearsay rule as permitted by Ill. R. Evid. 803 and as permitted by Illinois case law.

Dated: August 13, 2021

PEOPLE OF THE STATE OF ILLINOIS



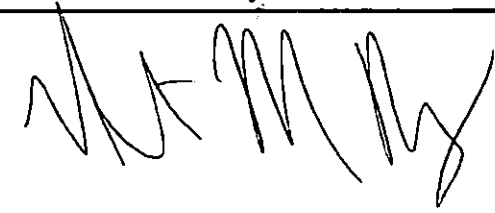
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

13 DAY OF April, 2021



hand-delivered

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
DREW S. CLINTON,)
)
Defendant.)

No 2021 CF 396

FILED

AUG 13 2021

Anita M. Rodriguez
Clk. Clerk Court of App. Ct. Ill.
ILLINOIS, ADAMS CO.

PEOPLE'S FOURTH MOTION IN LIMINE
(Facebook Messenger conversations)

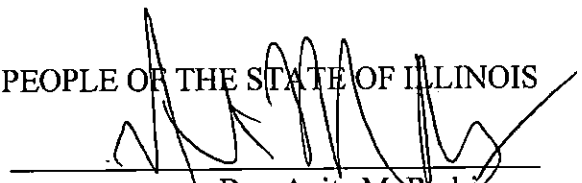
COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court to prohibit the defendant from introducing certain evidence at trial, as follows:

1. On July 21, 2021, the defendant filed a Witness Disclosure naming two individuals, Hayden Merreighn and Destiny Rath as potential trial witnesses. The disclosure also had attached 32 pages of written conversations that appear to be from Facebook Messenger. Those messages were impounded in the court file by order dated August 4, 2021, pending pretrial motion rulings.
2. The impounded messages purport to be conversations between various individuals in which the named victim, C.J.V. is mentioned and there is discussion between the message participants as to what did or did not happen on the date of the charged offense.
3. All of the messages are impermissible hearsay and do not fall within a hearsay exception.
4. That potential witnesses, Hayden Merreighn and Destiny Rath, as well as any other persons mentioned in the messages, should not be permitted to testify to their out-of-court conversations with individuals, not C.J.V. or the defendant, whether verbal conversations or the stated written conversations.

WHEREFORE, the People pray that the defendant be prohibited, in advance of trial, from presenting the Facebook Messenger conversations as stated above.

Dated: August 13, 2021

PEOPLE OF THE STATE OF ILLINOIS

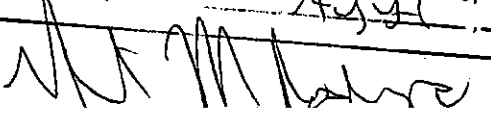


By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE
THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON ALL DEFENDANTS AND ATTORNEYS OF RECORD OF ALL DEFENDANTS AND ATTORNEYS OF RECORD BY ENCLOSING THE SAME IN AN ENVELOPE AND DEPOSITING THE ENVELOPE WITH THE POSTAGE FULLY PAID TO THE UNITED STATES POSTAL SERVICE IN A U.S. POST OFFICE AT QUINCY, ILLINOIS, ON THE 13 DAY OF August, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 13 2021

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW S. CLINTON,

Defendants

NO. 2021 CF 396

Ari R. Buchwalter
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S MOTION TO EXCLUDE
(Pursuant to 725 ILCS 5/115-11)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves to exclude certain persons from the trial of this cause, pursuant to 725 ILCS 5/115-11, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts, to C.J.V.
2. That C.J.V. is a minor under the age of 18 years.
3. That the People request that, while the victim is testifying, all persons, who in the opinion of the court, do not have a direct interest in the case, except the media, be excluded.
4. That the defendant will not be prejudiced by the court affording the victim the protection afforded by 725 ILCS 5/115-11.

WHEREFORE, the undersigned prays that the People's Motion to Exclude be heard prior to the commencement of trial and that the requested relief be granted.

DATED: August 12, 2021

PEOPLE OF THE STATE OF ILLINOIS,

By:

Anita M. Rodriguez
Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont
Quincy, IL 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE AND DELIVERING SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID AND DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS ON THE 13 DAY OF August 2021

Anita M. Rodriguez

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
)
DREW S. CLINTON,)
)
)
Defendant.)

No 2021 CF 396

FILED

AUG 16 2021

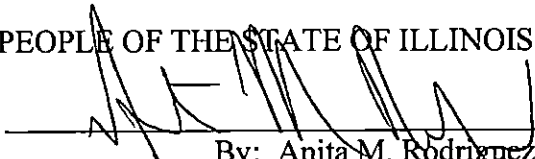
Teri R. Buchwalter
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

RESPONSE TO MOTION FOR BILL OF PARTICULARS

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and responds to the defendant's Motion for Bill of Particulars, as follows:

1. Date of offense – May 30, 2021 to May 31, 2021
2. Place of occurrence – 930 Ridgewood Drive, Quincy, Adams County, Illinois
3. Time of occurrence – from the late night of May 30, 2021 to early morning hours of May 31, 2021. At this time, the People are unable to provide a more specific time. If additional information is obtained as to the time, it will be provided.

Dated: August 16, 2021

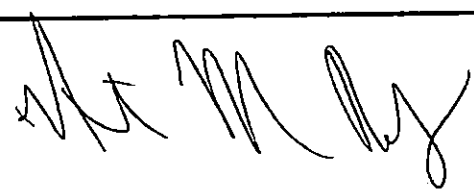
PEOPLE OF THE STATE OF ILLINOIS

By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAILBOX IN QUINCY, ILLINOIS, ON THE 16 DAY OF August, 2021.



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 16 2021

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
) Plaintiff,)
)
) Vs.)
)
) DREW S. CLINTON,)
)
) Defendant.)

No 2021 CF 396

Teri R. Buchwalter
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

SUPPLEMENTAL DISCOVERY RESPONSE

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and supplements the People's Discovery Response which was previously filed, as follows:

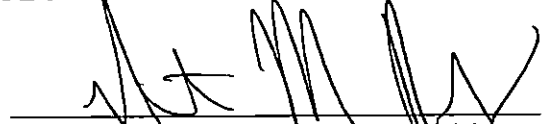
1. The following additional witnesses may be used at trial:
 - a. Jan Achelpohl, Quincy Police Department
 - b. Emily Pezzella, Quincy Police Department

2. In the People's Discovery Response, the People put defendant on notice, in paragraphs 1w and 3x that additional lab testing may be requested. The People have requested of the Illinois State Police Laboratory that the black panties in QPD evidence #001 and the multicolored underwear contained in QPD evidence #019 be tested. Those items will be transported to the ISP laboratory by Emily Pezzella on Tuesday, August 17, 2021. It is believed that the items will be tested by Forensic Scientist Svetlana Gershburg. If another forensic scientist does the testing, the name will be provided. Additional lab reports will be provided as soon as they are received.

Additional information will continue to be provided as it becomes available.

Dated: August 16, 2021

PEOPLE OF THE STATE OF ILLINOIS



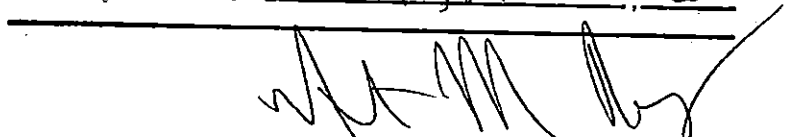
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CASE BY ENCLOSING THE SAME IN AN ENVELOPE AND DELIVERING SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 16 DAY OF August, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED
AUG 16 2021

Sen. P. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.) No 2021 CF 396
)
DREW S. CLINTON,)
)
) Defendant.)

AMENDED SUPPLEMENTAL DISCOVERY RESPONSE

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and supplements the People's Discovery Response which was previously filed, as follows:

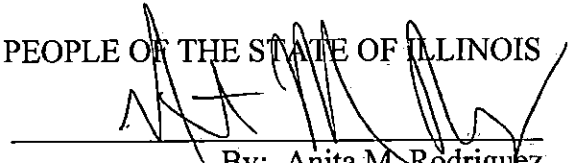
1. The following additional witnesses may be used at trial:
 - a. Jan Achelpohl, Quincy Police Department
 - b. Emily Pezzella, Quincy Police Department
 - c. Brian Curran, jail administrator, foundation for jail calls
 - d. Sue Hester, jail administrator, foundation for jail calls

2. In the People's Discovery Response, the People put defendant on notice, in paragraphs 1w and 3x that additional lab testing may be requested. The People have requested of the Illinois State Police Laboratory that the black panties in QPD evidence #001 and the multicolored underwear contained in QPD evidence #019 be tested. Those items will be transported to the ISP laboratory by Emily Pezzella on Tuesday, August 17, 2021. It is believed that the items will be tested by Forensic Scientist Svetlana Gershburg. If another forensic scientist does the testing, the name will be provided. Additional lab reports will be provided as soon as they are received.

Additional information will continue to be provided as it becomes available.

Dated: August 16, 2021

PEOPLE OF THE STATE OF ILLINOIS

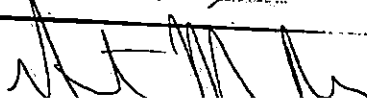


By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Handwritten note: how-did

PROOF OF SERVICE PROOF DE SE
THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS BY FIRST CLASS MAIL BY ENCLOSING THE SAME IN AN ENVELOPE WITH POSTAGE FULLY PREPAID BY AIR MAIL IN A U.S. POST OFFICE MAIL ROOM ON 16 DAY OF August 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

AUG 17 2021

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
)
Vs.)
)
) DREW S. CLINTON,)
)
) Defendant.)

No. 21 CF 396

Anita R. Buchwalter
Clerk of Court for Adams County
ILLINOIS, ADAMS CO.

MOTION TO CONTINUE JURY TRIAL

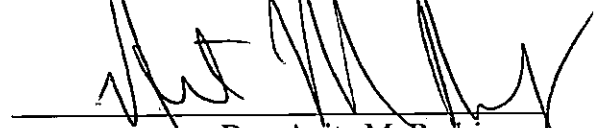
COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois and moves to continue the jury trial in this case, as follows:

1. This cause is set on the September 13-24, 2021 jury trial docket. The defendant is charged with Criminal Sexual Assault, 3 counts.
2. The defendant was lodged in jail on May 31, 2021. He filed a speedy trial demand on 6-28-21 while he remained lodged in jail.
3. On 8-3-21, the defendant posted a cash bond. Since release on bond, the defendant has not filed another speedy trial demand.
4. On today's date, August 17, 2021, two additional items of evidence are being submitted to the Illinois State Police Laboratory for testing. It is unknown how long the additional testing will take.

WHEREFORE, the undersigned prays for a continuance of the jury trial initially to the October 12 - 22, 2021 jury trial docket. If this motion to continue jury trial is not allowed, then the People would request leave of Court to provide discovery beyond the discovery deadline for the September jury trial docket.

Dated: August 17, 2021

PEOPLE OF THE STATE OF ILLINOIS



By: Anita M. Rodriguez
Assistant State's Attorney

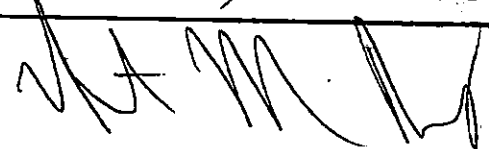
GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

hand-delivered

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

17 DAY OF August, 2021



IN THE CIRCUIL COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois AUG 18 2021

(Plaintiff)

Drew Clinton

(Defendant)

Anita R. Schrack No. 21 CF396
Clerk of Court & Judicial Clerk
ILLINOIS, ADAMS CO.

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: Anita Rodriguez Defendant appears by: Drew Schrack
Defendant - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)
- 2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO - status
23 day of August at 2:00 p. M. Courtroom # 1B I & J hearing on People's Mot to continue
 (Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)
- 3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
 The parties stipulate and agree as follows:
 - A) The expected length of trial is _____ days;
 - B) Joint list of witnesses to be furnished to the court before jury selection;
 - C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
 - D) Twelve jurors with _____ ALTERNATES;
 - E) Jury instructions to be submitted by morning of jury selection;
 - F) Special Setting;
 - G) Pre-Trial Motions:
- 4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ day of _____ at _____, M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.
- 5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____
- 6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____, _____.
- 7. OTHER: _____
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 8-18, 2021
cc: SAO - _____
DEFENDANT - _____
DEFENDANT'S ATTORNEY - AS - _____

[Signature]
JUDGE

SN

FILED

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

AUG 23 2021

People of the State of Illinois Abri R. Brachwamman
(Plaintiff) Clerk, Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

vs.

No. 21 CF 396

Drew S. Clinton
(Defendant)

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: A. Rodriguez Defendant appears by: Andrew C. Schneck III
Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)

2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO-
15 day of Sept 21 at 9:00 a. M. Courtroom # 1B
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
The parties stipulate and agree as follows:

- A) The expected length of trial is _____ days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
- D) Twelve jurors with _____ ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- F) Special Setting:
- G) Pre-Trial Motions: All pretrial motions will be heard by Sept 9, 2021 at 2:30 p.m.

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ day of _____ at _____ . M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO Oct. 12, 2021, at 9:00 A.M. before Judge Atkinson; pre-trial to be held on Oct. 1, 2021, at 9:00 a time to be set by the clerk; discovery to be completed by Sept. 3, 2021

7. OTHER: Motions to be filed by Sept 10, 2021
 - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 8-23 2021
cc: SAO-
DEFENDANT-
DEFENDANT'S ATTORNEY ACSTH
PO

On motion of defense, the GPS monitored is allowed, to be removed previously ordered.
Walt
JUDGE



Faint, illegible text or stamp in the upper middle section of the page.

Mailed, postage prepaid Faxed
 Personally delivered Emailed
 Plaintiff PO Counsel Defendant Jury Commissioner
8/23/21 *[Signature]*
 Date Deputy Clerk

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Plaintiff,)	
	)	NO. 2021-CF-396
v.)	
)	
DREW CLINTON,)	
)	
)	
Defendant.)	

DEFENDANT'S DISCOVERY RESPONSE

CERTIFICATE OF COMPLIANCE

COMES NOW Andrew C. Schnack, III, Attorney for the Defendant, in and for Adams County, Illinois, and responds to the Plaintiff's Discovery Motion, which is deemed to be filed by administrative order, and certifies that he has complied with discovery as follows:

1. The following persons may be called as witnesses at the trial of this case:
 - a. Jessica Hollensteiner, Quincy Police Department
 - b. Thomas Culp, 930 Ridgewood Drive, Quincy, Illinois
 - c. Kristopher Billingsley, Quincy Police Department
 - d. J.D. Summers, Quincy Police Department
 - e. Scott Vaughan, 2641 Manor Hill Drive, Quincy, Illinois
 - f. Rachel Vaughan, 2641 Manor Hill Drive, Quincy, Illinois
 - g. Hayden Merreighn, 1418 S. 34th St., Quincy, Illinois

- h. Dr. Melania Chandou, Blessing Hospital
- i. Brandy Tallman, RN, Blessing Hospital
- j. Jessica Bolton, Child Advocacy Center, 1420 Harrison, Quincy, Illinois
- k. Svetlana Gershburg, ISP laboratory (address on report)

WHEREFORE, the undersigned certifies that he has fully responded to Plaintiff's Discovery Motion and has fully complied with the discovery laws of this State. As additional information becomes available, it will be provided to the Plaintiff in a timely manner.

By: _____



Andrew C. Schnack, III
Attorney for the Defendant

SCHNACK LAW OFFICES
510 Vermont Street
Quincy, IL 62301
(217) 224-4000 Ext. 1
schlaw@adams.net
Attorneys for the Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.) NO.2021-CF-396
)
DREW CLINTON,)
)
Defendant.)

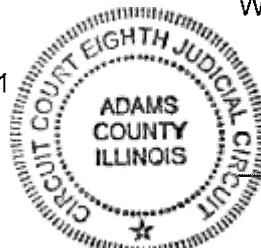
SUBPOENA

TO: Svetlana Gersburg
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, IL 62702-9611

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on October 12th, 2021 at 9:00a.m.

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

Name: Casey J. Schnack
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565
Witness, 9/1/2021, 2021
Clerk of Court (Seal of Court)
Deputy



I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

_____ Sheriff, A.C. Ill. Deputy

SHERIFF FEES
Service of Subpoena \$
Returning Subpoena \$
Miles Travel \$
Total Amount \$

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
)	
)	
)	
Plaintiff,)	
)	
v.	)	NO. 2021-CF-396
)	
)	
DREW CLINTON,)	
)	
)	
Defendant.)	

SUBPOENA

TO: Officer J.D. Summers
Quincy Police Department
530 Broadway Street
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. III. Deputy

SHERIFF FEES	
Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	)	Plaintiff,
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	)	Defendant.

SUBPOENA

TO: Officer Kristopher Billingsley
Quincy Police Department
530 Broadway Street
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES	
Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Plaintiff,)	
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
Defendant.)	

SUBPOENA

TO: Officer Jessica Hollensteiner
Quincy Police Department
530 Broadway Street
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES	
Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	)	Plaintiff,
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	)	Defendant.

SUBPOENA

TO: Ms. Hayden Merreighn
1418 S 34th Street
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES	
Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	)	Plaintiff,
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	)	Defendant.

SUBPOENA

TO: Ms. Rachel Vaughn
2641 Manor Hill Drive
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES	
Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW CLINTON,

Defendant.

NO. 2021-CF-396

SUBPOENA

TO: Ms. Scott Vaughn
2641 Manor Hill Drive
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	)	Plaintiff,
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	)	Defendant.

SUBPOENA

TO: Mr. Thomas Culp
930 Ridgewood Drive
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena	\$ _____
Returning Subpoena	\$ _____
Miles Travel	\$ _____
Total Amount	\$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW CLINTON,

Defendant.

NO. 2021-CF-396

SUBPOENA

TO: Dr. Melania Chandou
Blessing Hospital
11th Broadway
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

DREW CLINTON,

Defendant.

NO. 2021-CF-396

SUBPOENA

TO: Ms. Brandy Tallman, RN
Blessing Hospital
11th Broadway
Quincy, IL 62301

YOU ARE COMMANDED to appear and testify before the Honorable Holly Henze in Courtroom of the Adams County Courthouse in Quincy, Adams County, Illinois, on **October 12th, 2021 at 9:00a.m.**

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

Name: Andrew C. Schnack, III
Attorney for: Respondent
Address: 510 Vermont Street
City: Quincy, Illinois 62301
Telephone: 217/224-4000
Facsimile: 217/224-8565

Witness, _____, 2021

Clerk of Court
(Seal of Court)

Deputy

I have served the within Writ, by reading the same to the within named _____

This _____ day of _____, 2021.

Sheriff, A.C. Ill. Deputy

SHERIFF FEES

Service of Subpoena \$ _____
Returning Subpoena \$ _____
Miles Travel \$ _____
Total Amount \$ _____

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

FILED

SEP 01 2021

Devi R. Bachwaldner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
DREW S. CLINTON,)
)
Defendant.)

No 2021 CF 396

SECOND SUPPLEMENTAL DISCOVERY RESPONSE

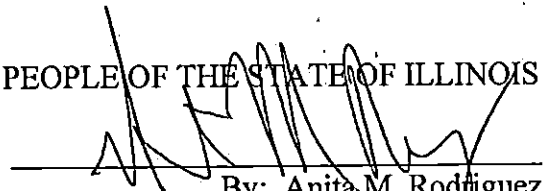
COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and supplements the People's Discovery Response which was previously filed on August 9, 2021, the Supplemental Discovery Response filed on August 16, 2021 and the Amended Supplemental Discovery Response filed on August 16, 2021, as follows:

1. The following additional witnesses may be used at trial:
 - a. Dexter McElhiney, Illinois State Police Forensic Laboratory, Springfield, IL
 - b. Additional DNA testing continues and additional names of forensic scientists, if any, will be provided as soon as known.
2. The following additional report of expert witness will be used as an exhibit at trial:
 - a. ISP Laboratory Report #5, dated 8-20-2021 by Dexter McElhiney.- was received in the State's Attorney's Office on 8-26-2021 and provided as discovery to defense counsel on August 27, 2021.
 - b. Additional reports will be forthcoming on DNA testing on QPD agency item 001 (lab item #14) and QPD agency item #019 (lab item #15).

Additional information will continue to be provided as it becomes available.

Dated: September 1, 2021

PEOPLE OF THE STATE OF ILLINOIS



By: Anita M. Rodriguez
Assistant State's Attorney

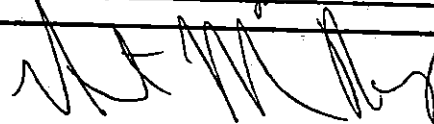
GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

*Hand-delivered
to attorneys
folder*

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE

1st DAY OF Sept 2021



FILED

SEP 10 2021

Teri R. Hochwamer
 Clerk Circuit Court 8th Judicial Circuit
 ILLINOIS, ADAMS CO.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
 ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
 Plaintiff,)
 Vs.) No 2021 CF 396
)
 DREW S. CLINTON,)
 Defendant.)

PEOPLE'S AMENDED THIRD MOTION IN LIMINE
 (Ill. R. Evid. 803 excited utterance)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and moves the Court, pursuant to Ill. R. Evid. 803, to permit into evidence at the trial of this cause certain evidence as an exception to the hearsay rule, as follows:

1. The defendant is charged with Criminal Sexual Assault, 3 counts to C.J.V., from the late night of May 30, 2021 into the early morning hours of May 31, 2021.
2. That the People's evidence will be that C.J.V. was very intoxicated, but sleeping, when the sexual assault began and that it continued for a few minutes after C.J.V. woke up and after she told the defendant to stop. That immediately after the defendant stopped sexually assaulting C.J.V., she walked into an adjacent room and told Cami Bross, Thomas Culp and Ratayia Bias that the defendant had raped her. C.J.V. was crying and upset as she woke up the three individuals and made statements to them about what had just occurred. It is believed that this occurred shortly before 4:00 a.m. on May 31, 2021.
3. Very shortly after making her statements to Bross, Culp and Bias, C.J.V. phoned her friend, Shaylon Sargent, told her that the defendant had raped her and asked Sargent to pick her up from the location where she was assaulted and take her home. Sargent will testify that it was approximately 4:00 a.m. when she received the call from C.J.V. Sargent then picked up C.J.V. from the location where the sexual assault occurred and transported C.J.V. to her home. While being transported by Sargent and Ian Frese, C.J.V. gave further details of the sexual assault occurred.
4. At approximately 8:42 a.m., on the same date of 5-31-2021, Officer J.D. Summers was dispatched to the home of C.J.V. on the report of sexual assault. His body cam was recording during his interaction with C.J.V. in which she provided some basic details of the sexual assault. That the body cam of Officer J.D. Summers, from 7:30 minutes until 11:52 minutes recorded the statement that C.J.V. gave to Officer Summers declaration.
5. Ill. R. Evid. 803 provides: "The following are not excluded by the hearsay rule, even though the declarant is available as a witness: (2) Excited Utterance. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Likewise, evidence is admissible under this hearsay exception even if the declarant is unavailable. *People v. White, 198 Ill. App. 3d 641 at 658.*

6. The excited utterance hearsay exception, also known as the spontaneous declaration hearsay exception, has long been recognized in Illinois common law. There are three requirements for a hearsay statement to be admissible under the excited utterance/spontaneous declaration exception, (1) there must be an occurrence sufficiently startling to produce a spontaneous and unreflecting statement, (2) there must be an absence of time for the declarant to fabricate the statement, and (3) the statement must relate to the circumstances of the occurrence. *People v. Williams*, 193 Ill. 2d 306 at 352, 739 N.E. 455, 250 Ill. Dec. 692 (2000); *People v. White*, 198 Ill. App. 3d 641, 555 N.E. 2d 1241, 144 Ill. Dec. 722 (1990). *White* cites a 1961 Illinois Supreme Court, *People v. Poland*, 22 Ill. 2d 175, 174 N.E. 2d 804, where the court, citing 6 Wigmore, Evidence, 3d ed., sec. 1747, recognized that this hearsay exception has been characterized as both the “spontaneous declaration” hearsay exception as well as the “excited utterance” hearsay exception. *White*, 198 Ill. App. 3d at 648.
7. In *People v. Williams*, *supra*, the Court discussed many of the factors to consider:

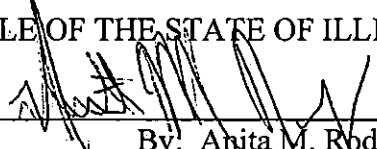
“In addition, the fact that a declarant’s statement is made at the first opportunity to speak supports a finding of spontaneity (citation omitted) but a declarant may make a spontaneous declaration to a person even after having spoken previously to another (*People v. House*, 141 Ill. 2d at 386, 152 Ill. Dec. 572, 566 N.E. 2d 259). ...the fact that a statement was made in response to a question does not necessarily destroy spontaneity (further citations omitted). No one factor is dispositive. *Georgakopoulos*, 303 Ill. App. 3d at 1012, 237 Ill. Dec. 156, 708 N.E. 2d 1196. The time factor has been described as an ‘elusive’ factor, ‘whose significance will vary with the facts of each case.’ *House*, 141 Ill. 2d at 382, 152 Ill. Dec. 572, 566 N.E. 2d 259. Indeed, the period of time that may pass without affecting the admissibility of a statement under the spontaneous declaration exception varies greatly. See, e.g., *People v. Gacho*, 122 Ill. 2d 221, 119 Ill. Dec. 287, 522 N.E. 2d 1146 (1988) (statement made 6 ½ hours after the occurrence was admissible). *People v. Newell*, 135 Ill. App. 3d 417, 90 Ill. Dec. 327, 481 N.E. 2d 1238 (1985) (statement made 20 minutes after the occurrence was properly excluded). The critical inquiry is ‘whether the statement was made while the excitement of the event predominated.’ (further citation omitted) quoting M.Graham, Cleary & Grahams Handbook of Illinois Evidence ¶803.3, at 627 (5th Ed. 1990)” *Williams*, 193 Ill. 2d 306 at 353.
8. In *House*, *supra*, the Court stated “We reject out of hand any contention that a declarant cannot make a spontaneous declaration to a person after having spoken previously to another...No such *per se* rule exists.... The fact that the declarant may have previously spoken to another is merely a factor to consider in determining admissibility.” *House*, 141 Ill. 2d 323 at 386.
9. The statement made by C.J.V. to Thomas Culp, Ratayia Bia and Cami Bross, is clearly an excited utterance and should be admissible into evidence at trial as a hearsay exception.
10. The statement made to Shaylon Sargent, when C.J.V. called her, and the statement made to Sargent and Ian Frese, when they were transporting her, is an excited utterance and should be admissible into evidence as an excited utterance.

11. The statement made by C.J.V. to Officer J.D.Summers, which was recorded on his body cam from 07:30 minutes until 11:52 minutes constitutes an excited utterance and should be admissible into evidence under the hearsay exception.

WHEREFORE, the People pray for an order allowing into evidence at the trial of this cause, the testimony, as stated above, under the excited utterance exception to the hearsay rule as permitted by Ill. R. Evid. 803 and as permitted by Illinois case law.

Dated: September 10, 2021

PEOPLE OF THE STATE OF ILLINOIS

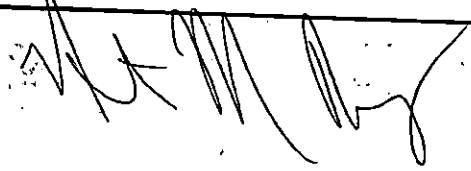

By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

*hand-delivered
to attorney
A. L. W.*

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE ADDRESSED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 10 DAY OF Sept, 2021



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

FILED

SEP 15 2021

People of the State of Illinois

(Plaintiff)

Drew Clinton

(Defendant)

No. 21CF3916

Chief Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: Anita Rodriguez Defendant appears by: Drew Schrack by Casey Schrack

- 1. Defendant having failed to appear, on Motion of People, A) Arrest Warrant is issued, B) Previous Bond is forfeited, C) Exparte judgment is entered.

2. On motion of Anita Rodriguez, the PRE-TRIAL CONFERENCE IS CONTINUED TO - 1st day of October, '21 at 9:00 a.m. Courtroom # 1B (Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL. The parties stipulate and agree as follows:

- A) The expected length of trial is ___ days; B) Joint list of witnesses to be furnished to the court before jury selection; C) Jury Selection Reporting is ___ - WAIVED ___ - REQUESTED; D) Twelve jurors with ___ ALTERNATES; E) Jury instructions to be submitted by morning of jury selection; F) Special Setting; G) Pre-Trial Motions: Sept. 27, 2021 at 9:00 a.m. in Courtroom 1B

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE ___ for plea (or bench trial setting) on the ___ day of ___ at ___ M. in Courtroom # ___. CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: ___ 6. CAUSE CONTINUED FOR JURY TRIAL TO ___, at 9:00 A.M. before Judge ___; pre-trial to be held on ___, at a time to be set by the clerk; discovery to be completed by ___.

7. OTHER: X - BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 9-15, 2021 cc: SAO - DEFENDANT - DS - DEFENDANT'S ATTORNEY - KC

[Signature] JUDGE

AO-4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS,

vs. Plaintiff.

SEP 27 2021

21 CF 396

ORDER

Don Clinton

Defendant.

Dei R. Duchonemin

APPEARANCE Dei R. Duchonemin
Clerk of Court, 8th Judicial Circuit
ADAMS CO.

Defendant appears personally.

1. Andre C Schuck III appears as defense counsel.

2. Defendant acknowledges receipt of copy of Charging document and is advised of nature of charges, possible penalties, pertinent constitutional rights, and trial in absentia.

3. Defendant requests appointed counsel.

- A. Affidavit of Assets and Liabilities is submitted.
- B. Court finds defendant to be indigent and appoints _____ to represent defendant.
- C. Court finds defendant is not indigent and denies request.
- D. Defendant advised of possible obligation to repay County for Public Defender expenses.

4. Cause is continued to Oct 1, 2021, at 9:00 am, in courtroom T B D.

- A. On motion of defendant.
- B. On motion of People.

5. Bail Bond

- A. is set at \$ _____
- B. is continued. Parties to contact Judge Artchbery for scheduling of pretrial matters
- C. remains as previously set and defendant is remanded to custody of Sheriff.
- D. is reduced to \$ _____

Defendant pleads not guilty and cause is set for (jury trial / bench trial / hearing) _____, 20____, at _____ before Judge _____.

Date 9-27-21

Deputy Clerk [Signature]

Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

Bail Bond Review for Category B offense on _____, 20____, at 9:30 a.m. in Courtroom _____. for consideration of recognizance bond. Defendant is eligible for a \$30.00 per day credit against the 10% cash bond required to secure release. After the \$30.00 per day credit is applied, Defendant would be eligible for a recognizance bond on or about the above date, provided the same is approved by the Court. The Defendant does NOT need to appear at this time unless the Defendant has not posted bond.

Preliminary Hearing on _____, 20____, at _____m. in Courtroom _____.
 The Court finds that probable cause exists for the arrest of the defendant (_____ a.m./p.m.).

9. Pre-trial to be held on _____, 20____, at a time to be set by the clerk. Defendant must appear personally for pre-trial review or a warrant will be issue for his/her arrest.

10. Other: Cause comes before the Court for pretrial motions. The Court indicates that the issue is People's pretrial motions and defendant's motion must be decided by the trial judge.

ENTER: 9-27, 2021

CC: S.A.O.
 Defendant
 Defendant's Counsel
 (A.C.S.D.)

AC III
Artchbery

[Signature]
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
DREW S. CLINTON,)
)
) Defendant.)

No 21 CF 396

FILED

SEP 28 2021

Lori A. Hochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

ORDER

Pursuant to the finding of Hon. Robert Adrian that the pretrial motions filed in this case should be heard by the trial court, all pretrial motions will be heard by The Hon. Michael Atterberry, the presiding judge for the October 12 – 22, 2021 jury trial docket, on **October 7, 2021 at 1:30 p.m.** in a courtroom to be assigned.

The Clerk of the Court shall send a courtesy copy of all pending motions and supporting memoranda to the Hon. Michael Atterberry.

IT IS SO ORDERED.

Enter: September 28, 2021

Cc: SAO
DEF
ACSI
Hon. Michael Atterberry

Walter K. Lee

Circuit Judge

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed *Judge Atterberry*
Personally delivered Emailed
SAO PO Counsel *MS*
Plaintiff Defendant
9/28/21 *kg*
Date Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ILLINOIS, ADAMS COUNTY

FILED

People of the State of Illinois **OCT 01 2021**
(Plaintiff)

vs.

Drew Clinton Lori R. Schweinhart No. 21 CF396
(Defendant) Illinois State Appellate Court
ILLINOIS, ADAMS CO.

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: Anita Rodriguez Defendant appears by Andrew Schnack
Defendant - Appears personally _____ - Fails to appear by C. Schnack

1. Defendant having failed to appear, on Motion of People,

- ___ A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
- ___ B) Previous Bond is forfeited
- ___ C) Exparte judgment is entered, (see separate order) And

2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO -
12 day of October, 21 at 8:30 a. M. Courtroom # 715D

(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)

Not admitted to trial in absentia

3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.

The parties stipulate and agree as follows:

- A) The expected length of trial is 3 days;
- B) Joint list of witnesses to be furnished to the court before jury selection;
- C) Jury Selection Reporting is _____ - WAIVED - REQUESTED;
- D) Twelve jurors with 2 ALTERNATES;
- E) Jury instructions to be submitted by morning of jury selection;
- ___ F) Special Setting;
- G) Pre-Trial Motions: scheduled for Oct. 7, 2021 at 1:30 pm before the undersigned.

4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE _____ for plea (or bench trial setting) on the _____ 'day' of _____ at _____ M. in Courtroom # _____. CAUSE STRICKEN FROM THE JURY DOCKET.

5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____

6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____.

7. OTHER: This case would be tried the first week of jury trial due to ASA having another trial which can only be tried the 2nd week.
 - BOND CONTINUED _____ - DEFENDANT REMANDED

ENTERED: 10-1, 2021
cc: SAO -
DEFENDANT -
DEFENDANT'S ATTORNEY AS

SN

Michael L. Atterbury
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

OF ILLINOIS, JEFFERSON COUNTY
FILED

People of the State of Illinois

(Plaintiff)

vs.

OCT 08 2021

No. 21 CF 396

Drew Clinton

(Defendant)

Shari R. Schwabman

PRE-TRIAL CONFERENCE ORDER (CRIMINAL)

People appear by: A. Rodriguez Defendant appears by: A. C. Schrock III

Defendant: - Appears personally - Fails to appear

- 1. Defendant having failed to appear, on Motion of People,
 - A) Arrest Warrant is issued, BOND SET ON THE WARRANT \$ _____
 - B) Previous Bond is forfeited
 - C) Exparte judgment is entered, (see separate order)
- 2. On motion of _____, the PRE-TRIAL CONFERENCE IS CONTINUED TO _____ day of _____ at _____ M. Courtroom # _____.
(Defendant is directed to appear personally at the Pre-Trial or a warrant may issue)
- 3. PRE-TRIAL CONFERENCE HELD. CASE REMAINS SET FOR JURY TRIAL.
The parties stipulate and agree as follows:
 - A) The expected length of trial is _____ days;
 - B) Joint list of witnesses to be furnished to the court before jury selection;
 - C) Jury Selection Reporting is _____ - WAIVED _____ - REQUESTED;
 - D) Twelve jurors with _____ ALTERNATES;
 - E) Jury instructions to be submitted by morning of jury selection;
 - F) Special Setting;
 - G) Pre-Trial Motions:
- 4. DEFENDANT WAIVES JURY AND CAUSE REFERRED TO JUDGE Richard Adrian for plea (or bench trial setting) on the 8 day of Oct 2021 at 2:00 P. M. in Courtroom # 1B. CAUSE STRICKEN FROM THE JURY DOCKET.
- 5. TIME FOR ENTRY OF NEGOTIATED PLEA(S) EXTENDED TO: _____
- 6. CAUSE CONTINUED FOR JURY TRIAL TO _____, _____, at 9:00 A.M. before Judge _____; pre-trial to be held on _____, _____, at a time to be set by the clerk; discovery to be completed by _____, _____.
- 7. OTHER: _____

- BOND CONTINUED - DEFENDANT REMANDED

ENTERED: 10-8 2021
cc: SAO
~~DEFENDANT~~
~~DEFENDANT'S ATTORNEY -~~

KC

Michael L. Adrian
JUDGE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

Hon
BEFORE MLA

VS

Drew S. Clinton)

NO 21CF396

WAIVER OF JURY

AND now on this 7 day of October 2021,
the said Drew Clinton, the defendant, herein, and in open court,
and of his own free will, and in writing, waives his right to a jury trial, in the above
entitled cause, and consents to a trial by the Court, without a Jury.

THE ABOVE WAIVER of a trial by Jury was acknowledged and subscribed to before
me by the above named defendant.

WAIVER OF JURY

X Drew Clinton
Defendant

FILED

OCT 07 2021

Lori R. Kochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

AO-4

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF ILLINOIS, vs. Plaintiff.

FILED

OCT 07 2021

21CF396 ORDER

Clinton J Defendant.

Jeri R. Eschwendner Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO.

APPEARANCE ORDER

Defendant appears personally.

- 1. Dan Schell appears as defense counsel.
2. Defendant acknowledges receipt of copy of Charging document...
3. Defendant requests appointed counsel.
4. Cause is continued to...
5. Bail Bond
6. Defendant pleads not guilty and cause is set for...
7. Cause is set for:
8. The court finds that probable cause exists...
9. Pre-trial to be held on...
10. Other:
11. Other:

ENTER: 10-7, 2021

Date 10/7/21 Deputy Clerk Kg

CC: S.A.O. Defendant Defendant's Counsel (A.C.S.D.) ACSAT

Judge Signature JUDGE

REPORTER: CLERK:



RECEIVED

JUL 12 2021

ADAMS COUNTY STATES ATTORNEY



Illinois State Police
Division of Forensic Services
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, Illinois 62702-9611
(217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
DNA

Jessica Hollensteiner
Quincy Police Department
530 Broadway, Suite 241
Quincy, IL 62301

DFS Case #: DFS21-020665
Report #: 2
Report Date: 07/09/2021

Agency Case #: 21-11602
Offense(s): Criminal Sexual Assault
Offense Category(s): Criminal Sexual Assault
Victim(s): Cameron Vaughan
Suspect(s): Drew Clinton

Item(s) Submitted:

Table with 3 columns: LAB ITEM#, AGENCY ITEM#, DESCRIPTION. Lists items 1-13 with descriptions of sexual assault kits and buccal swabs from Drew Clinton.

Sub-Item(s) created by laboratory:

Table with 2 columns: LAB SUB-ITEM#, DESCRIPTION. Lists sub-items 1A, 1A1, 1B, 1B1 with descriptions of DNA reference blood/buccal and vaginal swab samples.

21-11602
Barcode
Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

DFS21-020665

Report # 2

1B2	Sample from Vaginal Swab(s)
1C	Oral Swab(s)
1D	Anal Swab(s)
1D1	Sample from Anal Swab(s)
1D2	Sample from Anal Swab(s)
1E	Fingernail Swab(s)/Scrapings
1F	Head Hair Combing
1G	Swab(s) from pubic area
1G1	Sample from Swab(s) from pubic area
3A	Sample from Buccal swab(s) from Drew Clinton
4A	Sample from Swabs from Drew Clinton's Right index finger
4B	Sample from Swabs from Drew Clinton's Right index finger
5A	Sample from Swabs from Drew Clinton's Right middle finger
5B	Sample from Swabs from Drew Clinton's Right middle finger
6A	Sample from Swabs from Drew Clinton's Right ring finger
6B	Sample from Swabs from Drew Clinton's Right ring finger
7A	Sample from Swabs from Drew Clinton's Right thumb
7B	Sample from Swabs from Drew Clinton's Right thumb
8A	Sample from Swabs from Drew Clinton's Right pinky finger
8B	Sample from Swabs from Drew Clinton's Right pinky finger
9A	Sample from Swabs from Drew Clinton's Left index finger
9B	Sample from Swabs from Drew Clinton's Left index finger
10A	Sample from Swabs from Drew Clinton's Left middle finger
10B	Sample from Swabs from Drew Clinton's Left middle finger
11A	Sample from Swabs from Drew Clinton's Left ring finger
11B	Sample from Swabs from Drew Clinton's Left ring finger
12A	Sample from Swabs from Drew Clinton's Left thumb
12B	Sample from Swabs from Drew Clinton's Left thumb
13A	Sample from Swabs from Drew Clinton's Left pinky finger
13B	Sample from Swabs from Drew Clinton's Left pinky finger

Results:Autosomal Results¹¹

Item 1A: DNA Reference Blood/Buccal
Number of Contributors ¹⁶ : 1

21-11602

 Loc: SECT22S2, SCL, BKS2S4
 Quincy Police Department

07/09/2021
 Count: 20

Item 1B: Vaginal Swab(s)
Not Amplified ¹⁴ : Insufficient male DNA for autosomal testing

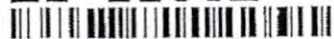
Item 1D: Anal Swab(s)
Fraction: Non-Sperm⁹ This sample does not meet the necessary requirements to be analyzed in STRmix ^{TM28} , entered in CODIS, or compared to known standards.
Fraction: Sperm⁹ Not Amplified ¹³ : No human DNA was detected

Item 1G: Swab(s) from pubic area
STRmix ^{TM28} Proposition Set: 1 Number of Contributors ¹⁶ : 3 Proportion of Contributors ²⁹ : 56%, 43%, 1% Assumed ³¹ : Cameron J Vaughan (56% Contributor) CODIS ²³ : 43%
H ₁ : The DNA profile originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.
H ₂ : The DNA profile originated from Cameron J Vaughan and two unknown unrelated individuals.
The DNA profile is approximately 1.4E+22 (14 sextillion) times more likely if it originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual than if it originated from Cameron J Vaughan and two unknown unrelated individuals.
This analysis provides <i>Very Strong Support</i> ³⁰ for the proposition that Drew S Clinton is a contributor to the DNA profile.

Item 3: Buccal swab(s) from Drew Clinton
Number of Contributors ¹⁶ : 1 CODIS ²³

Item 4: Swabs from Drew Clinton's Right index finger
Not Amplified ¹⁵ : Amplification was deferred

21-11602



Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

Item 5: Swabs from Drew Clinton's Right middle fingerNot Amplified¹⁵: Amplification was deferred**Item 6: Swabs from Drew Clinton's Right ring finger**Not Amplified¹⁵: Amplification was deferred**Item 7: Swabs from Drew Clinton's Right thumb**Not Amplified¹⁵: Amplification was deferred**Item 8: Swabs from Drew Clinton's Right pinky finger**Not Amplified¹⁵: Amplification was deferred**Item 9: Swabs from Drew Clinton's Left index finger**Not Amplified¹⁵: Amplification was deferred**Item 10: Swabs from Drew Clinton's Left middle finger**Not Amplified¹⁵: Amplification was deferred**Item 11: Swabs from Drew Clinton's Left ring finger**Not Amplified¹⁵: Amplification was deferred**Item 12: Swabs from Drew Clinton's Left thumb**Not Amplified¹⁵: Amplification was deferred**Item 13: Swabs from Drew Clinton's Left pinky finger**Not Amplified¹⁵: Amplification was deferred**Remarks:**

A portion of the evidence was tested. Additional analysis may be possible upon receipt of consumption approval and submission of male reference standards. Please notify the laboratory if additional analysis would aid in your investigation.

21-11602Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department07/09/2021
Count: 20

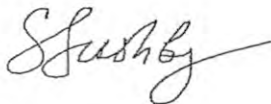
Several items were not analyzed at this time. Please notify the laboratory if additional analysis would aid in your investigation.

Consumed: Item(s) 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13. Extract remains.

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report. For information regarding the extent and frequency of searches of individual characteristic databases (e.g. CODIS, ABIS, NIBIN), please see the "Documents" section of Prelog or contact a Prelog Administrator at your agency for access to the document.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Svetlana Gershburg
Forensic Scientist

21-11602



Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20

Appendix

- 1 Unless otherwise noted, all items submitted to the laboratory will be returned.
- 9 The terms "sperm" and "non-sperm" refer to the fractions produced by chemical separation during the differential extraction procedure. These terms do not pertain to a biological screening result.
- 11 Short Tandem Repeat (STR) analysis was conducted using the PowerPlex® Fusion System, which profiles 23 STR loci plus Amelogenin.
- 13 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Human DNA was not detected in this sample.
- 14 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Male DNA was detected in this sample. However, the quantity of total human DNA in relation to male DNA indicates this sample is not suitable for autosomal amplification. This sample may be suitable for Y-STR DNA analysis upon submission of male standards; please contact the laboratory for information regarding Y-STR DNA analysis.
- 15 This sample was not amplified at this time. Additional analysis of this sample may be conducted upon request.
- 16 The number of contributors to a DNA profile/Y-STR haplotype is an assessment of the data based on interpretation guidelines.
- 23 Information representing one or more contributors will be included in the Combined DNA Index System (CODIS). Profiles included in the CODIS database will routinely be searched against other profiles. Additional reports will be issued if there are any probative associations.
- 28 STRmix™ is a software program that uses biological modeling, statistical theory, mathematical algorithms and probability distributions to calculate likelihood ratios and/or infer genotypes for the DNA profiling results of forensic samples.
- 29 The proportion of contributors is the approximate percentage of each individual's contribution to the mixture.
- 30 The statistic is a likelihood ratio (LR) which evaluates the evidence under competing propositions (e.g. H₁ and H₂) regarding the contributor(s) to the DNA profile. The LR was calculated across four major US population groups (African American, Caucasian, Southwest and Southeast Hispanic) with the most common LR reported for each proposition set. If the competing propositions of a particular set contains the same reference standard, then this individual has been assumed as a contributor to this item.

The LR of the given DNA profile does not indicate the presence of a body fluid nor does it indicate that a particular activity has occurred.

Each LR is assigned a verbal qualifier based on the Recommendations of the SWGDAM Ad Hoc Working Group on Genotyping Results Reported as Likelihood Ratios.

Likelihood Ratio	Verbal Qualifier
1	Uninformative
2 - 99	Limited Support

21-11602



Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20


Page 6 of 7

100 - 9,999	Moderate Support
10,000 - 999,999	Strong Support
≥1,000,000	Very Strong Support

The prosecution and/or defense may contact the laboratory to request an alternative proposition set be evaluated. The request will need to be timely, reasonable, and within the capabilities of the validated system.

- 31 This individual has been assumed (conditioned) since it has been determined that it is reasonable for this individual to be a donor to the DNA profile.

21-11602


Loc: SECT22S2, SCL, BKS2S4
Quincy Police Department

07/09/2021
Count: 20



Illinois State Police
 Division of Forensic Services
 Springfield Forensic Science Laboratory
 825 N. Rutledge, SCLF 4th Floor
 Springfield, Illinois 62702-9611
 (217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
DNA

Jessica Hollensteiner
 Quincy Police Department
 530 Broadway, Suite 241
 Quincy, IL 62301

DFS Case #: DFS21-020665
 Report #: 3
 Report Date: 07/14/2021

Agency Case #: 21-11602
 Offense(s): Criminal Sexual Assault
 Offense Category(s): Criminal Sexual Assault
 Victim(s): Cameron Vaughan
 Suspect(s): Drew Clinton *21CF396*

Item(s) Submitted¹:

<u>LAB ITEM#</u>	<u>AGENCY</u> <u>ITEM#</u>	<u>DESCRIPTION</u>
3	006	Drew Clinton buccal swab

Sub-Item(s) created by laboratory:

<u>LAB SUB-ITEM#</u>	<u>DESCRIPTION</u>
1B	Vaginal Swab(s)
1B1	Sample from Vaginal Swab(s)
1B2	Sample from Vaginal Swab(s)
1D	Anal Swab(s)
1D1	Sample from Anal Swab(s)
1D2	Sample from Anal Swab(s)
3A	Sample from Buccal swab(s) from Drew Clinton

Results:

DFS21-020665

Report # 3

YSTR Results¹⁰**Item 1B: Vaginal Swab(s)****Fraction: Non-Sperm**⁹Number of Contributors¹⁶: 1

Male: 23 loci

Cannot be excluded (is included): Drew S Clinton

Statistical Frequency:

White: 1 in 2800 at 17 loci²⁰

Black: 1 in 2300 at 17 loci

Hispanic: 1 in 2000 at 17 loci

Item 1D: Anal Swab(s)**Fraction: Non-Sperm**⁹

Male: 22 loci

Cannot be excluded (is included): Drew S Clinton

Statistical Frequency:

White: 1 in 2800 at 16 loci²⁰

Black: 1 in 2300 at 16 loci

Hispanic: 1 in 2000 at 16 loci

Item 3A: Sample from Buccal swab(s) from Drew ClintonNumber of Contributors¹⁶: 1

Male: 23 loci

Remarks:

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report. For information regarding the extent and frequency of searches of individual characteristic databases (e.g. CODIS, ABIS, NIBIN), please see the "Documents" section of Prelog or contact a Prelog Administrator at your agency for access to the document.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Dana Pitchford
Forensic Scientist

Appendix

- 1 Unless otherwise noted, all items submitted to the laboratory will be returned.
- 9 The terms "sperm" and "non-sperm" refer to the fractions produced by chemical separation during the differential extraction procedure. These terms do not pertain to a biological screening result.
- 10 Y chromosome Short Tandem Repeat (Y-STR) analysis was conducted using the PowerPlex® Y23 System, which profiles 23 STR loci.
- 16 The number of contributors to a DNA profile/Y-STR haplotype is an assessment of the data based on interpretation guidelines.
- 20 The basis for the profile probability estimation is the counting method. A 95% confidence upper limit is applied to the haplotype frequency to account for database size and sampling variation, using the method described by Clopper and Pearson (1934).



Illinois State Police
 Division of Forensic Services
 Springfield Forensic Science Laboratory
 825 N. Rutledge, SCLF 4th Floor
 Springfield, Illinois 62702-9611
 (217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
Forensic Biology

Jessica Hollensteiner
 Quincy Police Department
 530 Broadway, Suite 241
 Quincy, IL 62301

DFS Case #: DFS21-020665
 Report #: 4
 Report Date: 07/19/2021

Agency Case #: 21-11602
 Offense(s): Criminal Sexual Assault
 Offense Category(s): Criminal Sexual Assault
 Victim(s): Cameron Vaughan
 Suspect(s): Drew Clinton

Item(s) Submitted¹ and Results:

LAB ITEM#	AGENCY ITEM#	DESCRIPTION	TEST RESULT	EVIDENCE DISPOSITION
1	004	A ISP sexual assault kit collected from Cameron Vaughan		
1B		Vaginal Swab(s)	No semen identified.	
1G		Swabs from pubic area	No semen indicated.	

Remarks:

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Svetlana Gershburg
Forensic Scientist

Appendix

¹Unless otherwise noted, all items submitted to the laboratory will be returned.



SEP
ADAM
STATES



Illinois State Police
Division of Forensic Services
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, Illinois 62702-9611
(217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
DNA

Jessica Hollensteiner
Quincy Police Department
530 Broadway, Suite 241
Quincy, IL 62301

DFS Case #: DFS21-020665
Report #: 6
Report Date: 09/11/2021

Agency Case #: 21-11602
Offense(s): Criminal Sexual Assault
Offense Category(s): Criminal Sexual Assault
Victim(s): Cameron Vaughan
Suspect(s): Drew Clinton

Item(s) Submitted¹:

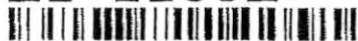
21-CF-396

Sub-Item(s) created by laboratory:

<u>LAB SUB-ITEM#</u>	<u>AGENCY ITEM#</u>	<u>DESCRIPTION</u>
1A	004	DNA Reference Blood/Buccal - Cameron Vaughan - previously profiled
1B	004	Vaginal Swab(s)
1B1	1B1	Sample from Vaginal Swab(s)
1B2	1B2	Sample from Vaginal Swab(s)
1D	004	Anal Swab(s)
1D1	1D1	Sample from Anal Swab(s)
1D2	1D2	Sample from Anal Swab(s)
3A	006(3A)	Sample from Buccal swab(s) from Drew Clinton - previously profiled
14A	001(14A)	Cutting from black panties
14B	001(14B)	Cutting from crotch of gray sweat pants
14C	001(14C)	Cutting from crotch of gray sweat pants
15A	019(15A)	Sample from multicolored underwear

Results:

21-11602



09/13/202
Count: 22

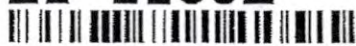
Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

SA SEP 14 2021

LAB ITEM#	AGENCY ITEM#	DESCRIPTION	TEST RESULT
1B		Vaginal Swab(s)	

Autosomal Results¹¹**Item 1B: Vaginal Swab(s)****Fraction: Non-Sperm**⁹Number of Contributors¹⁶: 1

Cannot be excluded (included): Cameron J Vaughan

Fraction: Sperm⁹Not Amplified¹²: No male DNA was detected**Item 1D: Anal Swab(s)****Fraction: Non-Sperm**⁹Number of Contributors¹⁶: At least 2Assumed Contributor¹⁸: Cameron J VaughanMinor(s): Inconclusive¹⁷**Fraction: Sperm**⁹Not Amplified¹³: No human DNA was detected**Item 14A: Cutting from black panties**Not Amplified¹⁴: Insufficient male DNA for autosomal testing**Item 14B: Cutting from crotch of gray sweat pants**Not Amplified¹⁴: Insufficient male DNA for autosomal testing**21-11602**

09/13/202

Count: 22

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4

Quincy Police Department

SASEP 14 2021

Item 14C: Cutting from crotch of gray sweat pants**Fraction: Non-Sperm⁹**

Not Amplified¹⁴: Insufficient male DNA for autosomal testing

Fraction: Sperm⁹

STRmix™²⁸

Proposition Set: 1

Number of Contributors¹⁶: 3

Proportion of Contributors²⁹: 93%, 5%, 2%

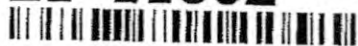
Assumed³¹: Cameron J Vaughan (93% Contributor)

H₁: The DNA profile originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.

H₂: The DNA profile originated from Cameron J Vaughan and two unknown unrelated individuals.

The DNA profile is approximately 1.6E+5 (160 thousand) times more likely if it originated from Cameron J Vaughan and two unknown unrelated individuals than if it originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.

This analysis provides *Strong Support*³⁰ for the proposition that Drew S Clinton is not a contributor to the DNA profile.

21-11602

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

SA SEP 14 2021

Item 15A: Sample from multicolored underwear**Fraction: Non-Sperm⁹**

STRmix™28

Proposition Set: 1Number of Contributors¹⁶: 3Proportion of Contributors²⁹: 17%, 81%, 2%Assumed³¹: Drew S Clinton (17% Contributor)

H₁: The DNA profile originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual.

H₂: The DNA profile originated from Drew S Clinton and two unknown unrelated individuals.

The DNA profile is approximately 4.6E+27 (4.6 octillion) times more likely if it originated from Drew S Clinton, Cameron J Vaughan and an unknown unrelated individual than if it originated from Drew S Clinton and two unknown unrelated individuals.

This analysis provides *Very Strong Support*³⁰ for the proposition that Cameron J Vaughan is a contributor to the DNA profile.

Fraction: Sperm⁹Not Amplified¹⁵: Amplification was deferred**Remarks:**

Consumed: Item(s) 15A. Extract remains.

Result of analysis of non-sperm fraction of item 1D reported previously in report # 1 represents sub-item 1D1. Additional analysis on sub-item 1D2 was performed and reported in this report. Both results are reported as item 1D.

21-11602

Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/202
Count: 22

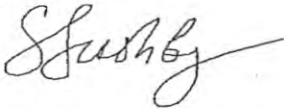
Page 4 of 7

SFA SEP 14 2021

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI National Accreditation Board (ANAB). Refer to certificate #FT-0240 and associated Scope of Accreditation. This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document, unless otherwise indicated in the Notes Packet. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, location(s) of testing and environmental conditions associated with this analysis, if applicable. All evidence submitted to the laboratory will be returned upon completion of all service requests, unless otherwise indicated in the body of the report. For information regarding the extent and frequency of searches of individual characteristic databases (e.g. CODIS, ABIS, NIBIN), please see the "Documents" section of Prelog or contact a Prelog Administrator at your agency for access to the document.

I have personally completed this report. Under penalties of perjury, I certify I have examined all of the information provided for this document related to the analysis conducted for this report and, to the best of my knowledge, it is true, correct, and complete.

Respectfully submitted,



Svetlana Gershburg
Forensic Scientist

21-11602



Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

Page 5 of 7

SA SEP 14 2021

Appendix

- 1 Items listed in the report with no corresponding results have not been examined. Unless otherwise noted, all items submitted to the laboratory will be returned.
- 9 The terms "sperm" and "non-sperm" refer to the fractions produced by chemical separation during the differential extraction procedure. These terms do not pertain to a biological screening result.
- 11 Short Tandem Repeat (STR) analysis was conducted using the PowerPlex® Fusion System, which profiles 23 STR loci plus Amelogenin.
- 12 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Male DNA was not detected in this sample.
- 13 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Human DNA was not detected in this sample.
- 14 Quantitative PCR is used prior to amplification to determine the quantity of DNA present. Male DNA was detected in this sample. However, the quantity of total human DNA in relation to male DNA indicates this sample is not suitable for autosomal amplification. This sample may be suitable for Y-STR DNA analysis upon submission of male standards; please contact the laboratory for information regarding Y-STR DNA analysis.
- 15 This sample was not amplified at this time. Additional analysis of this sample may be conducted upon request.
- 16 The number of contributors to a DNA profile/Y-STR haplotype is an assessment of the data based on interpretation guidelines.
- 17 DNA results are unsuitable for comparison to reference standards and/or unknown evidentiary samples.
- 18 The DNA profile/Y-STR haplotype of an individual with an intimate and timely association to the evidence was assumed to resolve the mixture of DNA profiles/Y-STR haplotypes.
- 28 STRmix™ is a software program that uses biological modeling, statistical theory, mathematical algorithms and probability distributions to calculate likelihood ratios and/or infer genotypes for the DNA profiling results of forensic samples.
- 29 The proportion of contributors is the approximate percentage of each individual's contribution to the mixture.
- 30 The statistic is a likelihood ratio (LR) which evaluates the evidence under competing propositions (e.g. H_1 and H_2) regarding the contributor(s) to the DNA profile. The LR was calculated across four major US population groups (African American, Caucasian, Southwest and Southeast Hispanic) with the most common LR reported for each proposition set. If the competing propositions of a particular set contains the same reference standard, then this individual has been assumed as a contributor to this item.

The LR of the given DNA profile does not indicate the presence of a body fluid nor does it indicate that a particular activity has occurred.

Each LR is assigned a verbal qualifier based on the Recommendations of the SWGDAM Ad Hoc Working Group on Genotyping Results Reported as Likelihood Ratios.

21-11602



Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

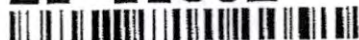
SA SEP 14 2021

Likelihood Ratio	Verbal Qualifier
1	Uninformative
2 - 99	Limited Support
100 - 9,999	Moderate Support
10,000 - 999,999	Strong Support
≥1,000,000	Very Strong Support

The prosecution and/or defense may contact the laboratory to request an alternative proposition set be evaluated. The request will need to be timely, reasonable, and within the capabilities of the validated system.

- 31 This individual has been assumed (conditioned) since it has been determined that it is reasonable for this individual to be a donor to the DNA profile.

21-11602



Loc: SECT22S2, SCL, QPDREFRIG, BKS2S4
Quincy Police Department

09/13/2021
Count: 22

Page 7 of 7

SA SEP 14 2021

In the Circuit Court of the Eighth Judicial Circuit of Illinois, Adams County

People of the State of Illinois,
Plaintiff,

vs.

Drew Clinton
Defendant

FILED

Case No(s):

21CF396

OCT 15 2021

Charge(s):

ORDER OF REFERRAL FOR PRESENTENCE INVESTIGATION REPORT (PSI)

IT IS HEREBY ORDERED that: if the defendant is on bond, he or she shall report immediately to the Adams County Probation Department, located on the lower level of this courthouse. Defendants in custody in the Adams County Jail shall be contacted by the Probation Officer assigned to the case. Defendant shall execute releases and provide to the Probation Department all information requested for the preparation of a Presentence Investigation Report. The defendant shall cooperate fully in the preparation of this report by meeting on time with the Probation Officer as directed. The defendant shall notify the Probation Officer immediately of any change of address. After the first meeting, the defendant will receive a letter stating the name of the Probation Officer assigned to the case and notifying the defendant when to contact the Probation Department. Failure of the defendant to meet or cooperate with the Probation Officer may be considered by the judge at sentencing. A failure to cooperate with the Probation Department may result in a revocation of the defendant's bond and order that the defendant be held in jail pending sentencing. **Please Note:** Probation Officers may require a substance abuse evaluation, and/or alcohol or other drug testing (including multiple tests) at their discretion, even if not checked below.

Set offender evaluation
Defendant shall undergo a Substance Abuse Evaluation through TASC or other authorized agency, as directed by the Probation Department, to be scheduled within seven days of the date of this order;

Defendant shall undergo a Professional Evaluation for Substance Abuse for Driving Under the Influence case (Felony or Misdemeanor), as directed by Probation Department, to be scheduled within seven days;

Defendant shall submit (immediately after court) to TESTING FOR ALCOHOL and as otherwise directed thereafter by the Probation Department. Testing by PBT or breath testing machine;

Defendant shall submit (immediately after court) to URINALYSIS TESTING FOR DRUGS, (other than alcohol) and as otherwise directed thereafter by the Probation Department;

Defendant shall undergo an Educational Assessment as directed by the Probation Department through John Wood Community College. If defendant is free on bond (bail), the defendant shall schedule this assessment within seven days of the date of this order. If the defendant is in the custody in the Adams County Jail, the Probation Officer assigned shall schedule the assessment. The assessment and accompanying recommendations shall be included by the Probation Department as part of the Presentence Investigation Report;

IT IS FURTHER ORDERED that the **SENTENCING HEARING, Restitution Hearing (if any) and Hearing on Payment for Court-Appointed Counsel (if any)**, per 725 ILCS 5/113-3.1, is/are **SET FOR:**

Jan 3, 2022, at 2:00 p.m., in Courtroom # 213

* - ABBREVIATED PSI REPORT

* - PRIOR CRIMINAL RECORD REPORT

* - DOMESTIC VIOLENCE REPORT

* - DOMESTIC VIOLENCE INVENTORY

* - RESTITUTION REPORT

- BOND CONTINUED (OR) **DEFENDANT REMANDED**

Entered: 10-15, 2021

[Signature]
Judge

cc: Def.-

SAO-

Def. Atty.-

ACSD-

Probation-

TASC-



I hereby certify that a copy hereof was
 Mailed, postage prepaid Faxed
 Personally delivered Emailed
 PO Counsel
 Defendant
 10/15/21 She

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
Plaintiff,)
)
Vs.)
)
)
DREW S. CLINTON,)
)
)
Defendant.)

No 21 CF 396

FILED

OCT 15 2021

Fori B. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

BENCH TRIAL ORDER

THIS CAUSE came before the Court for bench trial on October 13, 2021 at 9:00 a.m. The defendant in person and by Andrew C. Schnack III. People by Anita M. Rodriguez, Assistant State's Attorney.

Opening statements were made. The People presented evidence. The cause was adjourned for the day. Cause reconvened on October 14, 2021. The People presented additional evidence and rested. The defendant's Motion for Directed Verdict at the Close of the People's case, as to Count 1 and Count 2 was heard and denied. Cause was adjourned for the evening, Cause was reconvened on today's date. The defendant presents evidence and rests. Closing arguments were heard.

The Court makes findings and ORDERS as follows:

- Count 1, Criminal Sexual Assault, F-1 – not guilty
- Count 2, Criminal Sexual Assault, F-1 – not guilty
- Count 3, Criminal Sexual Assault, F-1 – guilty

Judgment entered on the finding. Cause is set for hearing on any post-trial motions, and sentencing on **January 3, 2022 at 2:00 p.m.** in courtroom 1B.

On motion of the People, over objection, bond is revoiked and the defendant is remanded to the custody of the Adams County Sheriff's Department pending sentencing. Bond posted is held until date of sentencing.

IT IS SO ORDERED.
Enter: October 15, 2021

Cc: SAO ✓ PO ✓
DEF ✓
ACSIH ✓
ACSD ✓

Robert K. Adrian
Hon. Robert K. Adrian
Circuit Judge

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	) Plaintiff,	
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	) Defendant.	

POST TRIAL MOTION

Now comes the Defendant, DREW CLINTON, by his attorneys Schnack Law Offices and respectfully moves this Honorable Court, pursuant to Illinois Compiled Statutes, for a Judgement of not guilty on the remaining Count to which he was convicted or in the alternative a new trial in support thereof states as follows:

1. That the Prosecutor made prejudicial comments and erroneous statements in the closing argument which prejudiced the Defendant's right to a fair trial.

2. That the Defendant was denied due process of law.

3. That the Defendant was denied equal protection of the laws

4. That the verdict was a result of passion, bias and prejudice on the form of witnesses and their testimony all resulting in prior inconsistent statements and outright lies to the Court which prevented the Defendant from receiving a fair trial.

5. That the verdict was against the manifest weight of the evidence in that the un rebutted testimony was that the alleged victim in this matter was awake when she was left in the "computer room" and talking to the Defendant during the 2, 3, or 4 hours that they were alone in that room. Additionally, the un rebutted testimony is the victim

could not remember what happened in the room, therefore making the Defendant's testimony the only evidence available to the Court in rendering its decision.

WHEREFORE the Defendant, DREW CLINTON, respectfully prays that an Order be entered granting the Defendant's motion and a verdict of not guilty be entered or in the alternative that he be awarded a new trial.

DREW CLINTON, Defendant

By:  _____

Andrew C. Schnack, III
One of His Attorneys

Schnack Law Offices
510 Vermont
Quincy, IL 62301
(217) 224-4000/1
schlaw@adams.net
Attorneys for Defendant

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF THE STATE OF ILLINOIS, ADAMS COUNTY**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
	Plaintiff,	
)	
v.	)	NO. 2021-CF-396
)	
DREW CLINTON,)	
)	
	Defendant.	
)	

MOTION

Now comes the Defendant, DREW CLINTON, by his attorneys Schnack Law Offices and respectfully moves this Honorable Court to find that the statute under which he has been convicted which requires a four (4) year mandatory sentence to the Department of Corrections unconstitutional and for reason states:

1. That the statute under which the Defendant has been convicted requires a minimum sentence of four (4) years to the Department of Corrections and does not allow the Court any alternative sentencing.
2. That the Defendant was 18 years and 2 weeks when the alleged crime was committed.
3. That the statute in question invades the province of the Court and is a legislative invasion of the Courts authority to determine the best sentence available for the Defendant.
4. That under the present statute the legislature has invaded the province of the Court and usurp the Courts authority to sentence by directing that the Court sentence the Defendant to a minimum of four (4) years.

5. That under the present statute the Court not the legislature is in the best position to determine what the sentence should be for this particular Defendant

6. That based upon the Defendants lack of criminal record, his educational abilities, and all other mitigating factors if probation were available, it would be the appropriate sentence in this matter

7. That a mandatory sentence to the Department of Corrections is unconstitutional and amounts to cruel and unusual punishment.

WHEREFORE, the Defendant ask this Honorable Court to find that the mandatory sentencing provisions of this particular statute be declared unconstitutional and that the Defendant be sentenced to probation or in the alternative a verdict of not guilty be found entered.

DREW CLINTON, Defendant

By: 

Andrew C. Schnack, III
One of His Attorneys

Schnack Law Offices
510 Vermont
Quincy, IL 62301
(217) 224-4000/1
schlaw@adams.net
Attorneys for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
Vs.)
)
)
)
DREW CLINTON,)
) Defendant.)

No 2021 CF 396

FILED

DEC 15 2021

Lori R. Hochwandler
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S RESPONSE TO MOTION
(Constitutionality of Statute)

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and requests that the defendant's Motion filed 10-19-21, in which he challenges the constitutionality of the "statute under which he has been convicted", be denied for the following reasons:

1. This matter was tried in a bench trial on October 13, 2021. Following presentation of evidence and after arguments were heard, the Court found the defendant guilty of count 3, Criminal Sexual Assault, F-1. The Bill of Indictment filed June 10, 2021 indicated that Count 3 was in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 11-1.20(a)(2) (F-1).
2. 720 ILCS 5/11-1.20(a)(2) provides:
 "¶ 11-1.20 Criminal Sexual Assault.
 (a) A person commits criminal sexual assault if that person commits an act of sexual penetration and:
 (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent....
 (b) Sentence.
 (1) Criminal sexual assault is a Class 1 felony, ..."
3. The defendant has not been sentenced. Some of the sentencing provisions which will apply, however, are as follows:
 a) 730 ILCS 5.5-4.5-30 provides for "a determinate sentence of not less than 4 years and not more than 15 years..." for a Class 1 Felony. That statute further delineates the other possible sentencing provisions for a Class 1 Felony including probation and conditional discharge.
 b) 730 ILCS 5/5-5-3(2) states that " A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses...
 (H) Criminal sexual assault."
4. The defendant does not state whether his challenge to the "statute under which he has been convicted" is a facial challenge or an as-applied constitutional challenge. "The distinction between facial and as-applied constitutional challenges is critical (further citations omitted)

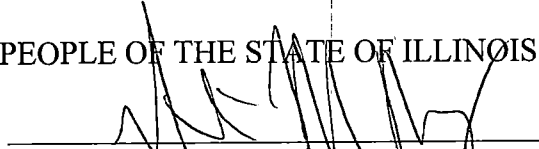
A party raising a facial challenge must establish that the statute is unconstitutional under any possible set of facts, while an as-applied challenge requires a showing that the statute is unconstitutional as it applies to the specific facts and circumstances of the challenging party. (further citations omitted). *People v. Harris*, 2018 IL 121932 ¶ 38.

- 5. It appears from the argument of counsel, although he states he is challenging the constitutionality of the criminal sexual assault statute, whether that be a facial challenge or an as-applied challenge, that what he is really challenging is 730 ILCS 5/5-5-3(2)(H), as stated above, which prohibits probation for a conviction for criminal sexual assault. It further appears, from the statements of counsel, that he is attempting to make an as-applied challenge due to the age of his client.
- 6. The defendant is scheduled for sentencing on January 3, 2022. Any as-applied constitutional challenge to either of the sentencing statutes, as cited above, is premature.
- 7. If the defendant did intend, as stated, to challenge the constitutionality of the criminal sexual assault statute, he has not met his burden to show either that the statute is facially unconstitutional or that it is unconstitutional as applied to this defendant.

WHEREFORE, the People pray that the Motion be denied.

Dated: December 15, 2021

PEOPLE OF THE STATE OF ILLINOIS



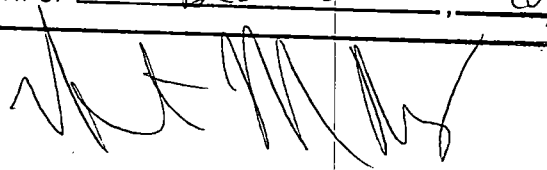
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSING THE SAME IN AN ENVELOPE AND MAILING TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 15 DAY OF December, 2021

Hand-delivered to attorney in SAO



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
)
) Plaintiff,)
)
) Vs.)
)
)
)
)
) DREW CLINTON,)
)
) Defendant.)

No 2021 CF 396

FILED

DEC 15 2021

Jeri A. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE'S RESPONSE TO POST TRIAL MOTION

COMES NOW Anita M. Rodriguez, Assistant State's Attorney, in and for Adams County, Illinois, and requests that the defendant's Post Trial Motion filed 10-19-21 be denied for the following reasons:

1. Defendant fails to state what prosecutor statements in closing argument were prejudicial and erroneous.
2. Defendant fails to state how he was "denied due process of law".
3. Defendant fails to state how he was "denied equal protection of the laws."
4. Defendant fails to state how the verdict was a result of "passions, bias and prejudice". The Court certainly weighed the credibility of the witnesses including considering any perceived inconsistencies in the testimony of witnesses.
5. The "unrebutted testimony", that Defendant describes, was only unrebutted in the sense that the People did not recall their witnesses to restate, in rebuttal, what they already testified to during their testimony in the People's case in chief. There were many conflicting statements made during the presentation of testimony and the Court, as the trier of fact in this case, determined what testimony to believe or not believe and what weight to give to the testimony of each witness. The verdict was not "against the manifest weight of the evidence."

WHEREFORE, the People pray that the Post Trial Motion be denied.

Dated: December 15, 2021

PEOPLE OF THE STATE OF ILLINOIS

Anita M. Rodriguez
By: Anita M. Rodriguez
Assistant State's Attorney

GARY L. FARHA
Adams County State's Attorney
521 Vermont Street
Quincy, Illinois 62301
(217) 277-2225

Hand-delivered to Attorney Farha in SAO

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENTS WAS SERVED UPON THE ATTORNEYS OF RECORD OF ALL DEFENDANTS IN THE ABOVE CAUSE BY ENCLOSED THE SAME IN AN ENVELOPE AND DELIVERED TO SUCH ATTORNEYS WITH POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPE IN A U.S. POST OFFICE MAIL BOX IN QUINCY, ILLINOIS, ON THE 15 DAY OF December, 2021

Anita M. Rodriguez

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS, ADAMS COUNTY

People

vs.

Plaintiff.

No. 2021 CF 396

ORDER

Paul S. Clinton

Defendant.

ORDER

People appear by A. Rodriguez; the
defendant in person & by Arthur C. Schaefer III.
Case comes before the Court for post-trial
motion hearings & sentencing, if appropriate.
Arguments are heard on post-trial motions.
The Court, sua sponte, reverses the
prior finding of guilty on Count 3
and makes a finding of not guilty. The
defendant is discharged from custody, unless
bond discharged.

Enter: 1-3-2022

FILED

JAN 03 2022

cc: SA O ✓
Def + ACSD ✓
ACJ III ✓
PO

Abri R. Buschman
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

I hereby certify that a copy hereof was
mailed, postage prepaid. Forwarded
personally delivered Emailed
PO PO Counsel
Defendant

[Signature]
JUDGE

REPORTER:

CLERK:

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
vs.) NO. 2021-CF-396
)
DREW CLINTON,)
)
Defendant.)

SENTENCING HEARING

REPORT OF PROCEEDINGS of the hearing before the
HONORABLE ROBERT K. ADRIAN on January 3, 2022.

APPEARANCES:

HON. GARY L. FARHA, by
MS. ANITA M. RODRIGUEZ,
Assistant State's Attorney,
for the People of the State of Illinois.

MR. ANDREW C. SCHNACK III,
Attorney at Law,
for the Defendant.

KIM COTTRELL, CSR
License No. 084.004872
Official Court Reporter
Adams County Courthouse
521 Vermont Street
Quincy, IL 62301

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

PROCEEDINGS

THE COURT: We are taking up 21-CF-396, People versus Drew Clinton. Mr. Clinton appears in custody and with counsel, Mr. Drew Schnack. People appear by Assistant State's Attorney Anita Rodriguez. We are here today for a sentencing hearing. We also have post-trial motions that were filed by the Defendant after the Court held a bench trial.

And I see we have several people in the courtroom today. And I would admonish everybody that emotions in these types of cases tend to run high, that people once in a while will lose control of their emotions and will make outbursts or show emotions, will start shaking their heads, will do things that the Court finds disruptive. And if anyone is in that category and does not believe that they can control their emotions and not have any outbursts or not show their emotion in the courtroom, then you should leave right now and wait outside. Because otherwise, if I -- if you start showing emotions, if we start having outbursts or anything like that, then you will be removed from the courtroom, and we don't want that to happen.

1 So please try and keep your emotions under control.

2 And then, as I said, today we are set for
3 a sentencing hearing as well as post-trial motions
4 that were filed. I believe from reviewing the
5 record that there are two post-trial motions that
6 were filed by the Defendant.

7 Mr. Schnack, I'm going to have you argue
8 each one separately, I'm going to let the People
9 respond, and then we will move on to the other
10 motion. And then, Mr. Schnack, which motion would
11 you like to argue first?

12 MR. SCHNACK: Judge, I think the quickest one
13 would be the motion dealing with the mandatory
14 minimum sentence.

15 THE COURT: All right. You may be heard.

16 MR. SCHNACK: Thank you.

17 May it please the Court. I know I've made
18 this argument to this Court and other courts, so
19 I'm not going to take up a lot of your time. But
20 it is my opinion -- and I would ask the Court to
21 concur with my opinion -- that the mandatory
22 sentencing provisions of this act are an invasion
23 of the legislative portion or arm of our government
24 into the judicial portion of our government. While

1 the legislature has its job, and its job is to make
2 the laws obviously, when it imposes upon the court
3 mandatory minimums, in my opinion it invades the
4 province of the court. I firmly believe that every
5 individual should be judged by the court in doing
6 its sentence and not by a legislator years and
7 hundreds of miles removed.

8 It is the courts, the judges, who hear the
9 trials. It is the court and the judges who have
10 the pretrial reports in front of them. It is the
11 judges who see the demeanor of all parties. And it
12 is the judges who are best suited to impose
13 sentences on an individual basis rather than a
14 piecemeal, if you do this, this is what you get.

15 I felt that way since I started practicing
16 law when we got the "get tough with crime" under
17 Governor Thompson and they gave us the Class X
18 felonies, and I continue to feel that way as that
19 invasion continues to occur in more and more and
20 more cases. I guess a good example is the case out
21 in Colorado where the trucker got 120-some years
22 because the court didn't have the discretion to do
23 anything about it, and that's a paraphrase.

24 And so I wanted -- I am making a record

1 here, and I do believe that this is a legislative
2 interference with the judicial process, and I would
3 ask the Court to consider that.

4 Thank you.

5 THE COURT: Thank you, Mr. Schnack.

6 Ms. Rodriguez, you wish to be heard?

7 MS. RODRIGUEZ: Your Honor, I have filed a
8 written response to this motion regarding the
9 constitutionality of the statute, so I would mostly
10 repeat what I have already put forth in writing.

11 Defense indicates they're challenging the
12 constitutionality of the statute under which the
13 Defendant was convicted. He was convicted under
14 the criminal sexual assault statute which just
15 provides that criminal sexual assault is a Class 1
16 felony and doesn't provide that the sentencing to
17 Department of Corrections is mandatory. I think
18 what the Defense is actually challenging is the two
19 sentencing provisions that I've set forth in my
20 response which provide that the -- that probation
21 is not -- can't be imposed for criminal sexual
22 assault.

23 So given that fact, I think actually what
24 he's contesting is the sentencing provisions and

1 not the statute under which he's convicted. First
2 of all, the Defendant doesn't indicate whether he's
3 challenging the constitutionality on its face or
4 whether it's on an as-applied constitutional
5 challenge. For a facial challenge to apply, the
6 Defendant has to show that the statute is
7 unconstitutional under any possible set of facts,
8 and that certainly is nothing that's been shown
9 here.

10 If what he is challenging is an as-applied
11 challenge saying that it's unconstitutional as
12 applied to Mr. Clinton, we're not even there yet.
13 He hasn't even been sentenced yet. So I don't know
14 if he's challenging the sentencing provision as
15 being unconstitutional as applied to this
16 Defendant. I don't think we're even there yet.

17 But there simply is no -- under the case
18 law that I've cited, the primary challenge is to
19 mandatory sentencing provisions have to do with 18-
20 or 19-year-old defendants who have been convicted
21 of murder or some other type crime who have been
22 sentenced to such lengthy periods of time that it
23 amounts to a life sentence. That is certainly not
24 what we're facing here, and there's simply no basis

1 for the Court to grant his motion with respect to
2 the constitutionality of the statute.

3 THE COURT: Thank you, Ms. Rodriguez.

4 Mr. Schnack, you wish to be heard further?

5 MR. SCHNACK: No, Your Honor.

6 THE COURT: All right. Court is going to wait
7 to rule on all the motions.

8 Mr. Schnack, you may be heard on your
9 second motion.

10 MR. SCHNACK: Thank you, Your Honor.

11 May it please the Court and counsel.
12 Judge, at the conclusion of this trial we went
13 straight into closing arguments. And while I made
14 my arguments, I feel as though I could have done a
15 better job in stressing to the Court where we were
16 coming from on the issue.

17 The question in this case is the portion
18 of the statute where the defendant knows the
19 victim, is unable to understand the nature of the
20 act, or is unable to give knowing consent. A
21 review of the evidence in this matter, Your Honor,
22 I would suggest to the Court, leaves us with the
23 inescapable conclusion that the State failed to
24 meet its burden of proof beyond a reasonable doubt.

1 Backtracking and why I say that, while
2 there was ample evidence, contradictory evidence,
3 as to how much the alleged victim had to drink in
4 this matter, the unrebutted evidence is the most
5 she had was six little shooter things. There is no
6 evidence as to when she stopped consuming alcohol.
7 There is some evidence, contradictory, that it was
8 at seven o'clock or eight o'clock or nine o'clock
9 at night or maybe even later. But it's clear that,
10 from at least the testimony that I heard, she'd
11 stopped drinking alcohol, the six little shooter
12 things, by midnight or early in the evening. And
13 then it's clear and the evidence is that she
14 vomited. She also, I believe, testified that she
15 hadn't had anything to eat.

16 So the question becomes was she
17 intoxicated where she couldn't give consent, or was
18 she simply sick from drinking vodka or drinking
19 these drinks on an empty stomach? And there isn't
20 any evidence to tell us that she was intoxicated.
21 We have no BAC. We have no blood alcohol. We have
22 nothing from the hospital when she finally got
23 there as to what her blood alcohol content was, and
24 extrapolation backwards in time, we simply have

1 nothing to indicate that she was intoxicated to the
2 point where she could not give consent or didn't
3 know what was going on, my paraphrase of the
4 statute.

5 In addition, Your Honor -- and I stress
6 this -- this young lady had been making decisions
7 all night long for herself, and they were agreed to
8 by literally everyone that was around her. They
9 weren't the best decisions. To let her make her
10 own decisions wasn't necessarily, but that is what
11 had happened. The young lady made her decision to
12 go to the party and to furnish alcohol. The young
13 lady made her decision to go swimming at the party.
14 The young lady made her decision to take off her
15 clothes and swim in her underwear at the party.

16 And nobody said you don't want to do this
17 or you shouldn't do this or you're not capable of
18 making a rational decision, you know, don't do it.
19 They simply allowed her to continue on making her
20 decisions and acquiescing to those decisions.
21 Whether they were right or wrong, they were
22 acquiesced to. So, clearly, everyone around her
23 believed that she was capable of making her --
24 these decisions for herself.

1 Then to take it the next step, as she got
2 out of the pool, she, you know, either passed out
3 or fell asleep or laid down on the concrete. Then
4 she got up and went over by the house, and she was
5 throwing up, and she was tended to apparently by a
6 nurse or some other adults who were present. The
7 un rebutted testimony is the adults there wanted her
8 out. They didn't want her at the party any longer
9 and wanted her to go home.

10 But she made the decision. She told
11 everybody she didn't want to go home. That's what
12 her friends have told us, and parenthetically I
13 think that's what she told us. So she made the
14 decision that I don't want to go home. I would
15 guess she didn't want to be confronted by her
16 father or the people at home in the condition that
17 she was in or at the time that she was out. She
18 was out past curfew. But she made that decision,
19 and the people around her acquiesced to that
20 decision apparently believing that she was in a
21 condition that she could make up her own mind as to
22 what was best for her.

23 Then when the car got to the home, she
24 made the decision she wanted to stay in the car.

1 The driver of the car and everybody in the car
2 acquiesced to that decision, and they let her sit
3 there for I believe it was a half an hour. It may
4 have been even longer than that. The young man was
5 being consoled because his dog died. But the --
6 again, all of her friends acquiesced to her
7 decision to stay there in the car.

8 Then when it was time to finally go into
9 the house, she's the one that went into the house.
10 And there's a prior inconsistent statement in the
11 police report. The one witness told the officer
12 that she was talking to the people when she was
13 inside of the house. At trial, she said she wasn't
14 talking to the people inside the house. But I
15 think -- you know, logic tells us that what was
16 told to that officer originally is what is the
17 truth even though it's contradicted by a prior
18 inconsistent statement or a subsequent inconsistent
19 statement. And she was talking to the people
20 there.

21 So this young lady had been making
22 decisions all night long literally to everyone
23 around her. Some young people, some adults, some
24 trained professional acquiesced to her decisions,

1 and I think by a course of conduct, that's telling
2 us that she knew what she was doing and was able to
3 make decisions for herself, and that's what she had
4 done all night long.

5 Then when we get into the basement area,
6 she, of course, is eventually left alone with my
7 client. She says she doesn't remember what
8 happened there. Therefore -- I'll go on. She says
9 she doesn't remember what happened there, and some
10 of her account is contradicted completely by DNA
11 evidence, the scientific evidence that was
12 presented to the Court.

13 But in addition, my client, whose
14 credibility and whose demeanor you were able to
15 observe, has always made the same statement. He
16 went to the police station, and he sat there for a
17 long time, and he was interviewed, and he told them
18 what occurred. He got in -- came into court and
19 told us what occurred.

20 And he fully believed then, he fully
21 believes now, and the unrebutted testimony is that
22 she knew what was going on, she was capable of
23 consenting, she somewhat participated in the act,
24 and therefore, being consistent with everything

1 else that had happened, she was able to consent.

2 She did know what was going on.

3 And my client should be found not guilty,
4 especially when you consider that the only evidence
5 you have before you as to what occurred in that
6 basement is the testimony of the young lady who
7 says she doesn't remember and the testimony of my
8 client that says she clearly consented.

9 And given the fact that the State has the
10 burden of proof beyond a reasonable doubt on that
11 issue, I'd suggest to the Court that they did fail
12 to meet their burden of proof, and I would ask the
13 Court to reconsider it's ruling and find my client
14 not guilty.

15 Thank you.

16 THE COURT: Thank you, Mr. Schnack.

17 Ms. Rodriguez.

18 MS. RODRIGUEZ: Your Honor, with regard to the
19 post-trial motion, first of all, with respect to
20 the weight of the evidence, I certainly disagree
21 with Mr. Schnack's entire argument. There was
22 conflict in the evidence. There was certainly a
23 lot of evidence regarding the level of intoxication
24 of the victim in this case.

1 There was also her direct testimony that
2 she was -- she was asleep, she awoke to a pillow
3 being pushed on her face, and she was being
4 sexually assaulted, and that she at no time gave
5 consent and that, in fact, earlier in the evening
6 she had specifically indicated that she did not
7 want any sexual contact with this Defendant.

8 So the Court has already resolved those
9 issues. The Court's decision was not against the
10 manifest weight of the evidence and, in fact, it
11 was very much supported by the evidence that was
12 presented.

13 I want to address the additional basis
14 under the post-trial motion. The manifest weight
15 of the evidence was just one prong of that motion.
16 Mr. Schnack has also indicated that, made
17 prejudicial comments and erroneous statements in my
18 closing argument, but he fails to state what those
19 comments or statements were.

20 He also indicates the Defendant was denied
21 due process of law but doesn't specify how he was
22 denied due process of law.

23 He also indicates the Defendant was denied
24 equal protection of the laws but, again, does not

1 indicate how the Defendant was denied equal
2 protection of the laws.

3 And, finally, he indicates that the
4 verdict was a result of passion, bias, and
5 prejudice from the witnesses and their testimony
6 was inconsistent. Again, he doesn't indicate how
7 the witnesses were biased or prejudiced or the
8 basis for that.

9 So I would simply ask the Court to deny
10 these post-trial motions.

11 THE COURT: Thank you, Ms. Rodriguez.

12 Mr. Schnack.

13 MR. SCHNACK: Nothing further, Your Honor. I
14 think I've made my points.

15 THE COURT: The Court has considered the
16 motions. The Court has considered the arguments of
17 counsel and the written motions themselves. This
18 Court is required to do justice. This Court is
19 required to do justice by the public, it's required
20 to do justice by me, and it's required to do
21 justice by God.

22 It's a mandatory sentence to the
23 Department of Corrections. This happened when this
24 teenager -- because he was and is a teenager, was

1 two weeks past 18 years old. He has no prior
2 record, none whatsoever. By law, the Court is
3 supposed to sentence this young man to the
4 Department of Corrections. This Court will not do
5 that. That is not just. There is no way for what
6 happened in this case that this teenager should go
7 to the Department of Corrections. I will not do
8 that.

9 The Court could find that the sentencing
10 statute for this offense is unconstitutional as
11 applied to this Defendant. But that's not going to
12 solve the problem because, if the Court does that,
13 this Court will be reversed by the Appellate Court,
14 and Mr. Clinton will end up in the Department of
15 Corrections.

16 Mr. Clinton has served almost five months
17 in the county jail, 148 days. For what happened in
18 this case, that is plenty of punishment. That
19 would be a just sentence. The Court can't do that.

20 But what the Court can do, because this
21 was a bench trial, the Court will find that the
22 People failed to prove their case on Count 3. The
23 Court is going to reconsider its verdict, is going
24 to find the Defendant not guilty on Count 3. And,

1 therefore, the case -- the Defendant will be
2 released from custody. Bond will be discharged.

3 And the other thing I want to say is I
4 cannot believe that adults that were involved in
5 this case, parents and other adults who was
6 involved in this case, took their responsibilities
7 so lightly for these teenage kids. I cannot
8 believe the permissiveness and the lack of
9 responsibility taken by everyone involved in this
10 case.

11 This is what's happened when parents do
12 not exercise their parental responsibilities, when
13 we have people, adults, having parties for
14 teenagers, and they allow coeds and female people
15 to swim in their underwear in their swimming pool.
16 And, no, underwear is not the same as swimming
17 suits. It's just -- they allow 16-year-olds to
18 bring liquor to a party. They provide liquor to
19 underage people, and you wonder how these things
20 happen. Well, that's how these things happen. The
21 Court is totally disgusted with that whole thing.

22 And, Mr. Clinton, you're going to be
23 released. Go home if you still have one.

24 This case is adjourned. The Court will

1 take the order in chambers.

2 (Which was all the evidence offered
3 and received and all other proceedings had on the
4 hearing of said cause.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, Kim Cottrell, Official Court Reporter for
the Circuit Court of Adams County, Eighth Judicial
Circuit of Illinois, certify the foregoing to be a
true and accurate transcript of the testimony and
proceedings in the above-entitled cause.



OFFICIAL COURT REPORTER

Dated this 4th day
of January, 2022.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT Adams <input type="checkbox"/> COUNTY	NOTICE OF FILING FOR EXPUNGEMENT AND/OR SEALING	<i>For Court Use Only</i> <div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <div style="text-align: center;"> JAN 06 2022 <i>Lori R. Hochwender</i> Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO. </div>																
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.	Request of: <u>Drew Sebastian Clinton</u> Your name (First, middle, last name) <hr/> Other names used in these cases <table style="width:100%; border: none;"> <tr> <td style="width:33%;"><u>05/18/2003</u></td> <td style="width:33%;"><u>White</u></td> <td style="width:33%;"><u>Male</u></td> </tr> <tr> <td>Date of birth</td> <td>Race</td> <td>Gender</td> </tr> </table>		<u>05/18/2003</u>	<u>White</u>	<u>Male</u>	Date of birth	Race	Gender										
<u>05/18/2003</u>	<u>White</u>	<u>Male</u>																
Date of birth	Race	Gender																
	2021CF396 Case Number (if the Clerk assigns a new number) Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County: <table style="width:100%; border: none;"> <tr> <td style="width:25%;"><u>2021CF396</u></td> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>		<u>2021CF396</u>				_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
<u>2021CF396</u>																		
_____	_____	_____	_____															
_____	_____	_____	_____															
_____	_____	_____	_____															

In 1, enter the State's Attorney office that prosecuted your cases. In 2, enter the local police agencies that arrested you. If you run out of space, use the <i>Additional Notice of Filing for Expungement and/or Sealing</i> form and check the box. In 3, enter the names and addresses of the Chief Legal Officer of the Unit of Local Government that arrested you. The Chief Legal Officer is usually the lawyer for the city or town in which you were arrested or, in some cases, if you were arrested by the sheriff, it is the State's Attorney for that county. If you run out of space, use the <i>Additional Notice of Filing for Expungement and/or Sealing</i> form and check the box.	<ol style="list-style-type: none"> 1. To: <u>Adams</u> County State's Attorney <div style="margin-left: 20px;"> <u>County Name</u> <u>521 Vermont St. Quincy, IL 62301</u> <div style="display: flex; justify-content: space-between; width: 100%;"> <u>Street Address</u> <u>City</u> <u>State</u> <u>ZIP</u> </div> </div> 2. To: Arresting agencies that arrested you: <u>Quincy Police Department</u> <div style="margin-left: 20px;"> <u>Name</u> <u>110 S. 8th St.</u> <u>Quincy, IL 62301</u> <div style="display: flex; justify-content: space-between; width: 100%;"> <u>Street Address</u> <u>Name</u> <u>Street Address</u> <u>City</u> <u>State</u> <u>ZIP</u> </div> </div> <div style="margin-left: 20px;"> <input type="checkbox"/> I have listed additional arresting agencies on the attached <i>Additional Notice of Filing for Expungement and/or Sealing</i> form. </div> 3. To: Chief Legal Officers of the Units of Local Government that arrested you: <u>Gary Farha</u> <div style="margin-left: 20px;"> <u>Name</u> <u>521 Vermont St.</u> <u>Quincy, IL 62301</u> <div style="display: flex; justify-content: space-between; width: 100%;"> <u>Street Address</u> <u>Name</u> <u>Street Address</u> <u>City</u> <u>State</u> <u>ZIP</u> </div> </div> <div style="margin-left: 20px;"> <input type="checkbox"/> I have listed additional Chief Legal Officers on the attached <i>Additional Notice of Filing for Expungement and/or Sealing</i> form. </div> 4. To: Illinois State Police <u>260 North Chicago Street</u> <u>Joliet, Illinois 60432</u>
---	--

Enter the Case Number given by the Circuit Clerk: 2021CF396

In 5, enter the name of the county where you are filing your Request.

5. I have filed a Request to Expunge & Impound and/or Seal Criminal Records with the Clerk of the Circuit Court of Adams County, Illinois.
County Name

In 6, check the box if you have or are getting a fee waiver.

6. I am seeking a fee waiver under Supreme Court Rule 298, or have attached an Order waiving my filing and State Police fees.

7. The Circuit Court Clerk will mail a copy of this Notice and the Request to all of the agencies listed above in sections 1 - 4.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

/s/ Drew S. Clinton 01/04/2022
Your Signature Date

Enter your complete address, telephone number, and email address, if you have one.

Prepared by: Drew S. Clinton
Attorney # (if any): 217-224-4000
Street Address: 9063 Monroe St.
City, State, ZIP: Taylor, MI 48180
Phone Number: (313) 677-6890
Email: drewpclinton@gmail.com

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

CERTIFICATE OF MAILING

DO NOT fill out this section. The Circuit Clerk will sign and mail it.

The undersigned certifies that the above Notice and attached documents were placed in the Mail with first class postage prepaid to all parties listed above.

Signature of Circuit Clerk

Name of Deputy Clerk

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY	REQUEST TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS	<i>For Court Use Only</i> <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <p style="font-size: 1.2em; font-weight: bold;">JAN 06 2022</p> <p style="font-size: 0.8em;"> <i>Seri A. Hochwandler</i> Clerk Circuit Court 8th Judicial Circuit ILLINOIS, ADAMS CO. </p> 2021CF396 Case Number (if the Clerk assigns a new number)
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.	Request of: Drew S. Clinton <hr/> Your name (First, middle, last name) <hr/> Other names used in these cases 05/18/2003 White Male Date of birth Race Gender	
Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County:		
2021CF396 _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____		

IF YOU ARE ONLY REQUESTING TO SEAL CASES, DO NOT FILL OUT SECTIONS 2 - 11. GO TO SECTION 12.

See How to Expunge and/or Seal a Criminal Record to make sure all of your cases can be erased by expunging your record. For help filling out this table, see pages 12 - 15. Do not list any convictions in this section.

In 2, enter all eligible arrests or charges on your record. Enter all charges for each case number.

For Outcome, enter an outcome that matches the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you need more room, use the *Additional Arrests or Cases for Expungement* form and check the box.

1. I am requesting to expunge and impound records.
 Yes No (If no, go to Section 12)
2. I ask the Court to **EXPUNGE AND IMPOUND** the following arrests or charges from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police. I was arrested, or charged without being arrested, and not convicted on the dates and for the offenses listed below:

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, RV, S or P)</i>
2021CF396	Quincy Police Dept	Criminal Sexual Assault	05/31/2021	RV

Outcome Abbreviations

RV	Conviction Reversed or Vacated	P	Pardon from the Governor
CE	Certificate of Eligibility for Expungement from PRB	FI	Found Factually Innocent
RWC	Released Without Charge	DA	Dismissal or Acquittal
S	Supervision Successfully Completed	QP	Qualified Probation Successfully Completed

I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Expungement* form.

In 3-11, check ALL boxes that apply.

In 3, you cannot expunge a criminal conviction unless one of the special situations listed under checkboxes a, b, c, or d describes your case.

In 7, your record must specifically state that you had Qualified Probation. It might also be called Second Chance, 410, 710, 1410, or TASC probation.

In 8, if you got supervision for any case, 5 years must have passed since the end of the sentence for:

- Domestic Battery;
- Criminal Sexual Abuse;
- Driving without Insurance;
- Driving with registration suspended for Non-Insurance;
- Display of False Insurance Card;
- Scrap Processors to Keep Records; OR
- 2 years must pass since the end of the sentence for all other supervisions (except those listed in 9, which can never be expunged).

IF YOU ARE ONLY REQUESTING TO EXPUNGE CASES, DO NOT FILL OUT SECTIONS 13 - 22.

See *How to Expunge and/or Seal a Criminal Record* to make sure your cases can be hidden by sealing your record. For help filling out this table see pages 12 - 15.

3. I was not convicted of any offenses I want to expunge, unless (Check the box that applies):
- a. I was convicted, but the conviction was reversed or vacated; OR
 - b. I received a pardon from the Governor of the State of Illinois allowing expungement. (Attach a copy of the pardon.); OR
 - c. I received a Certificate of Eligibility for Expungement by the Prisoner Review Board. (Attach a copy of the Certificate.); OR
 - d. I was found factually innocent in the case I am asking to expunge.
4. For at least one case, I was arrested and released, and no charges were filed against me.
5. For at least one case, I was arrested for a minor traffic offense and released from custody without being charged.
6. For at least one case, I was charged, but was later acquitted, or released without being convicted.
7. For at least one case, I received a sentence of Qualified Probation; AND
- a. At least 5 years have passed since my Qualified Probation ended successfully; AND
 - b. I have attached the results of a drug test that I passed within the last 30 days.
8. For at least one case, I received a sentence of supervision; AND
- a. For certain offenses listed in the law, at least 5 years have passed since I completed my supervision successfully; OR
 - b. At least 2 years have passed since I completed my supervision successfully.
9. I am NOT seeking to expunge any arrests or charges that resulted in supervision for:
- a. Driving Under the Influence; OR
 - b. Any sexual offense against a person under the age of 18; OR
 - c. Reckless Driving when I was 25 years of age or older.
10. For at least one case, I received a sentence of supervision for Reckless Driving; AND
- a. I was under the age of 25 when the offense was committed; AND
 - b. I have no other convictions for DUI or Reckless Driving; AND
 - c. I have reached the age of 25.
11. I qualify to have my filing fees and State Police fees waived under the Cook County Fee Waiver Pilot Program:
- a. I am filing this Request in Cook County prior to January 1, 2022; AND
 - b. I am only seeking to expunge or seal arrests that resulted in my release without being charged or in cases that resulted in my acquittal, dismissal of the case, or a reversed or vacated conviction.
12. I am requesting to seal records.
- Yes No (If no, skip Sections 13- 22)

In 13, enter all eligible arrests, charges, and convictions you want sealed. Enter all charges for each case number. For Outcome, enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you need more room to list additional eligible arrests or charges use the *Additional Arrests or Cases for Sealing* form and check the box.

14- 16 must be true for you to use this form.

For 14, traffic offenses cannot be sealed unless they were an eligible Class A or B misdemeanor.

In 17 - 21, check ALL boxes that apply.

In 17 and 18a -c, some misdemeanor supervisions and convictions cannot be sealed, like DUI, some Reckless Driving Offenses, Domestic Battery, some Sexual Offenses, and Dog Fighting.

In 18b, some Class 3 and Class 4 felony offenses can be sealed, like Theft, Possession of Cannabis, Possession of a Controlled Substance, and a few others.

For a complete list of crimes that can and cannot be sealed, see the *How to Expunge and/or Seal a Criminal Record*.

In 21, check the box if you have completed one of the listed educational goals during your last sentence. If 21 applies to you, all eligible cases can be sealed immediately after the completion of your last sentence.

13. I ask the Court to **SEAL** the following arrests, charges, or convictions from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police:

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, MC, FC, or CE)</i>
2021CF396	QPD	Criminal Sexual Assault	05/31/2021	

Outcome Abbreviations

MC	Misdemeanor Conviction	FC	Felony Conviction
CE	Certificate of Eligibility for Sealing from PRB	QP	Qualified Probation Successfully Completed

I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Sealing* form.

- 14. I am not asking to seal arrests or charges for minor traffic offenses, unless I was released without being charged.
- 15. I am not asking to seal arrests or charges for felony offenses, unless the felony was reduced to an eligible misdemeanor, or is otherwise eligible to be sealed.
- 16. I am not asking to seal a felony conviction that happened after the sealing of a prior felony conviction.
- 17. At least 2 years have passed since I successfully completed my supervision, for eligible offenses.
- 18. At least 3 years have passed since the end of my last sentence *(Unless #21 or 22 applies); AND (Check all that apply):*
 - a. I received a misdemeanor conviction for an offense subject to sealing;
 - b. I received a felony conviction for an offense subject to sealing. If it was a drug case, I have attached the results of a drug test that I passed within the last 30 days.
 - c. I successfully completed a sentence under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 (Second Chance Probation) of the Unified Code of Corrections; AND I have attached the results of a drug test that I passed within the last 30 days.
- 19. I am not asking to seal a felony conviction for which I currently have to register on a public registry, including the Arsonist Registration Act, the Sex Offender Registration Act, or the Murder and Violent Offender Against Youth Registration Act.
- 20. For at least one case, I received a Certificate of Eligibility for Sealing by the Prisoner Review Board. *(Attach a copy of the Certificate.)*
- 21. I am eligible to seal all eligible cases upon completion of my LAST sentence because I received a high school diploma, associate's degree, career certificate, vocational or technical certification, or bachelor's degree, or passed the high school GED Test; AND
 - a. I did so during the period of my LAST sentence, aftercare release, or mandatory supervised release; AND

Enter the Case Number given by the Circuit Clerk: 2021CF396

- b. I did not complete the same educational goal before.
 - c. I have attached to this *Request* proof of the program I completed.
22. I am eligible to seal all eligible cases upon completion of my LAST sentence because I am a trafficking victim as defined under Section 10-9 of the Criminal Code of 2012, and as such:
- a. I was a victim of human trafficking when my last offense was committed; AND
 - b. My participation in the offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 OR a severe form of trafficking under the federal Trafficking Victims Protection Act.
23. For at least one case, I received a conviction for Reckless Driving; AND
- a. I was under the age of 25 when the offense was committed; AND
 - b. I have no other convictions for DUI or reckless driving; AND
 - c. I have reached the age of 25.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

I certify that everything in the *Request To Expunge & Impound and/or Seal Criminal Records* is true and correct. I understand making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ Drew S. Clinton
Your Signature

01/04/2021
Date

Enter your complete address, telephone number, and email address, if you have one.

DO NOT fill in the box to the right.

Prepared by: Drew S. Clinton
 Attorney # (if any): 217-224-4000
 Street Address: 9063 Monroe St.
 City, State, ZIP: Taylor, MI 48180
 Phone Number: (313) 677-6890
 Email: drewpclinton@gmail.com

For official use only

 State's Attorney/Prosecutor/ISP/Arresting Agency/Chief Local Legal Officer:

Received on: _____

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

Jeri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

Case: 21CF396

Drew S Clinton
Defendant/Petitioner

NOTICE OF MOTION

To: **Adams County Sheriffs Department**
521 Vermont Street
Quincy, Illinois 62301

On April 7, 2022, at 9:00am, or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my Petition to Expunge and impound and/or Seal criminal records.

PROOF OF SERVICE BY DELIVERY

I, Kim Goodwin, Deputy Clerk, certify that on January 7, 2022, I served this Notice by delivering a copy personally to each person to whom it is directed.

DATE: 1-7, 2022

Signature Kim Goodwin

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

FILED

JAN 07 2022

Lori R. Stachwandner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

CASE NO: 21CF396

Drew S Clinton

Defendant/Petitioner

NOTICE OF MOTION

To: Drew S Clinton
9063 Monroe St
Taylor, MI 48180

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy, Illinois, and present my Petition to Expunge and Impound and/or Seal criminal records.

PROOF OF SERVICE BY MAIL

I, Kim Goodwin, Deputy Clerk, certify that I served this Notice by mailing a copy to and depositing the same in the U.S Mail at Quincy, Illinois at 11:00am on January 7, 2022 with proper postage prepaid.

DATE: 1-7, 2022

Signature Kim Goodwin

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

Teri R. Hochwender
Clerk Circuit Court 5th Judicial Circuit
ILLINOIS, ADAMS CO.

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

CASE NO: 21CF396

Drew S Clinton

Defendant/Petitioner

NOTICE OF MOTION

To: **Adams County States Attorney**
521 Vermont Street
Quincy, Illinois 62301

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K. Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my request to expunge and impound and/or seal criminal records.

PROOF OF SERVICE BY DELIVERY

I, Kim Goodwin, Deputy Clerk, certify that on January 7, 2022 I served this Notice by delivering a copy personally to each person to whom it is directed.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

or

A MUNICIPAL CORPORATION

CASE NO: 21CF396

Drew S Clinton
Defendant/Petitioner

FILED

JAN 07 2022

Lori A. Schwandner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

NOTICE OF MOTION

To: **Illinois State Police**
Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60431-1342

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my Petition to Expunge and impound and/or seal criminal records.

PROOF OF SERVICE BY MAIL

I, Kim Goodwin, Deputy Clerk, certify that I served this Notice by mailing a copy to Illinois State Police, Bureau of Identification at 206 North Chicago Street, Joliet Illinois 60432-4075 and depositing same in the U.S Mail at Quincy, Illinois on January 7, 2022, with proper postage prepaid.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF ADAMS COUNTY
STATE OF ILLINOIS

FILED

JAN 07 2022

[X] THE PEOPLE OF THE STATE OF ILLINOIS

Teri R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

or

CASE NO: 21CF396

[] A MUNICIAPL CORPORATION

vs

Drew S Clinton

NOTICE OF MOTION

To: **Quincy Police Department**
110 South 8th Street
Quincy, IL 62301

On April 7, 2022 at 9:00am or as soon thereafter as may be heard, I shall appear before the Honorable Robert K Adrian, or any Judge sitting in that Judge's stead, located at 521 Vermont, Quincy Illinois, and present my Petition to Expunge and impound and/or Seal criminal records.

PROOF OF SERVICE BY DELIVERY

I, Kim Goodwin, Deputy Clerk, certify that on January 7, 2022 I served this Notice by delivering a copy personally to each person to whom it is directed.

DATE: 1-7, 2022

Signature *Kim Goodwin*

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
v.)
)
DREW CLINTON,)
)
Defendant.)

FILED

JAN 18 2022

No. 21-CF-396

Lori R. Hochwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

ORDER

On the court's motion, effective immediately, any unredacted transcripts/official reports of proceeding (containing minors' names) filed in this case shall be sealed.

So ordered.

Entered: 1/18, 2022

S. Larson

Judge Scott D. Larson

cc: SAO
Def. counsel
S. Main

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed
Personally delivered Emailed *S. Main*
SAO PO Counsel
Plaintiff Defendant
1-18-22 *JG*
Date Deputy Clerk

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

INDEX

WITNESS: DIRECT CROSS REDIRECT RECROSS

C.V. 4 38 81

EXHIBITS: MARKED RECEIVED

(Exhibits previously marked.)

(None.)

1 THE WITNESS: Okay.

2 THE COURT: Okay. Ms. Rodriguez, you may inquire.

3 C.V.

4 called as a witness on behalf of the People of the State of
5 Illinois, being first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MRS. RODRIGUEZ:

9 Q. Please state your name.

10 A. C.V.

11 Q. Okay. And how do you spell your first name?

12 A. [REDACTED].

13 Q. And how do you spell your last name?

14 A. [REDACTED].

15 Q. And do you go by the name C.?

16 A. Yes.

17 Q. Okay. And how do you spell C.?

18 A. [REDACTED].

19 Q. Okay. How old are you, C.?

20 A. 16.

21 Q. And when did you turn 16? What was your birthday?

22 A. March 30th.

23 Q. Of '21?

24 A. 20 -- yeah, 2021.

1 Q. 2021. Okay.

2 A. Yeah.

3 Q. And at this time, are you in school?

4 A. Yes.

5 Q. Okay. And where do you attend school?

6 A. Quincy Senior High School.

7 Q. And what is your grade level?

8 A. A junior.

9 Q. Okay. So last May, were you finishing up your
10 sophomore year?

11 A. Yes.

12 Q. Okay. And where do you live? Do you live in Quincy?

13 A. Yes.

14 Q. What is your address?

15 A. [REDACTED].

16 Q. Okay. And is that where you lived the end of May of
17 this year, as well?

18 A. Yes.

19 Q. Okay. And who do you live there with?

20 A. My father, Scott, and then my stepmom, Rachel.

21 Q. And they also have the last name V.?

22 A. Yes.

23 Q. Okay. Calling your attention to Saturday or, excuse
24 me, Sunday, May 30th of this year, did you go to a graduation

1 party?

2 A. Yes.

3 Q. And whose graduation party did you go to?

4 A. [REDACTED].

5 Q. Okay. And who is [REDACTED]?

6 A. He's cousins with [REDACTED].

7 Q. Okay. So who is [REDACTED]?

8 A. [REDACTED] is one of my friends. He's dating one of
9 my best friends.

10 Q. Okay. So [REDACTED] is one of your friends and he
11 is dating a friend of yours?

12 A. Yes.

13 Q. And who is that friend?

14 A. [REDACTED] [REDACTED].

15 Q. [REDACTED] [REDACTED]. Okay. Now you said you went to
16 [REDACTED] graduation party. Do you know [REDACTED] last name?

17 A. I'm not for sure actually.

18 Q. Okay. So how did you happen to go to this graduation
19 party?

20 A. I rode with [REDACTED] or, well, [REDACTED] and [REDACTED] invited
21 me and I was like, yeah, I'll go. And then we all drove up there
22 together probably around 11-ish.

23 Q. 11:00 at what time?

24 A. At night.

1 Q. At night. Okay. And so you have mentioned another
2 [REDACTED]. Was -- are you friends with another [REDACTED]?

3 A. Yes.

4 Q. And what is her last name?

5 A. [REDACTED].

6 Q. Okay. And you think it was about 11:00 o'clock at
7 night when you went to this graduation party?

8 A. Yes.

9 Q. Okay. Now, you have indicated you didn't know the
10 person having the graduation party; is that right?

11 A. It was [REDACTED].

12 Q. It was [REDACTED] but you weren't friends with him?

13 A. Not at the time, no.

14 Q. Okay. And who was he friends with?

15 A. With [REDACTED] and [REDACTED].

16 Q. Okay. So he was friends with your friends?

17 A. Yes.

18 Q. Okay. And is that the reason you went?

19 A. Yes.

20 Q. Okay. You think it was about 11:00 o'clock at night
21 when you got there?

22 A. Yeah.

23 Q. And do you know what the location of that party was?

24 A. I don't know.

1 Q. Did you drive there?

2 A. No, I didn't drive.

3 Q. Okay. Once you got there -- but it is a location
4 here in Quincy?

5 A. Yes.

6 Q. Okay. Once you got there, were there -- were there a
7 significant amount of people there?

8 A. There wasn't too much. It was probably around like
9 20, 30.

10 Q. Okay. And were there other young people there?

11 A. Yes.

12 Q. Okay. Now, when you got there, was the party inside
13 or outside the house?

14 A. It was outside in the back.

15 Q. Okay. And is there -- what is on the outside of the
16 house?

17 A. There is a pool back there and then a deck and tables
18 and chairs.

19 Q. Okay. And when you got to the party, did you see
20 [REDACTED] your friend?

21 A. Yes.

22 Q. Okay. And you said [REDACTED] and [REDACTED] [REDACTED] went with
23 you?

24 A. Yeah. And [REDACTED] did, too.

1 Q. And [REDACTED]. And who is [REDACTED]?

2 A. She is like one of my best friends, too.

3 Q. Okay. And what is her last name?

4 A. [REDACTED].

5 Q. Okay. At this party, was there alcohol?

6 A. Yeah.

7 Q. Okay. And did you consume some alcohol at that
8 party?

9 A. Yes.

10 Q. Okay. What kind of alcohol were you consuming?

11 A. They were in 99, like, little shooters.

12 Q. Okay. And you said they were 99, like, little
13 shooters. Was 99 the name of --

14 A. Like 99 percent.

15 MR. SCHNACK: Objection. Ask it be stricken. It's hearsay.
16 Foundation.

17 MRS. RODRIGUEZ: I think she can testify to what she was
18 drinking.

19 MR. SCHNACK: I'm sorry. I can't hear you.

20 THE COURT: She said she believes she can testify as to what
21 she was drinking.

22 MR. SCHNACK: She can't -- she can testify as to what she
23 was drinking but not what something -- not the proof.

24 THE COURT: I'm -- I'm going to ask you to rephrase that

1 question, Ms. Rodriguez.

2 BY MRS. RODRIGUEZ:

3 Q. Okay. I don't want to know the proof, okay? These
4 were small bottles of alcohol; is that right?

5 A. Yes.

6 Q. Was the name of them 99?

7 A. Yes.

8 Q. Okay. And do you know how many of those you
9 consumed?

10 A. Like six.

11 Q. Okay. And after you had consumed some or all of
12 those drinks, did you begin feeling bad?

13 A. Yeah. I was puking like right when I got -- after
14 like two shots, I was puking, and then later on in the night, it
15 just got worse.

16 MR. SCHNACK: Judge, I'm having a hard time hearing her.

17 THE WITNESS: Sorry.

18 THE COURT: Ma'am, if you could scoot up to the microphone,
19 please.

20 THE WITNESS: I'm sorry.

21 THE COURT: All right. Would you repeat that last answer,
22 ma'am?

23 THE WITNESS: What was the question?

24 BY MRS. RODRIGUEZ:

1 Q. Okay. I asked after you drank that alcohol if you
2 started feeling bad.

3 A. Yes.

4 Q. Okay. You had indicated you started puking; is that
5 right?

6 A. Yes.

7 Q. Were you inside the house or outside the house when
8 you began vomiting?

9 A. I was outside.

10 Q. Okay. And while you were outside, did you do
11 anything -- were you consuming food? Was there food served?

12 A. I wasn't eating any food.

13 Q. Okay. So you weren't eating but you were drinking?

14 A. Yes.

15 Q. Okay. And at some point, did you get inside the
16 pool?

17 A. Yes.

18 Q. Okay. Were there other persons in the pool, as well?

19 A. Yes.

20 Q. Is it a heated swimming pool?

21 A. Yeah.

22 Q. Okay. And about how many people were in the pool if
23 you know?

24 A. Probably like eight to ten.

1 Q. Okay. And so you got in the pool?

2 A. Yes.

3 Q. And was this before or after you were drinking or
4 during the time you were drinking?

5 A. During.

6 Q. Okay. And while you were inside the pool, did you
7 continue to drink while you were actually in the pool?

8 A. Yes.

9 Q. Okay. Again, was it the same type of alcohol?

10 A. Yeah.

11 Q. Okay. What happened when you were in the pool?

12 A. I couldn't really swim good so then someone was
13 helping, like, started helping me out of it.

14 Q. Okay. And do you know who was helping you out of the
15 pool?

16 A. It was [REDACTED].

17 Q. Okay. And [REDACTED]?

18 A. [REDACTED] (phonetic).

19 Q. Okay. And when you say you were helped out of the
20 pool, what did you do after you got out of the pool?

21 A. Puked.

22 Q. Okay. And where were you at when you vomited?

23 A. I was leaned up against the wall is all I remember.

24 Q. Okay. And do you know what wall that was? Was it an

1 outside structure or was it part of the house?

2 A. Yes. It was the wall of the house.

3 Q. A wall of the house. And, again, was that -- was
4 that in the back yard?

5 A. Yes.

6 Q. Okay. So as you were sitting up against the house
7 and you were puking, what else happened?

8 A. I remember [REDACTED] helped me put my clothes, like my
9 shirt back on and my pants because I was just wearing my
10 underclothes in the pool and then I got carried to the car.

11 Q. Okay. Now, when you say you were wearing your
12 underwear in the pool, were other individuals in the pool --

13 MR. SCHNACK: Your Honor, I'm going to object. Excuse me.
14 I'm going to object and ask that it be stricken that I got
15 carried to the car. If she doesn't -- there's no foundation for
16 that. I think she's testified she doesn't remember so it's
17 hearsay.

18 THE COURT: Well, I'm -- I'm going to overrule that
19 objection but, Ms. Rodriguez, if -- Mr. Schnack, if, during
20 cross-examination, if it comes out, then the Court will
21 reconsider its ruling. But at this point, she hasn't testified
22 that she doesn't remember.

23 MR. SCHNACK: Okay.

24 THE COURT: Go ahead, Ms. Rodriguez.

1 BY MRS. RODRIGUEZ:

2 Q. C., we were talking about the pool, okay? Were there
3 other individuals in the pool that were swimming in their
4 underwear?

5 A. Yes.

6 Q. Okay. Did you -- did you know -- you said you didn't
7 really know these people; is that right?

8 A. Yeah. I knew a few of them but a couple of them I
9 didn't know.

10 Q. Okay. Now I'm talking about the owners of the house.

11 A. Oh.

12 Q. Did you know the owners of the house?

13 A. No.

14 Q. Had you ever been there before?

15 A. No.

16 Q. Okay. Did you know that they had a pool in their
17 back yard?

18 A. Yes.

19 Q. Okay. And did you know that before you went over
20 there?

21 A. No.

22 Q. Okay.

23 A. Or I knew it, but I didn't know that we were going to
24 be swimming.

1 Q. Okay. Did you take -- did you bring a swimming suit
2 with you?

3 A. No.

4 Q. Okay. All right. So you said after you got out of
5 the pool, then you put your clothes back on; is that right?

6 A. [REDACTED] put my clothes on for me.

7 Q. Okay. So she was --

8 MR. SCHNACK: Objection, again, Your Honor. Does she know
9 this or is this what she's been -- the problem we're going to
10 have with a lot of this is that everybody has talked about this
11 and the foundation is does she know it or somebody told her that.

12 THE COURT: Ms. Rodriguez, I'm going to sustain that
13 objection. If you could ask a foundational question, please.

14 BY MRS. RODRIGUEZ:

15 Q. Do you remember what happened after you got out of
16 the pool and after you were laying up against the side of the
17 house puking?

18 A. Yes.

19 Q. Okay. What do you remember? What do you remember
20 happened after you were puking by the side of the house?

21 A. I remember I was laying there for a while puking and
22 then [REDACTED] started rubbing my back and was like it is time to go
23 and so she started putting my clothes on.

24 Q. Okay. And that's -- you remember that?

1 A. Yes.

2 Q. And when you say [REDACTED], are you talking about [REDACTED]
3 [REDACTED], your friend?

4 A. Yes.

5 Q. Okay. And the clothes that were placed back on you,
6 what were they?

7 A. It was the clothes I was wearing before.

8 Q. Which is what?

9 A. Gray Nike sweatpants and then a camouflaged hoodie.

10 Q. Now, after your clothes were placed back on, what do
11 you remember after that?

12 A. I remember -- I remember getting carried to the car.
13 I do not know who -- I don't remember who was carrying me but I
14 remember getting carried to the car and laying in the back seat.

15 Q. Okay. So you remember being carried but you don't
16 remember by whom?

17 A. Yes.

18 Q. Is that accurate? And being placed in the back seat
19 of a car?

20 A. Yes.

21 Q. Okay. Do you remember whose car you were placed in?

22 A. I'm not for sure.

23 Q. Okay. Now, after you got in the back -- after you
24 were placed in the back seat of this car, what is the next thing

1 you remember after that?

2 A. I remember -- I don't really remember the car ride at
3 all. I just remember getting to [REDACTED] house and then getting
4 carried inside to [REDACTED].

5 Q. Okay. So you remember arriving at [REDACTED] house?

6 A. Yes.

7 Q. And this is [REDACTED] that you previously said was
8 your friend?

9 A. Yes.

10 Q. And do you remember, had you been to his house
11 before?

12 A. Yes.

13 Q. So you -- did you recognize the house?

14 A. Yeah.

15 Q. As being a place you had been before?

16 A. Yes.

17 Q. Okay. Now, when you got there, what is the first --
18 once you arrived at [REDACTED] house, you said you remember arriving
19 at his house. What is the first thing you remember when you
20 arrived at his house?

21 A. I remember getting out of the car and I felt really
22 sick and then I couldn't really walk well so I got carried down
23 to the basement.

24 Q. And do you know who carried you down to the basement?

1 A. I'm not for sure.

2 Q. Okay. And once you were carried down, you remember
3 being carried. Do you remember what door you were carried
4 through?

5 A. The basement door.

6 Q. Okay. And is that a -- you have been there before;
7 is that right?

8 A. Yes.

9 Q. Okay. Is there a door on this house that goes
10 directly into the basement?

11 A. Yes.

12 Q. Okay. After you got into the house, where do you
13 remember going after that?

14 A. Into the game room.

15 Q. Okay. And did you walk into the game room or were
16 you still being carried?

17 A. I was still being carried.

18 Q. Now, you said you have been in this house before; is
19 that correct?

20 A. Yes.

21 Q. Can you describe in the basement where the room is
22 that you call the game room?

23 A. It's by the stairs that lead to upstairs. It is like
24 right to the left of it and then to the right of it is like the

1 living room and if you keep going right, there's [REDACTED] room.

2 Q. Okay. So you said to the left of the stairs. Is
3 there some stairways -- stairway that goes inside from the
4 upstairs down to the basement?

5 A. Yes.

6 Q. Okay. Now, when you say to the left, are you walking
7 down as you walk down the stairs, is it to your left?

8 A. Yes.

9 Q. Okay. And that -- the game room is, as you walk down
10 the stairs, it's the room to the left?

11 A. Yes.

12 Q. Okay. And is it a separate room?

13 A. Yeah.

14 Q. Okay. Now, you've described there was also another
15 bigger area?

16 A. Yeah. The living room.

17 Q. Okay. And where is the living room in -- if you are
18 walking down the stairs, where is the room that you call the
19 living room?

20 A. Just straight ahead a little bit to the right.

21 Q. And is it a big or a small area?

22 A. It's big.

23 Q. Okay. And you're familiar with -- you've said you
24 have been here before; is that correct?

1 A. Yes.

2 Q. Does -- are there any bedrooms downstairs?

3 A. Yes.

4 Q. In the basement? And whose bedroom do you know to be
5 down in that basement?

6 A. [REDACTED] [REDACTED].

7 Q. Now, if you are going down the stairs and into the
8 big living room area, where is [REDACTED] bedroom from there?

9 A. You just go right and then go straight to the end.

10 Q. So it is straight to the end of the living room?

11 A. Yes.

12 Q. Okay. Now, you said you were carried into the game
13 room; is that right?

14 A. Yes.

15 Q. What kind of seating is there in that game room?

16 A. There is a couch and then like a roly chair.

17 Q. Okay. And once you were carried into the game room,
18 where were you placed?

19 A. Onto the couch.

20 Q. Okay. And, again, do you remember who carried you?

21 A. I can't answer that for sure.

22 Q. Okay. And after you were placed on this couch, what
23 is the next thing you remember after that?

24 A. I just remember falling asleep until I was woken up.

1 Q. Okay. And how were you awakened?

2 A. I had something over my face and somebody was on top
3 of me.

4 Q. Okay. And what was happening? Take your time.

5 A. He was on top of me and then had his penis inside of
6 me.

7 Q. Okay. Inside your vagina?

8 A. Yes.

9 Q. Okay. And at the time you felt that, you said you
10 had something over your face; is that right?

11 A. Yes.

12 Q. Do you know what you had over your face?

13 A. It was a couch cushion.

14 Q. Okay. And were you able to see at that time --

15 A. No.

16 Q. -- who this was that was on top of you?

17 A. No.

18 Q. Okay. What did you do or say when you realized what
19 was going on?

20 A. I said stop one time, and I didn't think he could
21 hear me so he kept going and then I said stop again louder and he
22 didn't stop so I just, like, kind of rolled off the couch and
23 said I needed to use the restroom and then I went into [REDACTED]
24 bedroom.

1 Q. Okay. At that time, did you see who was on top of
2 you penetrating you?

3 A. Yes.

4 Q. Who was it?

5 A. Drew Clinton.

6 Q. Okay. And do you see him in the courtroom here
7 today?

8 A. Yes.

9 Q. For the record, would you point him out where he is
10 seated and what he's wearing?

11 A. He's right there. He is wearing a blue shirt.

12 MRS. RODRIGUEZ: Let the record reflect she has identified
13 the defendant.

14 THE COURT: The record will reflect that the witness has
15 identified the defendant.

16 BY MRS. RODRIGUEZ:

17 Q. [REDACTED] -- C., excuse me, I want to back up just a
18 minute to the party. Did you know Drew Clinton before that day?

19 A. No.

20 Q. Okay. When did you first meet him or see him?

21 A. At the party.

22 Q. Okay. And were you actually introduced to him at
23 that time?

24 A. Yes.

1 Q. Okay. And who introduced you?

2 A. [REDACTED].

3 Q. Your friend, [REDACTED]?

4 A. Yes.

5 Q. Okay. And at the party, did you have any -- did you
6 have any conversation with Drew Clinton?

7 A. Not that I recall.

8 Q. Okay. And do you know -- okay. And was he ever by
9 your group of friends that you remember while you were at the
10 party?

11 A. Yes.

12 Q. Okay. But you weren't having contact with him?

13 A. Not that I recall.

14 Q. Okay. Now, moving back to when you were placed in
15 the back seat of the car to the ride to [REDACTED] house, you said
16 you didn't remember the ride?

17 A. No. I remember some conversations but I don't
18 remember much of it.

19 Q. Okay. And do you -- can you even -- can you tell us
20 who was in the car?

21 A. It was [REDACTED], [REDACTED] -- [REDACTED], [REDACTED], [REDACTED],
22 [REDACTED], [REDACTED], and Drew Clinton.

23 Q. Okay. And so there were five of you in that car?

24 A. Yes.

1 Q. Do you remember -- you said there might have been
2 some slight conversation in the car but you don't remember what
3 it was; is that correct?

4 A. Yes.

5 Q. Okay. Other than waking up to him on top of you, do
6 you recall having any contact with Drew Clinton at [REDACTED] house
7 before -- before you were awakened by that?

8 A. No.

9 Q. Okay. You said that you yelled at him to stop a
10 couple times?

11 A. Yes. Twice.

12 Q. Okay. You said after you said the stop the first
13 time, he continued. What did he continue to do?

14 A. Penetrate me.

15 Q. Okay. With his penis?

16 A. Yes.

17 Q. Okay. Now you said after the second time of saying
18 stop, you rolled off?

19 A. Yes.

20 Q. Can you explain how you did that?

21 A. I kind of just like said I really need to use the
22 restroom and I, like, pushed him off and then left the room.

23 Q. Okay. And did you see what he did?

24 A. Yes. He jumped up real quick, pulled his pants up,

1 and jumped in the game chair and started playing games acting
2 like nothing just happened.

3 Q. Okay. And is the game -- the game chair, is that in
4 the same room?

5 A. Yes, it is right across from the couch.

6 Q. Okay. After you jumped up and you told him you had
7 to go to the bathroom, did you go to the bathroom?

8 A. No. I went to [REDACTED] room.

9 Q. Okay. Did you go directly to [REDACTED] room?

10 A. Yes.

11 Q. Okay. Was their door shut?

12 A. It was shut.

13 Q. Okay. And tell me -- tell me what you did when you
14 got to [REDACTED] room.

15 A. I walked in there and opened the door and [REDACTED] [REDACTED]
16 was laying on the ground and I woke her up and then me waking her
17 up woke [REDACTED] and [REDACTED] up and then I went and laid on the bed
18 and talked with them.

19 Q. Okay. Now, when you woke [REDACTED] [REDACTED] up, you said she
20 was sleeping on the floor?

21 A. Yes.

22 Q. Okay. And what, if anything, did you say to her when
23 you woke her up?

24 A. I was crying a lot and I couldn't -- it took me a

1 minute but I was just like, [REDACTED], I think I just got raped in the
2 other room and then that's when like --

3 Q. Okay. And did you tell her any more details at that
4 time?

5 A. Yes. I explained what had just happened.

6 Q. Okay. And you said [REDACTED] and [REDACTED] also woke up?

7 A. Yes.

8 Q. Okay. Did you tell them what happened?

9 A. Yes.

10 Q. And did you -- what did -- to the best of your
11 recollection, what did you tell them?

12 A. I told them that Drew had been on top of me in the
13 game room and just explained what I had just explained to you
14 what happened.

15 Q. Okay. And do you remember the specific words that
16 you used?

17 A. That he raped me and just got up and acted like
18 nothing had happened.

19 Q. Okay. And so all three, [REDACTED], [REDACTED], and
20 [REDACTED], were all in the same room when you made those
21 statements; is that correct?

22 A. Yes.

23 Q. Okay. Now, did you become aware that any of the
24 three, [REDACTED], [REDACTED], or [REDACTED], left the room for a period

1 of time?

2 A. [REDACTED] did.

3 Q. Okay. And you didn't go with him? Did you remain in
4 the room?

5 A. No. Yes.

6 Q. Okay. And at some point, did you decide what you
7 were going to do, whether you were going to stay there or go?

8 A. Yes. I decided I wanted to leave.

9 Q. And did you call --

10 A. I called [REDACTED].

11 Q. You called [REDACTED]?

12 A. Yes.

13 Q. Okay. Did she come to get you?

14 A. Yes.

15 Q. And when [REDACTED] arrived, was there somebody else
16 with her?

17 A. Yes.

18 Q. Who was that?

19 A. Ian Frese.

20 Q. Okay. And did -- tell me how you got -- did you go
21 up to her car or where did she pick you up at?

22 A. Yes. I walked up the stairs and went out the door
23 and went to her car.

24 Q. Okay. And did somebody help you --

1 A. No.

2 Q. -- get upstairs? Okay. Once you got in [REDACTED] --
3 well, first of all, when you called [REDACTED], did you tell her why
4 you needed picked up?

5 A. Yes.

6 Q. What did you tell her?

7 A. I told her that I had just been raped and I do not
8 want to be in the same house as him and I want to go home.

9 Q. Okay. And did she agree to pick you up?

10 A. Yes.

11 Q. Okay. Where did she take you?

12 A. To my house.

13 Q. And is that the [REDACTED] that you've
14 previously testified you live at?

15 A. Yes.

16 Q. Okay. Once you got there, what did the three of --
17 was it just yourself, Ian Frese, and [REDACTED]?

18 A. Yes.

19 Q. Okay. What did the three of you do?

20 A. They didn't want me to stay alone so we all also
21 didn't want to go inside and wake up my parents, so I have a
22 camper parked outside and we all just stayed in my camper.

23 Q. And at some point, did you go to sleep for a period
24 of time?

1 A. Yes.

2 Q. Okay. After that, did you wake up and go inside?

3 A. Yes.

4 Q. And why did you do that?

5 A. Because I felt sick.

6 Q. Okay. And once you got inside your house, where did
7 you go?

8 A. To the restroom.

9 Q. And what did you do there?

10 A. I didn't puke but I was just like dry heaving.

11 Q. Okay. All right. And at some point, did your -- did
12 your dad, Scott [REDACTED], wake up?

13 A. Yes.

14 Q. And make contact with you?

15 A. Yes.

16 Q. Did you tell him what had happened to you?

17 A. Yes.

18 Q. Okay. And was law enforcement contacted?

19 A. Yes.

20 Q. And did an officer come and take a statement from
21 you?

22 A. Yes.

23 Q. Okay. After the officer took the statement from you,
24 did you agree to go to Blessing Hospital for a sexual assault

1 kit?

2 A. Yes.

3 Q. Okay. And when you were at the hospital, did you
4 tell a nurse what had happened to you?

5 A. Yes.

6 Q. And did you agree to have evidence collected from
7 your person?

8 A. Yes.

9 Q. Okay. Now, from the time -- let me back up just a
10 minute. When the officer was there at your house taking a
11 statement from you, did you still have on the clothes that you
12 had had on at the party?

13 A. Yes.

14 Q. Okay. And did those clothes remain on you after you
15 were -- during the time you were raped, you said -- how were your
16 clothes at the time you were being assaulted?

17 A. My sweatpants and underwear were pulled down and my
18 sweatshirt was pulled up.

19 Q. Okay. And when you say your pants and your underwear
20 were pulled down, how far were they pulled down?

21 A. About to my knees.

22 Q. Okay. And after -- after you were sexually
23 assaulted, did you take those clothing off or did you pull them
24 back up?

1 A. I just pulled them back up and left the room.

2 Q. All right. And did you have the same clothing, the
3 underwear and the gray sweatpants, did you still have them on
4 when you were in the camper?

5 A. Yes.

6 Q. And did you still have them on when the officer came
7 to take a statement from you?

8 A. Yes.

9 Q. And were those clothing items then turned over to the
10 officer?

11 A. Yes.

12 MRS. RODRIGUEZ: Okay. I'm going to, Your Honor, if I may
13 fire this up for just a minute?

14 THE COURT: You may.

15 MRS. RODRIGUEZ: I want to show her some photos.

16 Your Honor, I'm putting in a DVD that I have marked as
17 People's Exhibit 9.

18 THE COURT: Nine?

19 MRS. RODRIGUEZ: Nine.

20 THE COURT: Okay.

21 BY MRS. RODRIGUEZ:

22 Q. C., I'm going to hand you a -- some photos that are
23 marked as People's 9A through 9I. I'm going to hand them to you
24 as a group and then I will refer to the number at the bottom,

1 okay?

2 A. Okay.

3 Q. If you would look at that first one that is 9A, I'm
4 going to put up on the screen what's Image No. 2. Can you see
5 that from where you are at?

6 A. Yes.

7 Q. Is that the same image that you have in front of you
8 as 9A?

9 A. Yes.

10 Q. And do you recognize that house?

11 A. It's [REDACTED] house.

12 Q. Okay. And is that the same house where this
13 occurred?

14 A. Yes.

15 Q. Okay. Okay. If you will look at 9B and I'm going to
16 go to Image No. 7. Is what you have in front of you 9B the same
17 as Image No. 7 on the screen?

18 A. Yes.

19 Q. Okay. And do you recognize what that is?

20 A. That's [REDACTED] garage.

21 Q. Okay. And is there an entrance to the house from
22 inside the garage?

23 A. Yes.

24 Q. You're familiar with that?

1 A. Yes.

2 Q. Okay. If you will look at No. 9C, it is Image No. 21
3 on the screen. Do you recognize that?

4 A. Yes.

5 Q. What is that?

6 A. It's in [REDACTED] house.

7 Q. Okay. And where is that inside [REDACTED] house?

8 A. It's by the entrance.

9 Q. From the garage?

10 A. I'm actually not for sure from this angle.

11 Q. Okay. All right. If you will go to No. 9D which I
12 will put up on the screen as No. 26, do you recognize that?

13 A. Yes. They are the stairs leading to [REDACTED] basement.

14 Q. And if you would look at 9E which is No. 29 on the
15 screen, can you see the image up on the screen?

16 A. Yes.

17 Q. Is that the same as what you have in front of you as
18 9E?

19 A. Yes.

20 Q. Can you explain what -- do you recognize this photo?

21 A. The couch is on the left side and then the double
22 doors in the back goes into [REDACTED] room.

23 Q. Okay. And there is it looks like a ping pong table
24 to the right?

1 A. Yes.

2 Q. Okay. Now, this big area that is depicted on here
3 with the ping pong table and the couch and then the doors to
4 [REDACTED] room, how do you refer -- is this a big open area at the
5 bottom of the stairs?

6 A. Yes.

7 Q. And how do you refer to this area? What do you call
8 it?

9 A. The living room.

10 Q. Okay. Now, if you would look at No. 9F which is
11 No. 33 on the screen, do you recognize that?

12 A. Yes.

13 Q. And can you tell me what's in this photo?

14 A. There's the stairs and then in the picture to the
15 right of the stairs is the game room.

16 Q. Okay. So if -- let's go as if you are walking down
17 those stairs. Where is the game room?

18 A. To the left.

19 Q. To the left. And is that the -- the room that has
20 the open door in this photo?

21 A. Yes.

22 Q. Okay. So there appears to be a desk and a computer
23 screen or TV or something; is that correct?

24 A. Yes.

1 Q. Okay. Had you ever been in this game room prior to
2 the morning that this happened?

3 A. Yes.

4 Q. Okay. If you will look at 9G which is No. 56 on the
5 screen, do you have 9G in front of you?

6 A. Yes.

7 Q. And is that the same image as No. 56 up on the
8 screen?

9 A. Yes.

10 Q. Okay. Can you tell me what's in this photo?

11 A. There's the game room and then there's the couch that
12 everything happened on and then the chair that he jumped up into
13 to play games.

14 Q. Okay. So there's a -- there appears to be a small --
15 a small tan-colored couch in this photo; is that right?

16 A. Yes.

17 Q. And when you say that's the couch this happened on,
18 that's the couch where the sexual assault that you've described
19 occurred?

20 A. Yes.

21 Q. Now, when you were -- when you were on that couch and
22 laying down, which side -- as we look at this photo, was your
23 head to the right of the couch or the left of the couch as you
24 are looking at it?

1 A. The left.

2 Q. Okay. So your -- there also appears to be a trash
3 can in this photo?

4 A. Yes.

5 Q. So -- so it is on that arm of the couch that your
6 head was resting?

7 A. Yes.

8 Q. Okay. And you said he jumped up and got in the game
9 chair; is that right?

10 A. Yes.

11 Q. And you said that's depicted in this image, as well?

12 A. Yeah.

13 Q. And that would be the high back black chair that is
14 in front of the couch?

15 A. Yes.

16 Q. When you -- when you got up and went to -- to leave,
17 you said he jumped up in the chair and what, if anything, did you
18 see him do at that time?

19 A. I saw him grab the mouse to the computer or a
20 controller, I don't recall which one, he just picked something up
21 and started playing with the computer.

22 Q. Okay. All right. If you would look at No. 9H in
23 front of you and I'll put Image No. 67, is number -- the image on
24 the screen the same as you have on 9H?

1 A. Yes.

2 Q. Okay. And what is this?

3 A. That's also the game room.

4 Q. Okay. So it is just a different view of the same
5 game room; is that right?

6 A. Yes.

7 Q. Okay. And then if you would look at Image 9I in
8 front of you and I will put up Image No. 12. Okay. Do you have
9 -- is the image up on the screen the same as you have 9I?

10 A. Yes.

11 Q. And can you tell me what this is a photo of?

12 A. That's the outside of [REDACTED] house where the doors
13 lead to the basement.

14 Q. Okay. So the door that appears to be just underneath
15 the deck, that's the door that leads directly into the basement;
16 is that correct?

17 A. Yes.

18 Q. Okay. C., during -- during any of this evening into
19 the early morning when you were either at the party on the way to
20 [REDACTED] house or after you were at [REDACTED] house, did you ever give
21 consent to Drew Clinton to have any kind of sexual contact with
22 you?

23 A. No.

24 Q. When -- when you woke up to something being on top of

1 your face, I believe you said you thought it was a couch cushion?

2 A. Yes or a pillow.

3 Q. Okay. And at the time it was on your face, was it
4 just laying on your face or was something being done to it?

5 A. It felt like it was being pressed against my face,
6 and I couldn't breathe well.

7 MRS. RODRIGUEZ: No further questions, Your Honor.

8 THE COURT: You may inquire, Mr. Schnack.

9 CROSS-EXAMINATION

10 BY MR. SCHNACK:

11 Q. Is it all right if I call you C.?

12 A. Yes.

13 Q. All right. You can call me Drew.

14 A. Okay.

15 Q. All right. I'm going to ask you some questions and
16 I'm not -- my intention is not to embarrass you or harass you or
17 make you look bad. It is just simply to ask you questions and
18 get some answers for the Judge.

19 A. Okay.

20 Q. Okay. And if you don't understand my questions,
21 would you please tell me and I'll repeat it or try and make it
22 more clear?

23 A. Yes.

24 Q. And if you do answer the question, we're going to

1 assume that you understood it; is that fair?

2 A. Yes.

3 Q. And if you don't know the answer to a question,
4 you'll tell me that also; is that correct?

5 A. Yes.

6 Q. Going back to this, was this a Saturday night or
7 Sunday night when you left for the party?

8 A. It was a Saturday.

9 Q. It was a Saturday night?

10 A. Yes.

11 Q. And so that then you would have left for the party
12 late on Saturday night; is that correct?

13 A. Yes.

14 Q. And where did you leave from to get to the party?

15 A. I don't recall.

16 Q. Okay. Well, were you at your house or were you at
17 somebody else's house or were you at another party? That's what
18 I'm getting at.

19 A. I don't remember.

20 Q. You don't remember where you were at before you went
21 to the party with the swimming pool; is that correct?

22 A. Yes.

23 Q. And do you remember leaving your home?

24 A. I did earlier.

1 Q. What time did you leave your home, if you recall?

2 A. I don't recall.

3 Q. All right. And when you left your home, you don't

4 know where you went; is that correct?

5 A. We went to pick up our friend. I remember that. And

6 then I believe from there, we all went to the party.

7 Q. All right. And did somebody pick you up at your

8 home?

9 A. Yes.

10 Q. And who picked you up?

11 A. [REDACTED] [REDACTED].

12 Q. All right. And was anybody with [REDACTED] when they

13 picked you up?

14 A. Yes.

15 Q. Who was that?

16 A. [REDACTED] [REDACTED].

17 Q. Was there anybody else?

18 A. No.

19 Q. All right. Now, had you girls had anything of an

20 alcoholic nature to drink when they picked you up and you guys

21 left?

22 A. No.

23 Q. And when you -- do you know what time they picked you

24 up?

1 A. I don't recall.

2 Q. And you don't recall where you went from there; is
3 that correct?

4 A. From where?

5 Q. From after they picked you up.

6 A. I don't recall.

7 Q. All right. And so at some time, you ended up at this
8 party at around 11:00 or 11:30; is that correct?

9 A. I believe so.

10 Q. All right. Is that a guess on your part or do you
11 have some -- is that correct?

12 A. That's correct.

13 Q. Nobody told you that?

14 A. No.

15 Q. All right. And do you remember where you came from
16 when you -- where were you last before you got in the car and
17 went to the party?

18 A. I don't recall.

19 Q. Were you at another party?

20 A. No.

21 Q. Had you had anything to drink?

22 A. No.

23 Q. When I say drink, I'm talking about alcohol, okay?

24 A. Yes.

1 Q. And so then when you got to the party, did you and
2 the girl -- the girls in your car have any alcohol with you?

3 A. Yes.

4 Q. And what did -- and this would be I think you call it
5 these little shooter things; is that correct?

6 A. Yes.

7 Q. And so somehow these little shooter things got in the
8 car with you and the girls; is that correct?

9 A. Yes.

10 Q. Do you remember how those happened to appear in the
11 car?

12 A. We bought them.

13 Q. Where did you buy them at?

14 A. I don't remember.

15 Q. And was this at a liquor store or someplace like
16 that?

17 A. I believe so, yeah.

18 Q. All right. And do you remember what time you bought
19 those?

20 A. I don't.

21 Q. So now that we know that you left your house and you
22 and the girls ended up at the party at 11:00 or 11:30 and
23 sometime between there you guys got -- you bought the little
24 shooter things; is that correct?

1 A. Yes.

2 Q. Did you buy any other alcohol?

3 A. No.

4 Q. And do you recall how many of the little shooter
5 things you bought?

6 A. There was three packs of ten.

7 Q. All right. And when did you start drinking those?

8 A. I don't recall.

9 Q. Were you drinking those in the car on your way to the
10 party?

11 A. No.

12 Q. So the first one you had was at the party?

13 A. It was in the car parked outside before the party.

14 Q. All right. So you were in the car parked outside the
15 party drinking these little shooter things; is that correct?

16 A. Yes.

17 Q. And do you know -- you said you had -- I think you
18 said you had about six of these little shooter things. How many
19 of them did you have when you were in the car?

20 A. Like one.

21 Q. All right. So if you had six, you would have had
22 five sometime later that night; is that fair?

23 A. Yes.

24 Q. And so when you get to the party, you walk in; is

1 that correct?

2 A. Yes.

3 Q. And when you walk in, did you see [REDACTED] there?

4 A. Yes.

5 Q. And did you see -- because [REDACTED] and [REDACTED] were
6 boyfriend/girlfriend; is that right?

7 A. Yes.

8 Q. And did you see Drew Clinton there at that time?

9 A. I didn't until later on.

10 Q. All right. Did you ever give him one of those little
11 shooter things if you remember?

12 A. Not that I -- actually, yes, I did.

13 Q. So you gave him a little shooter thing to drink; is
14 that correct?

15 A. Yes.

16 Q. Do you know how many you gave him?

17 A. One.

18 Q. All right. Did you give any to anybody else if you
19 recall?

20 A. Yes.

21 Q. Who did you give them to?

22 A. [REDACTED] I know had one and then just me, [REDACTED],
23 [REDACTED], [REDACTED].

24 Q. Okay. How about [REDACTED]?

1 A. I don't believe [REDACTED] had any.

2 Q. All right. Now, did you have anything else to drink
3 that -- of an alcoholic nature to drink that night?

4 A. No.

5 Q. All right. And so you're at the party and you're
6 back by the pool and you're drinking; is that correct?

7 A. Yes.

8 Q. Did you ever go in the house?

9 A. Yes.

10 Q. And who went in the house with you?

11 A. [REDACTED].

12 Q. And where did the two of you go?

13 A. We were talking in the living room for a while.

14 Q. Was there any adults present or was there anybody
15 else present when you and [REDACTED] were in the living room talking?

16 A. No.

17 Q. Did you go anywhere else in that house?

18 A. I was in the kitchen and I also used the restroom.

19 Q. All right. Was [REDACTED] with you in the kitchen and in
20 the restroom?

21 A. No. He was in the kitchen but not in the restroom.

22 Q. All right. And then after you did that, you went
23 back to the party. You went out to the pool; is that right?

24 A. Yes.

1 Q. And at some point, you took off your sweatpants and
2 your top and you went swimming in the pool in your underwear; is
3 that correct?

4 A. Yes.

5 Q. Now, the underwear -- the underpants that you swam
6 in, are those the same underpants that you woke up in or that you
7 were wearing in the morning at [REDACTED] house after this occurred?

8 A. Yes.

9 Q. You never put on somebody -- another pair or
10 underpants or anything like that; is that correct?

11 A. Correct.

12 Q. And these were your underpants?

13 A. Correct.

14 Q. And, again, this is one of those questions that might
15 -- I don't want to embarrass you but I got to ask you. I assume
16 those were clean underpants when you put them on to go out that
17 night; is that fair?

18 A. Yes.

19 Q. And you swam in the pool. How long were you in the
20 pool in those underpants?

21 A. I don't remember.

22 Q. Five minutes? Twenty minutes? Do you have any idea?
23 And I don't want you to guess and if you don't know, that's fair
24 also.

1 A. Yes. I don't remember.

2 Q. All right. Now, before you got in the pool, you were
3 throwing up; is that correct?

4 A. Not before. After.

5 Q. All right. And now Ms. Rodriguez asked you if the
6 pool was heated and did you say yes or no?

7 A. Yes.

8 Q. So the pool, the water was okay to swim in?

9 A. Yes.

10 Q. All right. And you're not much of a swimmer. Did I
11 get that correct?

12 A. I can swim. I just couldn't that day. Wasn't
13 feeling great.

14 Q. All right. So when you went into the pool, can we --
15 can I gather that's when you had already stopped drinking then;
16 is that correct?

17 A. No. I was also drinking in the pool.

18 Q. All right. So you were in the pool long enough to
19 drink also; is that correct?

20 A. Yes.

21 Q. You hadn't puked yet?

22 A. No.

23 Q. All right. And when you were in the pool, how many
24 of those little shooter things do you think you had to drink?

1 A. I think two.

2 Q. In the pool?

3 A. Yes.

4 Q. Did you spill any of them?

5 A. No.

6 Q. Are you sure?

7 A. I don't think I did.

8 Q. Pardon?

9 A. I don't think I did.

10 Q. All right. Now, is this a pool that has a diving
11 board with a deep end and a shallow end?

12 A. Yes.

13 Q. Okay. Were you diving off the -- jumping off the
14 diving board or not?

15 A. No.

16 Q. All right. Were you in the deep end at all?

17 A. Yes.

18 Q. All right. So you were swimming around in the deep
19 end, just in a pool swimming around having fun with the other
20 kids; is that fair?

21 A. Yeah.

22 Q. And drinking your little shooter things?

23 A. Yeah.

24 Q. All right. So at some time you are in the pool, you

1 started throwing up; is that correct?

2 A. Once I got out of the pool, I did.

3 Q. Okay. So you -- is it your testimony today that you
4 didn't throw up in the pool at all?

5 A. Yes.

6 Q. All right. So you were done drinking when you got
7 out of the pool. You didn't have any more to drink; is that
8 correct?

9 A. Not after I got out of the pool.

10 Q. And you don't know how long you were in the pool?

11 A. I don't recall.

12 Q. And you ended up getting out of the pool and then you
13 -- the next thing you remember is you're laying up against or
14 sitting up against the side of the house. Did I understand you
15 correctly?

16 A. Yes.

17 Q. All right. You are not laying out on the deck passed
18 out. You're sitting up against the house; is that correct?

19 A. I was laying up against the house like just down. I
20 was sitting up for a little bit but then I -- I was laying down
21 and then I sat up after.

22 Q. Okay. Now you got me confused.

23 A. Okay so.

24 Q. Okay. So you get out of the pool and one of your

1 friends helps you out of the pool. Is there a ladder or are
2 there steps or how do you --

3 A. There is a ladder.

4 Q. All right. So you walk -- you come out of the pool
5 on the ladder; is that correct?

6 A. Yes.

7 Q. And then you walk over by the house?

8 A. And I lay down and I started puking and then I sat up
9 and someone brought a trash can over.

10 Q. All right. And when you -- this is going to sound
11 horrible but when you threw up, was it like a dry heave where you
12 just kind of belch up a little bit of fluid or was it a full
13 thrown throw up?

14 A. It was a lot.

15 Q. It was a lot?

16 A. Yes.

17 Q. And did you have anything to eat at the party?

18 A. Not that I recall.

19 Q. All right. Did you have anything to eat after you
20 left after the girls picked you up and you guys went on your
21 adventure?

22 A. Not that I remember.

23 Q. Did you have dinner that night at your folk's house?

24 A. I don't remember.

1 Q. All right. So you don't remember having dinner at
2 your folk's house, you don't believe you had anything to eat from
3 the time you got in the car with the girls until you were
4 throwing up. Is that fair?

5 A. Yes. It was a couple months ago. I don't remember
6 what I did that whole day.

7 Q. I understand. I understand. And so when you threw
8 up, you would have thrown up the contents of your stomach which
9 would be the little shooter things; is that correct?

10 A. Yes.

11 Q. And if I understand you correctly, you didn't have
12 anything to eat or any food so the only thing you would have
13 thrown up is whatever water you swallowed while you were in the
14 pool, if any, and the little shooter things; is that correct?

15 A. Yeah.

16 Q. All right. Now, you remember talking to Officer
17 Jessica Hollensteiner?

18 A. Yes.

19 Q. Did you tell her that you went in the pool, then
20 passed out in your own puke?

21 A. Not in the pool. After I did, yes.

22 Q. I'm going to quote, went in the pool --

23 MRS. RODRIGUEZ: Your Honor, I'm going to object to her
24 being cross-examined regarding the contents of the report.

1 THE COURT: Okay. What's the objection?

2 MRS. RODRIGUEZ: The objection is he can't cross-examine her
3 according to what -- he can't read to her from the report.

4 MR. SCHNACK: I have to give her an opportunity to either --

5 THE COURT: Well.

6 MRS. RODRIGUEZ: He can ask her whether she told Jessica.

7 THE COURT: First of all, you didn't ask about this so is it
8 okay that he goes outside the scope of your examination,
9 Ms. Rodriguez?

10 MRS. RODRIGUEZ: Your Honor, I don't care if he goes outside
11 the scope --

12 THE COURT: Okay.

13 MRS. RODRIGUEZ: -- the cross-examination so that we don't
14 have to put her back on.

15 THE COURT: All right. Okay.

16 MR. SCHNACK: And I appreciate that and I apologize for not
17 asking first. I should have.

18 THE COURT: All right. All right. So now that we've got
19 that cleared up, then your objection is that he's reading from
20 the report of what the officer said and not -- not doing a
21 correct --

22 MRS. RODRIGUEZ: Not correct --

23 THE COURT: Yes.

24 MRS. RODRIGUEZ: -- examination.

1 THE COURT: Right. All right. That will be sustained.

2 Mr. Schnack, rephrase your question.

3 BY MR. SCHNACK:

4 Q. Did you tell Officer Hollensteiner on or about June
5 2nd that you went in the pool, then passed out in your own puke?

6 A. I don't remember.

7 Q. Did you tell Officer Hollensteiner you heard from
8 other people that she had -- that you had to be carried to a car?

9 MRS. RODRIGUEZ: Your Honor, I'm going to object to that as
10 hearsay.

11 MR. SCHNACK: It's --

12 THE COURT: I'm -- I'm -- he's asking if that's what she
13 told the officer. That will be overruled.

14 BY MR. SCHNACK:

15 Q. Did you tell Officer Hollensteiner on 6/2 of '21 that
16 you heard from other people that you had to be carried to a car
17 and puked in a bucket on the car ride to [REDACTED] house?

18 A. Yes.

19 Q. So you -- when you answered Ms. Rodriguez's questions
20 earlier this morning about getting to the car and what happened
21 in the car, that's what you heard from other people?

22 A. No.

23 Q. Not what you --

24 A. I do remember what happened. I heard from other

1 people about the puking in the bucket. Not -- I remember other
2 parts, though.

3 Q. Did you hear from other people you had to be carried
4 to the car or do you remember that?

5 A. I remember.

6 Q. But you did -- strike that. Did you tell Officer
7 Hollensteiner that you heard you had to be carried to the car?

8 A. Yes.

9 Q. So now you remember but back on June 2nd, two to
10 three days afterwards, you were telling Officer Hollensteiner
11 this is what you had heard. Do you understand the difference?

12 A. Yes.

13 Q. So now you are telling us you remember. Back then,
14 you heard. What has happened to make you change your basis for
15 your testimony?

16 A. Well, whenever she was asking me, I was in the
17 hospital getting tested and I was still very sick and I was just
18 that puking while she was asking questions.

19 Q. Well, Officer Hollensteiner's interview, and I just
20 asked you, this took place on June 2nd at 9:45 in the morning.
21 You weren't in the hospital then, were you?

22 A. I don't remember what day I was in the hospital.

23 Q. Well, I had asked you that in my previous question.
24 Do you remember talking to Officer Hollensteiner on June 2nd, and

1 you said yes. That wasn't in the hospital, was it?

2 A. I don't remember talking to her on June 2nd. I
3 remember talking to her. I just don't recall when.

4 Q. So now you don't remember talking to Officer
5 Hollensteiner at all on June 2nd?

6 A. I said I remember talking. I don't recall the day I
7 talked to her so no.

8 Q. All right. Well, were you in the hospital when you
9 talked with her?

10 MRS. RODRIGUEZ: Your Honor, may I approach counsel for just
11 a minute?

12 THE COURT: Yes.

13 (Whereupon, an off-the-record
14 discussion was held.)

15 BY MR. SCHNACK:

16 Q. Let's back up a little bit, okay? Do you remember
17 talking to a Jess -- do you remember your CASA interview with
18 Jessica Bolton?

19 A. It was a what interview?

20 Q. Okay.

21 A. I couldn't hear you.

22 Q. That's my fault. I'm sorry. Because I assumed that
23 you knew what a CASA interview was and there's no reason you
24 should know that.

1 A. Yes, sir.

2 Q. You had to go have an interview or you went to have
3 an interview with somebody here in town on about 6th and State.
4 Do you remember that?

5 A. I don't.

6 Q. Do you remember doing an interview with a Jessica
7 Bolton?

8 A. I don't.

9 Q. Do you remember going to someplace with probably your
10 dad or your stepmom or your mom, maybe even Officer
11 Hollensteiner, who -- and they interviewed you in a room, there
12 was a couch there, there's -- it's carpeted. It's a small room
13 and it's filmed?

14 A. Was it at Quanada?

15 Q. Yeah.

16 A. Yes.

17 Q. All right. So you remember that?

18 A. Yes.

19 Q. And you remember talking to Jessica Bolton there?

20 A. Yes.

21 Q. She was -- that's what we call a CASA interview,
22 okay? You with me on that?

23 A. Yes.

24 Q. All right. That would have taken place on 6/2, June

1 2nd?

2 A. Not that I remember.

3 Q. You weren't in the hospital when that took place; is
4 that correct?

5 A. Correct.

6 Q. All right. Did you tell her that you passed out in
7 your own puke in the pool?

8 A. I don't remember what I told her.

9 Q. Did you remember telling her that you heard from
10 other people you had to be carried to the car?

11 A. It was a while ago. I don't remember the
12 conversation.

13 Q. All right. Did you remember in the CASA interview
14 telling Jessica Bolton and people who were observing it that you
15 remembered being carried inside the house by [REDACTED]?

16 A. Yes. I believe it was [REDACTED]. I'm not for sure.

17 Q. And that that's the last thing you remember?

18 A. Yes.

19 Q. So from the time you were carried in until the time
20 you wake up, you don't have any idea of what happened during that
21 period of time; is that correct?

22 A. I remember getting carried in and laid on the couch
23 and then I remember nothing else after.

24 Q. All right.

1 A. Until I woke up.

2 Q. Did you remember telling the CASA interview lady that
3 you do not remember being laid on the couch?

4 A. I don't remember.

5 Q. Now, do you remember telling the CASA interview lady
6 that Drew had his penis inside of your vagina?

7 A. Yes.

8 Q. And you woke up and told him to stop?

9 A. Yes.

10 Q. And you threw your legs over and rolled to the other
11 side and it started happening again. Is that -- did you tell her
12 that?

13 A. Yes.

14 Q. Did you tell her you told Drew to stop and he didn't?

15 A. Yes.

16 Q. Did you tell her that your underwear and pants were
17 pulled down to just above your knees?

18 A. Yes.

19 Q. Now, you had on gray sweatpants?

20 A. Yes.

21 Q. All right. Most sweatpants have a tie on them; is
22 that correct?

23 A. These ones don't. They're the Nike ones.

24 Q. Pardon?

1 A. They're Nike sweatpants. They might have one on the
2 inside but I don't think they had a tie at all.

3 Q. Okay. And then you had on your underpants; is that
4 correct?

5 A. Yes.

6 Q. And those are the same underpants that the police
7 have had and we're going to hear about; is that correct?

8 A. Yeah.

9 Q. And those were above your knees?

10 A. Yes.

11 Q. And it is your testimony that Drew Clinton was laying
12 on top of you. Now, you didn't tell us they were on your knees
13 and I think it show, if I could, Your Honor?

14 THE COURT: You may.

15 Q. In the CASA interview, you indicate that they were
16 pulled maybe an inch or two or three above your knees; is that
17 correct?

18 A. That's correct, but I don't remember where they were
19 pulled to. That's -- I'm pretty sure that's where they were. I
20 had a pillow over my face. I don't --

21 Q. You said that several times. You've told several
22 people that so I'm going to assume that it's correct.

23 A. That's what I believe, yes.

24 Q. All right. Well, and it is correct? Fair?

1 A. I'm not sure if it is correct. That is what I'm --
2 believe but I don't know for sure. I can't say for sure.

3 Q. So if Drew -- if your pants are above your knees,
4 it's virtually impossible for him or anybody else to have sex
5 with you because your legs can't separate any more than the
6 waistband of your underpants; isn't that correct?

7 MRS. RODRIGUEZ: Your Honor, I'm going to object to that.
8 That's calling for speculation.

9 THE COURT: Going to sustain it as to the form of that
10 question, Mr. Schnack.

11 BY MR. SCHNACK:

12 Q. If your -- your underpants were -- you're a fairly
13 small person, 115 pounds maybe?

14 A. 108.

15 Q. 108. Okay. Sorry. You had on small pair of
16 underpants?

17 A. Uh-huh.

18 Q. They were pulled two to three inches above your knee?

19 A. Well, I have -- they were probably up to here about
20 on my knee.

21 Q. Well, we just established that so let's move on.

22 A. Okay.

23 Q. If you've got your underpants on and you've got your
24 sweatpants on and they're all up above your knee, you can't

1 spread your legs far enough to have sex, can you?

2 MRS. RODRIGUEZ: Your Honor. Your Honor, again, I'm going
3 -- I'm going to object to the form of the question. He is asking
4 her to speculate. She has already testified.

5 THE COURT: That -- that will be sustained, Mr. Schnack.
6 That's argument. You can argue that but to ask her about that,
7 that's speculation.

8 BY MR. SCHNACK:

9 Q. Was Drew Clinton laying on top of you?

10 A. Yes.

11 Q. Was he laying on top of your underpants?

12 A. I don't remember.

13 Q. How could -- you don't remember if he was laying on
14 top of your underpants?

15 A. I couldn't see. I had a pillow over my face. I just
16 remember feeling him inside of me. I know he was.

17 Q. All right. Well, you were laying on your back; is
18 that correct?

19 A. I believe so.

20 Q. So --

21 A. Yes.

22 Q. You told us you were laying on your back. You woke
23 up and a pillow was on your face.

24 A. Yes.

1 Q. So I think we've just established that you weren't
2 laying on your stomach. Fair statement?

3 A. Yes.

4 Q. So if you're on your back, he is laying on top of
5 you; is that correct?

6 A. Yes.

7 Q. And you don't know if he was laying on top of your
8 underpants or your sweatpants?

9 A. I don't.

10 Q. Did he crawl up underneath the inside of them? And
11 do you know that?

12 A. I don't know anything of what he did.

13 Q. All right.

14 A. Besides the fact that he was inside of me while I was
15 sleeping.

16 Q. Yeah. Did you have -- you didn't have sex with
17 anybody else from the time you got out of that pool, did you?

18 MRS. RODRIGUEZ: Objection, Your Honor. Objection.

19 MR. SCHNACK: No, Your Honor. If I could be heard?

20 THE COURT: You can be heard.

21 MR. SCHNACK: The scientific evidence that Ms. Rodriguez has
22 given us shows semen from two other individuals on those
23 underpants.

24 MRS. RODRIGUEZ: Objection. It does not show that, Your

1 Honor.

2 THE COURT: And -- and that is all inadmissible.

3 Mr. Schnack, that's all protected by the Rape Shield statute
4 and the Court cannot consider any of that and none of that
5 evidence is admissible.

6 BY MR. SCHNACK:

7 Q. Did you -- did you ever tell Officer Hollensteiner --
8 you remember talking to Officer Hollensteiner?

9 A. Yes.

10 Q. That your pants and underwear were pulled down to
11 just above your knees and you could feel Drew's penis on top of
12 your stomach as if he missed your vagina?

13 A. Yes.

14 Q. Is that the truth?

15 A. Yes.

16 Q. So when you woke up, his penis was on your stomach,
17 not in your vagina; is that correct?

18 A. No. It was in my vagina. I laid there for a minute
19 like a little bit to realize what was happening and that's when I
20 felt it and I told him to stop.

21 Q. Drew's penis was on top of your stomach as if he
22 missed her vagina. If he missed your vagina, it was not in your
23 -- it was on your stomach. Isn't that what you told the officer?

24 A. I felt it in me when I woke up and then it continued

1 and then it felt like he like missed and then I told him to stop
2 and then he continued to put it back in.

3 Q. You've said you felt him thrusting his hips; is that
4 correct?

5 A. Yes.

6 Q. C., did you tell Officer Hollensteiner C. then yelled
7 at Drew to stop and he did?

8 A. No.

9 Q. So if she -- so that -- you did not say that?

10 A. No.

11 Q. Did you tell Officer Summers on the Monday of the
12 31st she stated she -- that you felt someone inside her, she told
13 the male to stop. However, he did not and I think you told us
14 today you didn't think he heard you; is that correct?

15 A. Yes, the first time.

16 Q. And then she said it a second time and the male
17 stopped what he was doing?

18 A. No.

19 Q. You didn't tell Officer Summers that?

20 A. I don't recall saying it, no.

21 Q. So there's a difference between no and I don't
22 recall. Pick one.

23 A. No.

24 Q. You didn't say that to Officer Summers?

1 A. I don't remember.

2 Q. One more time. There's a difference between I don't
3 remember and no. You understand that; correct?

4 A. I understand that but I cannot answer your question.

5 Q. Well, the -- did you say it or not? I don't remember
6 or no?

7 MRS. RODRIGUEZ: Your Honor, she's clearly indicated she
8 doesn't remember.

9 THE COURT: Well, Mr. Schnack's got me confused right now so
10 I'm going to ask you to restate the question right now.

11 BY MR. SCHNACK:

12 Q. You had an interview with Officer J.D. Summers on May
13 31st at 8:57 in the morning. Do you remember that?

14 A. I remember having an interview but I don't remember
15 what day or what time.

16 Q. All right. And do you remember telling Officer
17 Summers she stated that you felt someone inside of her, she told
18 the male to stop -- and you just told us that. You didn't think
19 he heard you. And, however, he did not. She said it a second
20 time in which the male stopped what he was doing. Did you tell
21 Officer Summers that?

22 A. I do not remember any of that.

23 Q. All right. Fair enough. Thank you. Now --

24 THE COURT: Mr. Schnack.

1 MR. SCHNACK: If I understand you correct --

2 THE COURT: Oh, okay. You ready because I was going to take
3 a -- we need to take a break here for --

4 MR. SCHNACK: This is probably -- let me ask a couple more
5 questions and then we'll take a break.

6 THE COURT: Okay. All right.

7 BY MR. SCHNACK:

8 Q. All right. After he stopped, he got up and started
9 playing video games; is that correct?

10 A. He -- yes. He got up and he sat in the chair and
11 grabbed the controller or something, he grabbed something and
12 then got on the screen.

13 Q. And I think you said he got up like nothing happened;
14 is that fair?

15 A. Yes.

16 Q. And then you told us you eventually -- well, moving
17 ahead, you walked up the stairs and walked to [REDACTED] car.

18 [REDACTED] is the one that came and picked you up; is that correct?

19 A. Yes.

20 Q. And you called [REDACTED] from [REDACTED] room?

21 A. Yes.

22 Q. And then this is going to sound stupid but you didn't
23 have anything to drink from the time [REDACTED] picked you up from
24 the time you were at the hospital; is that correct?

1 A. Correct.

2 Q. So then from -- you called [REDACTED] and [REDACTED]
3 parents were upstairs; is that correct?

4 A. Correct.

5 Q. Nobody got ahold of them, did they, that you know of?

6 A. That I know of, yes.

7 Q. And you didn't call your dad or your stepmom; is that
8 correct?

9 A. Correct.

10 Q. And you drove home; is that correct?

11 A. I didn't drive home. [REDACTED] drove.

12 Q. I -- you got home?

13 A. Yes.

14 Q. And instead of going into the house and telling your
15 dad and stepmom what happened, the three of you stayed in the
16 camper; is that correct?

17 A. Yes.

18 Q. And then what time do you think you got up from the
19 camper?

20 A. I don't remember. I think it was around like -- I
21 can't say.

22 Q. If you don't know, that's fine.

23 A. Yeah. I can't say.

24 Q. Okay. And then from the camper, you go into the

1 house and your dad finds you in the bathroom; is that correct?

2 A. Yes.

3 MR. SCHNACK: This is probably a good time for a little
4 break.

5 THE COURT: Okay.

6 MR. SCHNACK: I need to look through my notes.

7 THE COURT: That's what we will --

8 MR. SCHNACK: I'm going -- just to move things along, I'm
9 going to ask that we play the CASA interview for her. We should
10 probably -- we can probably talk about that during the break to
11 give her an opportunity to see it.

12 THE COURT: Okay. All right. You can work that out.

13 Ladies and gentlemen, we are going to take a break now. It
14 will be for 15 minutes. Again, I would caution everybody in the
15 audience, you may not speak with any of the witnesses about what
16 you have heard in the courtroom.

17 Ma'am, you may also step down and take a break and you may
18 not discuss your testimony with anyone because you are still
19 under cross-examination. And then when we are finished with the
20 break, if you will return back to the witness chair, okay?

21 THE WITNESS: Okay.

22 THE COURT: All right. We will be in recess.

23 (Whereupon, a recess was taken.)

24 THE COURT: We are back on the record on 21-CF-396, People

1 versus Drew Clinton. Mr. Clinton is present in the courtroom
2 along with his attorney, Mr. Drew Schnack. People are
3 represented by Assistant State's Attorney, Anita Rodriguez.

4 We are ready to continue the cross-examination. The witness
5 has returned to the witness chair.

6 And, ma'am, you realize you're still under oath?

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay. Mr. Schnack, you may continue.

9 MR. SCHNACK: Judge, I just talked with Ms. Rodriguez and we
10 have marked the joint -- as a Joint Exhibit No. 1, the CASA
11 interview. I have agreed and I believe she's agreed we could
12 play that without having Jessica Bolton here and have the -- then
13 we'll go from there.

14 THE COURT: All right. Ms. Rodriguez, is that correct? You
15 both stipulated to the foundation for that interview?

16 MRS. RODRIGUEZ: That's correct, Your Honor. Joint Exhibit
17 1 is the CAC interview from 6/2/21.

18 THE COURT: Okay. And you may play that then.

19 MRS. RODRIGUEZ: Can you see the screen?

20 THE WITNESS: Yes.

21 THE COURT: All right.

22 MR. SCHNACK: Can you see the screen all right from where
23 you are at?

24 THE WITNESS: Yes.

1 THE COURT: All right. Before we start to play that,
2 though, I'm assuming there is voice recording on that. Do you
3 need the court reporter to take down what is said or are you fine
4 with just the voice from the exhibit?

5 MR. SCHNACK: I'm fine with the voice from the exhibit. She
6 doesn't need to take it.

7 THE COURT: Ms. Rodriguez?

8 MRS. RODRIGUEZ: I agree.

9 THE COURT: All right. You may go ahead and play it.

10 (Whereupon, Joint Exhibit No. 1 was
11 played in open court.)

12 MR. SCHNACK: Judge, we will also agree that

13 Ms. Rodriguez --

14 (Whereupon, Joint Exhibit No. 1 was
15 played in open court.)

16 THE COURT: All right. We have finished playing the video,
17 and we are back on the record.

18 And, Mr. Schnack, you are still on cross-examination.

19 BY MR. SCHNACK:

20 Q. C., you had an opportunity to hear and see the video
21 that we just played; is that correct?

22 A. Yes.

23 Q. And it -- is it accurate and correct as far as what
24 you saw there?

1 A. Yes.

2 Q. And it hasn't been altered or changed?

3 A. Correct.

4 Q. That's correct?

5 A couple of things. In there, you said you're not in any
6 trouble or anything but your parents gave you a LifeLock 360, the
7 Life360 or whatever it is called. That's just an app that lets
8 your dad or mom or people know where you're at on your phone; is
9 that correct?

10 A. Yes.

11 Q. You didn't have that before, did you?

12 A. Correct.

13 Q. And can I assume that if your father would have found
14 out that you went to a party and that you went swimming in your
15 underpants and bra and that you drank, purchased liquor, and then
16 you drank and got drunk --

17 MRS. RODRIGUEZ: Your Honor, this question calls for
18 speculation.

19 THE COURT: You wish to be heard, Mr. Schnack?

20 MR. SCHNACK: We're not asking for speculation. We're
21 asking for --

22 MRS. RODRIGUEZ: He's asking what her father would have
23 done.

24 THE COURT: That would be speculation so that will be

1 sustained.

2 BY MR. SCHNACK:

3 Q. You said you're not in trouble on the tape. You
4 heard that; correct?

5 A. Yes.

6 Q. When you say that, I think you're referring to being
7 in trouble with your dad; is that correct?

8 A. Yes.

9 Q. If he -- did you have rules that your father set for
10 you?

11 A. Yeah.

12 Q. And I assume one of those rules you weren't supposed
13 to drink?

14 A. Yeah.

15 Q. Alcoholic beverages; correct?

16 A. Correct.

17 Q. You broke that rule, didn't you?

18 A. Correct.

19 Q. You weren't supposed to go swimming in your
20 underpants and bra in front of other people. Is that also
21 another rule or is that correct?

22 A. Yeah.

23 Q. You broke that, didn't you?

24 A. Yeah.

1 Q. You're not supposed to stay out all night; is that
2 correct?

3 A. Correct.

4 Q. Did you have a curfew then?

5 A. Yeah. It was 12:00.

6 Q. So you were supposed to be home by midnight?

7 A. But I was staying at a friend's house that night.

8 Q. So is that what you told your dad?

9 A. Yes. That's what I was going to do.

10 Q. Okay. But you didn't stay at a friend's house that
11 night, did you?

12 A. No.

13 Q. Did you tell him you were going to a drinking party?

14 A. No.

15 Q. So you broke a couple more rules, didn't you?

16 A. Yeah.

17 Q. And after all this happened, you didn't call your
18 dad. Is that because you didn't want to get in trouble for
19 breaking all of those rules?

20 A. Correct.

21 Q. And you spent the night in the camper rather than
22 going into your dad's home. Is that because you -- of the
23 condition you were in, the drinking and the vomiting and not
24 wanting to get in trouble with your dad because you broke his

1 rules?

2 A. Yeah.

3 Q. Now, earlier today, you told us this was on a
4 Saturday night or Sunday. On the tape, I think you said it was
5 on a Sunday night to Monday. Did I understand you correctly?

6 A. Yeah.

7 Q. So you got that wrong, too, didn't you?

8 A. Well, that was four months ago. I don't exactly
9 remember in detail everything.

10 Q. All right. But what you told us earlier today was
11 wrong, wasn't it?

12 A. Yes.

13 Q. You also told us earlier today while you were under
14 oath that you had been in [REDACTED] house on other occasions. Do
15 you remember saying that?

16 A. Yes.

17 Q. Now on the tape two days later, you told them that
18 you hadn't been in [REDACTED] house before that night.

19 A. I said I didn't think I have been but I definitely
20 have been.

21 Q. Okay. So when you told her you didn't think you had
22 been there, that was wrong?

23 A. I -- yes.

24 Q. And how many times had you been in [REDACTED] house

1 before that night?

2 A. Just once.

3 Q. I see. Now today you said after you told Drew to
4 stop, he jumped up and pulled up his pants and got in the game
5 chair. Remember that?

6 A. Yes.

7 Q. On the tape, you just said he just jumped right up
8 and got in the game chair. You left something out there, didn't
9 you today?

10 A. Which part?

11 Q. You never told us on the tape that he pulled up his
12 pants.

13 A. Well, he did.

14 Q. Now you heard on the tape where -- and I wrote it
15 down -- she was saying it's okay. It's your testimony today that
16 you were not okay with that; is that correct?

17 A. Can you repeat the question?

18 Q. On the tape, [REDACTED] made the statement or she was
19 saying it's okay.

20 A. Well, [REDACTED] had told me that Drew said what he said
21 that --

22 Q. Was okay?

23 A. That I was saying it was okay but I really can't say
24 that because I didn't hear it straight from Drew.

1 Q. Okay. Now on the tape and I keep calling it the
2 tape, the DVD, you said he woke up and he was inside of you or on
3 top of you or words to that effect; is that correct?

4 A. That I woke up to it?

5 Q. Yeah.

6 A. Yes.

7 Q. And then you said you pushed him away and five
8 minutes later or a couple seconds later or a couple minutes
9 later, it started again. You said that, didn't you?

10 A. Yeah. I don't remember how long it was after.

11 Q. So it could have been five minutes. It could have
12 been a couple seconds. It could have been minutes. You don't
13 remember. Is that fair?

14 A. It was definitely a couple minutes.

15 Q. As opposed to five minutes or a couple of seconds?

16 A. Yes.

17 Q. Now it has been four months. You heard what you said
18 on the tape. Is that wrong?

19 A. That's correct.

20 Q. It's correct or it is wrong?

21 A. Can you repeat the question?

22 Q. It has been four months. You have told me that
23 several times.

24 A. Yes, it has been four months.

1 Q. On the tape, you clearly say five minutes, a couple
2 seconds, or minutes. Is what you said on the tape on June 2nd
3 wrong?

4 A. Yes.

5 Q. The -- I'm just going to try and clear this up. This
6 -- your -- the top that you wore to the party stayed at the party
7 and then you came home and at least you woke up in your bra and a
8 hoodie; is that correct?

9 A. Yes.

10 Q. And your arms were in the hoodie but it was like
11 behind your neck. Is that fair?

12 A. Yes.

13 Q. But your bra hadn't been touched?

14 A. Yeah.

15 Q. And you don't know how you got that hoodie on. Is
16 that fair?

17 A. Yes.

18 Q. This is another one of those questions I don't like
19 asking but I have to. Was there any oral contact between Drew
20 Clinton and your vagina?

21 A. No.

22 Q. Do you remember doing an interview with a Brandy
23 Tallman?

24 A. No.

1 Q. She's the sexual assault nurse -- does that help you
2 any -- at the hospital?

3 A. No.

4 Q. Okay. Let me do it this way. You don't even
5 remember talking to her?

6 A. I do not.

7 Q. Do you remember being at the hospital?

8 A. I do.

9 Q. But you don't remember what information you gave her?

10 A. No.

11 Q. All right. So just so I'm clear, there was no
12 contact between Drew Clinton's mouth, oral contact, and your
13 vagina. Is that your testimony here this morning?

14 A. Not that I know of.

15 Q. All right. And you haven't ever told anybody that
16 there was. Is that fair?

17 A. Yes.

18 Q. And you don't remember what you told Brandy Tallman?

19 A. No.

20 Q. Do you -- you don't remember the interview with her
21 or you don't remember the contents of the interview with her?

22 A. I don't.

23 Q. You don't remember the contents?

24 A. I don't remember the interview at all.

1 Q. You don't even remember talking to her?

2 A. No.

3 Q. And that's the sexual assault nurse or the lady at
4 the hospital?

5 A. Yes. I don't know.

6 Q. Do you know who you talked to at the hospital?

7 A. I don't remember talking to anyone. I remember
8 talking to the detective and I talked to the lady who was doing
9 the rape kit on me a little bit.

10 Q. Okay. That's -- that's -- you remember talking to
11 the lady who did the rape kit. Is that fair?

12 A. Yes. I don't know what we talked about, though.

13 Q. You don't know what you talked about. That's what
14 you're telling me today?

15 A. Yes.

16 MR. SCHNACK: All right. If I could have just a moment,
17 Judge?

18 THE COURT: You may.

19 BY MR. SCHNACK:

20 Q. On the tape that we just saw, you showed the lady on
21 your leg where your underpants and sweatpants were to. Do you
22 remember doing that on the tape?

23 A. Yes.

24 Q. That's accurate; correct? The tape is accurate what

1 you showed her?

2 A. I cannot tell you if that's right or not. I don't
3 know.

4 Q. Because of the passage of time?

5 A. Yeah. It's been a long time. I don't remember.

6 Q. You showed her that on June 2nd. It's that you
7 remembered then but you don't remember now; is that correct?

8 A. I don't know how to answer that. Can you --

9 Q. After the police took your clothes and I think you
10 told us on the tape -- the police took your clothes from that
11 night; correct?

12 A. Yes.

13 Q. You don't know what they did with them, do you?

14 A. They --

15 Q. Let me -- that was a bad question. This is my fault.

16 A. Okay.

17 Q. From your only personal knowledge, not what somebody
18 has told you because we heard that but from your own personal
19 knowledge, you don't know what the police did with them whether
20 they went to the police station or they went to a lab, you don't
21 have any personal knowledge of that. Is that fair?

22 A. Yes.

23 MR. SCHNACK: Thank you. I'm done. Thank you.

24 THE COURT: All right. Redirect, Ms. Rodriguez.

1 MRS. RODRIGUEZ: Just briefly.

2 REDIRECT EXAMINATION

3 BY MRS. RODRIGUEZ:

4 Q. C., is it fair to say that when you woke up, the
5 defendant's penis was already in your vagina?

6 A. Yes.

7 Q. And so you were asleep before that happened?

8 A. Yes.

9 Q. And would it be fair to say you have no way of
10 knowing what, if anything, he did to you before you woke up?

11 A. Yeah.

12 MRS. RODRIGUEZ: Nothing further, Your Honor.

13 THE COURT: Anything further, Mr. Schnack?

14 MR. SCHNACK: No, Judge.

15 THE COURT: Okay. You may step down, ma'am.

16 THE WITNESS: Do I go back to where I was before?

17 THE COURT: Yeah. You want her back?

18 MRS. RODRIGUEZ: Yeah. She just needs to go back to the
19 office.

20 THE COURT: All right.

21 MR. SCHNACK: Can we ask her or admonish her, Judge?

22 THE COURT: Yes. Ma'am, you may not speak with your
23 testimony that you gave here today with anyone else, okay?

24 THE WITNESS: Yes, sir.

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

THE COURT: All right. Thank you, ma'am.

(Witness excused.)

(Further proceedings were had and taken but were not requested for transcription.)

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

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

I, Shannon M. Niekamp, an Official Court Reporter for the
Circuit Court of Adams County, Eighth Judicial Circuit of
Illinois, certify the foregoing to be a true and accurate
transcript of the testimony and proceedings.

Shannon M. Niekamp

OFFICIAL COURT REPORTER

Dated this 15th day
of January, 2022.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF)
ILLINOIS,)

Plaintiff,)

v.)

DREW CLINTON,)

Defendant.)

No. 21-CF-396

ORDER

On the court's motion, all transcripts prepared in this cause shall redact the names of all minors. The minor victim, as set forth in the charging document, may be referred to by initials.

There shall be no reporting or publishing of the minors' names without leave court. This prohibition applies to individuals and all print and digital media entities, agents and assigns.

A copy of this order shall be affixed to all originals and copies of the official transcripts/report of proceedings.

So ordered.

Entered: 1/15, 2022



Judge Scott D. Larson

cc: SAO
Def. counsel
Def.
Chief Judge

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

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

ADAMS COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 -vs-) No. 2021-CF-396
)
 DREW S. CLINTON,)
)
)
 Defendant.)
)

EXCERPT - TESTIMONY OF DREW CLINTON AND C.V.

EXCERPT OF PROCEEDINGS from the bench trial held on the
15th day of October, 2021, before the HONORABLE ROBERT K. ADRIAN.

APPEARANCES:

HON. GARY L. FARHA, by
MRS. ANITA M. RODRIGUEZ
Assistant State's Attorney

On behalf of the People of the State of Illinois.

MR. ANDREW C. SCHNACK, III
Attorney at Law

On behalf of the Defendant.

SHANNON M. NIEKAMP
License No. 084-004832
Official Court Reporter
Adams County Courthouse
521 Vermont Street
Quincy, IL 62301

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

INDEX

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
Drew Clinton	4	65	85	86
C. V.	88	90		

EXHIBITS:	MARKED	RECEIVED
(Exhibits previously marked.)		
(None.)		

1 And, Mr. Schnack, you may inquire.

2 MR. SCHNACK: Thank you.

3 DREW CLINTON

4 the defendant, called as a witness on his own behalf, being
5 first duly sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SCHNACK:

8 Q. You can take your mask off if that makes you more
9 comfortable.

10 Would you state your name, please?

11 A. I'm Drew Clinton.

12 Q. And, Drew, you're the defendant in this matter; is
13 that correct?

14 A. That's correct.

15 Q. Drew, how old are you?

16 A. I am 18.

17 Q. And what's your birth date?

18 A. May 18th, 2003.

19 Q. So you, on Memorial Day of this year, you would have
20 been just turned 18 by about two weeks; is that correct?

21 A. That is correct.

22 Q. And did you -- have you -- did you graduate from high
23 school?

24 A. Yes.

1 Q. And when did you graduate from high school?

2 A. In 2020.

3 Q. You actually graduated a year early; is that correct?

4 A. That is correct.

5 Q. And you have -- you live most of your life here in

6 Quincy; is that correct?

7 A. That is correct.

8 Q. Did you attend Quincy schools?

9 A. Yes.

10 Q. Quincy Public schools?

11 A. That's correct.

12 Q. And you made friends here in Quincy; is that correct?

13 A. That is correct.

14 Q. And then did you move out of Quincy at some point and

15 time?

16 A. Yes.

17 Q. When did you move?

18 A. After my sophomore year.

19 Q. So sophomore year, tenth grade, you and your family

20 moved; is that correct?

21 A. That's correct.

22 Q. And where did you move to?

23 A. I moved to Michigan. Taylor, Michigan.

24 Q. And who did you live with there?

1 A. My grandparents.

2 Q. And you graduated from the high school in Taylor,
3 Michigan; is that correct?

4 A. That is correct.

5 Q. Now, for the record, Taylor is close to Detroit; is
6 that correct?

7 A. That's correct.

8 Q. It's about six or seven hundred miles from here; is
9 that correct?

10 A. That's correct.

11 Q. And when I say here, I mean Quincy.

12 A. Yes.

13 Q. Just relax. I know you are scared, okay?

14 Did you maintain friendships with people here in Quincy
15 after you moved to Michigan?

16 A. Yes.

17 Q. And did you do that through the Internet?

18 A. Yes.

19 Q. And you heard I think [REDACTED] [REDACTED] say he played video
20 games with you or video chatted with you several times a week;
21 is that fair?

22 A. Yes.

23 Q. Did you do that with other friends here in Quincy,
24 also?

1 A. Yes.

2 Q. So basically your life was here in Quincy; is that
3 correct?

4 A. That's correct.

5 Q. After you graduated from high school, did you -- in
6 Michigan, you would have only been 17 years old; is that correct?

7 A. That's correct.

8 Q. And did you try and obtain employment?

9 A. Yes, until I was 18.

10 Q. Okay. You kind of ran into a stumbling block with
11 that; is that correct?

12 A. That's correct.

13 Q. And did you have employment -- you had a plan for
14 employment; is that correct?

15 A. That's correct.

16 Q. You had to be 18?

17 A. Yes.

18 Q. What was the job you were pursuing?

19 A. FedEx.

20 Q. Had you actually been hired by them or were you
21 waiting to turn 18 which had just happened?

22 A. I was waiting until I turned 18.

23 Q. And you wanted to work for Federal Express; is that
24 correct?

1 A. That is correct.

2 Q. You weren't going to go in the service or go on to
3 junior college or any college. You were going to go straight
4 into employment; is that right?

5 A. That is right.

6 Q. All right. Now, for the record, how tall are you?

7 A. 5'10.

8 Q. And how much do you weigh?

9 A. 125 pounds.

10 Q. And is that approximately what you weighed back on
11 Memorial Day of this year?

12 A. That's correct.

13 Q. Have you ever been involved in any sports in, say, in
14 high school? Extra-curricular sports?

15 A. Yes but no.

16 Q. What do you mean by that?

17 A. Like I played football my freshman year and then
18 stopped.

19 Q. Weren't big enough?

20 A. Yeah.

21 Q. You were getting beat up?

22 A. Yeah, a little bit.

23 Q. That here in Quincy?

24 A. Yes.

1 Q. Now you had occasion to come down here to Quincy, is
2 that correct, over the Memorial Day weekend?

3 A. That is correct.

4 Q. And how did you get here?

5 A. By train.

6 Q. Took a train from I'm assuming the Detroit area to
7 Chicago?

8 A. Yes.

9 Q. And then you had to transfer trains in Chicago to
10 come down to Quincy; is that correct?

11 A. That is correct.

12 Q. Did you have a lot of money with you?

13 A. No.

14 Q. Approximately how much money do you think you brought
15 with you?

16 A. Like \$50.

17 Q. Did you have a hotel room or a place to stay when you
18 were here in Quincy?

19 A. Yes.

20 Q. Where were you staying?

21 A. Like at my friend's house like.

22 Q. Same friend or different friends?

23 A. Different friends.

24 Q. All right. And had that been prearranged through the

1 Internet you would stay with them for a while and then move on to
2 the next house?

3 A. Yes.

4 Q. And is that what you were doing?

5 A. That's correct.

6 Q. Now, had you ever stayed at [REDACTED] over the Memorial
7 Day weekend when you were down here that period of time, had you
8 ever stayed -- did you spend any nights at [REDACTED] house?

9 A. Yes.

10 Q. Other than the night of the party, did you stay at
11 [REDACTED] house?

12 A. Yes.

13 Q. What night was that?

14 A. Saturday and Friday night.

15 Q. Okay. And I assume you slept down in the basement;
16 is that correct?

17 A. That's correct.

18 Q. All right. You knew his parents or you were
19 acquainted with them; is that correct?

20 A. That's correct.

21 Q. All right. Now, do you remember how long you were
22 here in Quincy on the Memorial Day weekend?

23 A. About a week.

24 Q. All right. And you -- I think we've heard or you

1 were planning to go back to the -- to your grandparent's house
2 when?

3 A. Monday or like that Tuesday after.

4 Q. Go ahead. Monday is Memorial Day. Either Monday or
5 Tuesday; is that correct?

6 A. That is correct.

7 Q. And were you going to take the train back?

8 A. Yes.

9 Q. All right. As far as relatives here in the Quincy
10 area, do you have some close relatives here in the Quincy area?

11 A. Yes.

12 Q. And who would that be?

13 A. My aunt and uncle.

14 Q. And they live here in Quincy on Gayla Drive?

15 A. That's correct.

16 Q. And that's who you are staying with or you have been
17 staying with since you posted bond; is that correct?

18 A. That is correct.

19 Q. Your mother and father don't live in Quincy area or
20 do they?

21 A. They do not.

22 Q. Do you have any older brothers or sisters in the
23 Quincy area?

24 A. No.

1 Q. Have you ever had a lawyer?

2 A. No.

3 Q. Have you ever been in trouble with the law?

4 A. No.

5 Q. Is this -- was this your first experience with police
6 officers and the law?

7 A. Yes.

8 MRS. RODRIGUEZ: Your Honor, my only objection to that is
9 the Court should not consider that in its decision.

10 THE COURT: Okay. The Court will take that as an objection.
11 And you may proceed, Mr. Schnack.

12 MR. SCHNACK: Thank you.

13 BY MR. SCHNACK:

14 Q. You were here or while you were here, you were going
15 to play in the Gus Macker; correct?

16 A. Correct.

17 Q. Now, we are making a record. That is what that young
18 lady in front of you is doing right here so although I believe
19 most of us know what the Gus Macker is, what is the Gus Macker?

20 A. It's a three v. three basketball tournament.

21 Q. And it is done around the park on the streets of
22 Quincy; is that correct?

23 A. That is correct.

24 Q. Had you played in that before?

1 A. Yes.

2 Q. And did you play with the same group of guys?

3 A. Yes.

4 Q. So did you come down here, among other things, to
5 play in the Gus Macker?

6 A. Yes.

7 Q. See your friends?

8 A. Yes.

9 Q. All right. And the Gus Macker, I think if memory
10 serves right, you check in on Friday and start your games on
11 Saturday? Is that what you did?

12 A. Yes.

13 Q. How did you guys do on Saturday?

14 A. Terrible.

15 Q. Did you win any games?

16 A. No.

17 Q. So you lost. You played two games and lost them
18 both?

19 A. That's correct.

20 Q. All right. Do you remember what time those games
21 were?

22 A. One was at 9:30 and the other one was at 12:30.

23 Q. And you -- there were four guys on your team, you and
24 three other guys?

1 A. That's correct.

2 Q. All right. So after you lose your first two games,
3 then you go into another division of the tournament; is that
4 right?

5 A. That is right.

6 Q. What is that called?

7 A. The toilet bowl.

8 Q. And are those games played on Sunday?

9 A. Yes.

10 Q. So your team graduated to the toilet bowl; right?

11 A. That's right.

12 Q. On Saturday night, you spent Saturday night at
13 [REDACTED] house as best you recall?

14 A. Yes.

15 MRS. RODRIGUEZ: Your Honor, I'm -- I have not objected to
16 all the leading questions through the preliminary matters but now
17 that we are getting into the substance, I would object to
18 continued leading questions.

19 MR. SCHNACK: That's fair.

20 THE COURT: All right. Mr. Schnack, rephrase your
21 questions.

22 BY MR. SCHNACK:

23 Q. Where did you spend Friday night or Saturday night
24 after the first two games?

1 A. At [REDACTED] house.

2 Q. All right. Did you go to any parties on either
3 Friday or Saturday night? What I will call graduation parties or
4 high school parties or however you want to characterize it.

5 A. Yes.

6 Q. Where did you go?

7 A. [REDACTED] had a graduation party at his house Friday night
8 and there was a party in Ursa or something like that Saturday
9 night.

10 Q. And did you go to that?

11 A. Yes.

12 Q. And did you go to bed on Saturday night at some time?

13 A. Yes.

14 Q. What time do you think you went to bed on Saturday
15 night?

16 A. Around 1:00.

17 Q. All right. That's 1:00 in the morning on actually
18 Sunday morning?

19 A. Yes.

20 Q. And then did you wake up? You obviously woke up on
21 Sunday morning; is that correct?

22 A. That is correct.

23 Q. Do you remember what time you woke up?

24 A. Around 10:30.

1 Q. And did you have the toilet bowl games on Sunday?

2 A. Yes.

3 Q. What, if you recall, what time were those -- that
4 game or those games?

5 A. That game was on -- the game was 11:30 is when it
6 started.

7 Q. And you guys won that game?

8 A. Yes.

9 Q. And as the result of that, did you play any more
10 games in the Gus Macker?

11 A. No.

12 Q. That was it?

13 A. That's correct.

14 Q. So you were done with the Gus Macker by what time on
15 Sunday?

16 A. 12:00.

17 Q. Then after you finished the Gus Macker, do you
18 remember what you did specifically?

19 A. I stayed at Gus Macker until 2:00 o'clock. And then
20 after that, I went to Darrell Kelley's grave.

21 Q. Who is Darrell Kelley?

22 A. The guy that got shot by Roger Parker.

23 Q. Is he a friend of yours?

24 A. Yes.

1 Q. Who went with you, if anybody, to that grave?
2 A. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] (phonetic).
3 Q. And how long were you at Darrell Kelley's grave?
4 A. For 30 minutes or 20 minutes.
5 Q. All right. Paid your respects?
6 A. That's correct.
7 Q. And you recall where you went then?
8 A. To [REDACTED] graduation party.
9 Q. Now, who is [REDACTED]?
10 A. [REDACTED] [REDACTED] (phonetic).
11 Q. Is he a friend of yours?
12 A. Yes.
13 Q. This is on Sunday night; is that correct?
14 A. That is correct.
15 Q. Is this the night you also went to [REDACTED] [REDACTED] home?
16 A. Yes.
17 Q. All right. When you -- do you remember what time you
18 went to [REDACTED] party?
19 A. Around 3:00.
20 Q. In the afternoon?
21 A. Yes.
22 Q. And was this a party with just teenagers or was it a
23 party with adults?
24 A. Party with adults.

1 Q. All right. So it was a -- characterize it. What was
2 it? What type of party?

3 A. A family graduation party.

4 Q. All right. Did you have anything of alcoholic nature
5 to drink there?

6 A. No.

7 Q. Did you have anything to eat there?

8 A. Yes.

9 Q. What did you eat, if you recall?

10 A. Chips and sandwiches.

11 Q. And do you remember how long you stayed at that
12 party?

13 A. For an hour.

14 Q. And after that party, where did you go next, if you
15 recall?

16 A. [REDACTED] graduation party.

17 Q. And where was that at?

18 A. At a park by Hollister-Whitney.

19 Q. And was -- what type of party was this? Was this a
20 teenage party or family-type party?

21 A. Family party.

22 Q. And did you have anything of an alcoholic nature to
23 drink there?

24 A. No, sir.

1 Q. These are all people you knew; is that correct?
2 A. That is correct.
3 Q. And how long approximately did you stay at that
4 party?
5 A. For an hour.
6 Q. And then where did you go?
7 A. I went to [REDACTED] [REDACTED] house to eat dinner.
8 Q. All right. And did you eat dinner at [REDACTED]?
9 A. Yes.
10 Q. Okay. Up until this time, had you had anything of an
11 alcoholic nature to drink?
12 A. No, sir.
13 Q. Do you -- did [REDACTED] mom and dad cook you dinner or
14 did you have to get your own or how did that work?
15 A. [REDACTED] mom and dad cooked us dinner.
16 Q. So you ate dinner with them?
17 A. That's correct.
18 Q. All right. Is that the last food you had to eat
19 until you had that Hardee's or McDonald's at the police station?
20 A. That is correct.
21 Q. And approximately what time would that have been?
22 A. Around 6:00 o'clock.
23 Q. After you ate dinner, what did you do? Did you stay
24 at [REDACTED] house for a while or what did you do?

1 A. After I ate dinner, my aunt and uncle came to pick me
2 up.

3 Q. And that's the one you just testified to?

4 A. Yes, sir.

5 Q. All right. And did they do that?

6 A. Yes.

7 Q. And where did you go next?

8 A. I went to their house to watch the Celtics and Nets
9 basketball game.

10 Q. And did you do that?

11 A. That's correct.

12 Q. How long do you think you stayed there?

13 A. For two hours.

14 Q. Is that -- just watch the whole game?

15 A. Yes.

16 Q. Then where did you go next?

17 A. [REDACTED] came to pick me up.

18 Q. And he did pick you up?

19 A. Yes.

20 Q. And where did you guys go?

21 A. We went to [REDACTED] graduation party.

22 Q. All right. And that's the party that we have been
23 talking about here for the last two days; is that correct?

24 A. That is correct.

1 Q. Now, up until the time you got there, had you had
2 anything of an alcoholic nature to drink?

3 A. No.

4 Q. When you got to the party, how did -- [REDACTED] picked you
5 up. Who else was in the vehicle, if anybody?

6 A. Repeat the question.

7 Q. Who was in the car with you and [REDACTED], if anybody?

8 A. It was just me and [REDACTED].

9 Q. All right. And you went to the party. And when you
10 got to the party, what did you do?

11 A. I started drinking.

12 Q. All right. Did you have a drink there?

13 A. Yes.

14 Q. Who gave you your first drink, if you know?

15 A. I don't know.

16 Q. All right. What did -- you've been asked on the tape
17 and you heard your answer. Do you remember what you had to drink
18 at the party?

19 A. Yes.

20 Q. Tell the Court what did you have to drink the entire
21 time you were at the party?

22 A. I had one -- I had two shots of Captain Morgan.

23 Q. Captain Morgan is a rum-type drink?

24 A. Yes, sir. And then two shots of those 99 things.

1 Q. All right. Where did you get those?

2 A. From C. V.

3 Q. That's the young lady who was first testifying here

4 today, is that correct, or two days ago?

5 A. That's correct.

6 Q. She gave you those. What else did you have to drink?

7 A. And then one Truly like -- like -- like just drink.

8 It was just like beer but like flavored.

9 Q. Okay. Flavored beer?

10 A. Something like that, yeah.

11 Q. Called Truly?

12 A. Yeah.

13 Q. All right. And did you have anything else to drink

14 that entire night of an alcoholic nature?

15 A. No, sir.

16 Q. Did you eat anything at that party?

17 A. No, sir.

18 Q. Did you go swimming at that party?

19 A. No, sir.

20 Q. Now, prior to this party, did you know C. V.?

21 A. No, sir.

22 Q. This is the first time you met her?

23 A. Yes.

24 Q. There's been at least some testimony that you were

1 trying to get on one of the two [REDACTED]. Did you ever say
2 anything like that?

3 A. No.

4 Q. Aside from C. V., there was a [REDACTED] [REDACTED] there; is
5 that correct?

6 A. That is correct.

7 Q. Had you ever met her before this evening?

8 A. No.

9 Q. Okay. When you were at the party, first off, you
10 don't know what time you got there, do you?

11 A. I do not.

12 Q. And do you know what time you left there?

13 A. I do not.

14 Q. Did you -- you weren't in swimming; is that correct?

15 A. That's correct.

16 Q. Were you back by the pool?

17 A. No.

18 Q. Where were you?

19 A. I was inside the house.

20 Q. And tell us about the party. Were there people in
21 the house? Were there, you know, how were the people dispersed?
22 How were they?

23 A. Everybody was everywhere. Like people were inside
24 the house, people were outside next to the pool, and people were

1 in the pool.

2 Q. All right. And you were -- you said you spent most
3 of your time inside; is that correct?

4 A. That is correct.

5 Q. Were there adults there?

6 A. Yes.

7 Q. Did you know any of the adults? Had you been
8 introduced to any of the adults?

9 A. No, not really.

10 Q. Who did you -- how many adults were there, if you
11 could recall?

12 A. Two, but I mean there was like older people.

13 Q. All right. Now I'm going to -- you're going to make
14 us all feel bad. When you say older people, there was some 24,
15 25-year-olds there; is that correct?

16 A. That's correct.

17 Q. That would be sisters of [REDACTED]?

18 A. Yes.

19 Q. And how many of those older people were there?

20 A. I think three.

21 Q. All right. And then [REDACTED] parents?

22 A. That's correct.

23 Q. Were there any other adults?

24 A. No.

1 Q. All right. And did you spend any significant amount
2 of time with C. V. or [REDACTED] -- well, with C. V. at that party?

3 A. No.

4 Q. Did you spend any significant amount of time with
5 [REDACTED] [REDACTED] at that party?

6 A. No.

7 Q. You saw [REDACTED] who just testified. You saw her come
8 in and testify here a couple days ago. Do you remember that?

9 A. Yes, I do.

10 Q. Did you spend any time with her?

11 A. No.

12 Q. As -- who did you talk to, if you recall?

13 A. To -- repeat the --

14 Q. At the party, did you spend your time with any one
15 small group of people or did you mingle? What did you do?

16 A. I was all over like all around talking to everyone.

17 Q. All right. And was it a good time?

18 A. It was amazing time.

19 Q. All right. Do you think you were intoxicated that
20 night?

21 A. Yes, sir, I was.

22 Q. And did you -- do you remember at some point in time
23 you got in a car with [REDACTED] and drove back to [REDACTED] house; is that
24 correct?

1 A. That is correct.

2 Q. Did you have anything to drink of an alcoholic nature
3 after you got in [REDACTED] car to drive back to the house?

4 A. No, sir.

5 Q. All right. Did anybody, as far as you -- that you
6 saw have anything to drink after you got in [REDACTED] car and drove
7 back to the house?

8 A. No, sir.

9 Q. When I say -- we'll talk about that more.
10 At some point in time, did you come outside and see the
11 people in the pool?

12 A. Yes.

13 Q. And they were swimming in various stages of -- most
14 of them didn't have swimming suits on; is that correct?

15 MRS. RODRIGUEZ: Your Honor, I would ask that he stop
16 leading the witness.

17 MR. SCHNACK: I'll rephrase.

18 THE COURT: All right.

19 BY MR. SCHNACK:

20 Q. What were they swimming in?

21 A. There was people that had swimming trunks and the
22 girls were like in their bra and underwear.

23 Q. And did you see C. V. there?

24 A. Yes.

1 Q. What did -- did anything draw your attention to her?
2 Was she doing anything that would -- that made you notice her?

3 A. Yes.

4 Q. What was that?

5 A. Her in her bra and underwear.

6 Q. And that drew your attention?

7 A. That's correct.

8 Q. Now, did you subsequently see her on the side of the
9 pool or up against the house?

10 A. Against the house, yes.

11 Q. All right. Did you ever see -- did you ever see her
12 laying on the side of the pool at all?

13 A. No, sir.

14 Q. You're not saying it didn't happen, are you?

15 A. No.

16 Q. You were in -- you just didn't see it?

17 A. I didn't see it.

18 Q. You were inside?

19 A. That's correct.

20 Q. Eventually you came outside again; is that right?

21 A. That is right.

22 Q. What did you notice about C. V.? Where was she at
23 this time when you came out and noticed her?

24 A. Against the wall.

1 Q. And the -- is this a -- what type of wall is this?

2 A. It's just -- it's connected to the house.

3 Q. So it is a house wall?

4 A. Yeah.

5 Q. And what was she doing?

6 A. She was throwing up.

7 Q. And were there people with her?

8 A. Yes.

9 Q. Tell us what you saw.

10 A. [REDACTED] [REDACTED] --

11 Q. First off, where were you? How far from this were
12 you, if you know?

13 A. I was like there was a sliding door to [REDACTED] house
14 so I was near there and she was against the wall like kind of
15 far.

16 Q. Okay. You know, from you to me?

17 A. Yeah. Like -- like -- like you to me.

18 Q. All right. You think that's about how far away you
19 were?

20 A. Yes.

21 Q. Was it lit up or were there pool lights or deck
22 lights or?

23 A. Yes.

24 Q. So there was plenty of lighting?

1 A. That's correct.

2 Q. What did you see? What did you see was going on with
3 C. V.?

4 A. She was throwing up and [REDACTED] [REDACTED] sisters were
5 taking care of her.

6 Q. When you say taking care of her, what were they
7 doing?

8 A. Making sure she was all right and throwing up in a
9 bucket.

10 Q. And is that what you saw?

11 A. That's correct.

12 Q. Eventually, [REDACTED] -- did [REDACTED] show up then and
13 come around then also?

14 A. Yes.

15 Q. Was he standing near you when this was going on?

16 A. Yes.

17 Q. Where was he? Was he next to you? Was he in the
18 pool?

19 A. Oh, yeah. He was next to me.

20 Q. All right. And then at some point in time, [REDACTED]
21 parents came out; is that correct?

22 A. That is correct.

23 Q. And you can't tell us what they said but you can tell
24 us what you observed. What did you observe about them? Were

1 they happy? Sad? Mad? What was their reaction to what they
2 were seeing?

3 A. They were mad.

4 Q. And were they by C. V. also?

5 A. That's correct.

6 Q. And as the result of them coming out and as a result
7 of what you saw, did you and -- was there a decision made to
8 leave?

9 A. Yes.

10 Q. What happened?

11 A. [REDACTED] wanted to take her home.

12 Q. When you say [REDACTED], that's your friend, [REDACTED] [REDACTED]?

13 A. Yes, that's correct.

14 Q. And did that happen?

15 A. Yes, it did.

16 Q. What happened?

17 A. He -- he picked her up and took her to the car.

18 Q. And did you go with him?

19 A. Yes.

20 Q. Did anybody else go with you?

21 A. Yes, [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

22 Q. All right. So there were five of you in the car?

23 A. Yes.

24 Q. [REDACTED], [REDACTED], C., [REDACTED]?

1 A. That's correct.

2 Q. And you. Was there any throwing up done in the car?

3 A. No.

4 Q. When you -- you left there, [REDACTED] drove; is that
5 correct?

6 A. That is correct.

7 Q. Was there any real conversation going on in the car
8 while you were driving?

9 A. Not really.

10 Q. And where did [REDACTED] drive to, if you know?

11 A. To the cutoff.

12 Q. All right. Now, you know Ridgewood Drive; is that
13 correct?

14 A. That is correct.

15 Q. That's where [REDACTED] lives on?

16 A. That's correct.

17 Q. Is that street -- it comes off of State and it goes
18 up a hill and down a hill; is that correct?

19 A. That's correct.

20 Q. Does [REDACTED] live on the first part of Ridgewood or
21 the back part of Ridgewood?

22 A. The back part.

23 Q. And that's actually down the hill; is that right?

24 A. That's correct.

1 Q. I think that has been shown in the pictures. You saw
2 those pictures?

3 A. That's correct.

4 Q. And are the pictures accurate?

5 A. Yes.

6 Q. Then if you go up the hill, is that where the cutoff
7 is?

8 A. Yes.

9 Q. And on the other side of the cutoff is a subdivision;
10 is that right?

11 A. That's correct.

12 Q. Do you know the name of that subdivision?

13 A. No.

14 Q. You have heard the word -- do you know where -- where
15 so when we say you were at the cutoff, were you on the Ridgebrook
16 side of the cutoff -- that's what I'm trying to do -- or were you
17 on the other side of the cutoff?

18 A. On the other side.

19 Q. All right. So you don't know the name of that road
20 or what that is, is that -- that subdivision; is that fair?

21 A. That is fair.

22 Q. But there is a place that you can walk through to get
23 from that subdivision down to [REDACTED] house; is that right?

24 A. That is right.

1 Q. And is that what you guys did?

2 A. That's correct.

3 Q. Who -- who drove the car?

4 A. [REDACTED] did.

5 Q. And where -- he stopped the car on the cutoff?

6 A. That's correct.

7 Q. All right. What happened next?

8 A. What happened next is [REDACTED] asked C. if she wanted to

9 go inside and she said no.

10 Q. All right. Go ahead.

11 A. And after that, I went outside the car and [REDACTED] was

12 outside the car.

13 Q. Who?

14 A. [REDACTED], [REDACTED] [REDACTED] and C. --

15 Q. You have to say [REDACTED] [REDACTED] or C. V.

16 A. All right. [REDACTED] [REDACTED] and C. V. and me were outside

17 the car and [REDACTED] was inside the car crying.

18 Q. [REDACTED] was?

19 A. Yes.

20 Q. Why was [REDACTED] crying?

21 A. He never told me.

22 Q. All right. You've heard in the trial that his dog

23 had passed away; is that correct?

24 A. That is correct.

1 Q. So then what happened?

2 A. After that, he got outside the car and then he asked

3 C. if she wanted to go inside again.

4 Q. And what happened?

5 A. And she said no.

6 Q. All right. And did you guys stick around outside and

7 wait a while more?

8 A. Yes.

9 Q. Do you have any idea how long the four of you waited

10 outside the car for either [REDACTED] to compose himself or for C. V. to

11 say she wanted to go inside?

12 A. Yes.

13 Q. Approximately how long were you guys outside that

14 car?

15 A. 30 minutes.

16 Q. So it was a fair amount of time; is that correct?

17 A. That is correct.

18 Q. Was C. V. throwing up during that period of time?

19 A. No.

20 Q. Was she doing anything?

21 A. No. She was just hanging out. Didn't feel good.

22 Q. Was she talking?

23 A. Yes.

24 Q. To anybody in particular?

1 A. No.

2 Q. Basically did she say she didn't want -- she didn't
3 want to go inside?

4 A. That's correct.

5 Q. Did she tell anybody why she didn't want to go
6 inside?

7 A. No.

8 Q. Eventually after you said about a half an hour, you
9 guys ended up inside; is that correct?

10 A. That is correct.

11 Q. How did you go inside? How did you get from the
12 cutoff down to [REDACTED] house?

13 A. Rephrase. Repeat the question.

14 Q. How did you get from the car at the cutoff down to
15 [REDACTED] house?

16 A. By walking.

17 Q. And did C. V. walk or did [REDACTED] carry her, if you
18 know?

19 A. [REDACTED] carried her.

20 Q. All right. Do you have any independent -- well,
21 strike that. So you walk down. How did you guys get into
22 [REDACTED] house? What door did you go through?

23 A. The side door.

24 Q. And you have seen the pictures of that; is that

1 correct?

2 A. That is correct.

3 Q. And that side door that comes in from the garage;
4 right?

5 A. Yes.

6 Q. Or does it? I don't know.

7 A. Well, no. No. There's a side door outside the
8 garage. That's the one we went through.

9 Q. All right. And you guys eventually ended up in the
10 basement; is that correct?

11 A. That is correct.

12 Q. Now, where in the basement -- you've seen the
13 pictures of the basement here in court; is that correct?

14 A. That is correct.

15 Q. And you have been in that house; is that correct?

16 A. That is correct.

17 Q. Are those pictures -- they are accurate? They
18 portray the layout of that basement; is that right?

19 A. That is right.

20 Q. And is that pretty much how it was when you guys
21 walked in the door that evening as you recall?

22 A. Yes.

23 Q. Now, what happened after you got inside the basement?

24 A. We went to the game room.

1 Q. And the game room is what -- is that where the ping
2 pong table is and that rather -- the sectional?

3 A. Yes. It is on the left when you go right down the
4 stairs, the game room is on the left.

5 Q. All right. And what did you do when you were -- did
6 all five of you go down there?

7 A. Yes.

8 Q. All right. What happened next when you were
9 downstairs?

10 A. [REDACTED] put C. V. on the couch and I was there and [REDACTED]
11 was there.

12 Q. All right. And she was awake at that time; is that
13 correct?

14 A. That is correct.

15 Q. And you and was [REDACTED] talking to her?

16 A. Yes.

17 Q. And were you listening?

18 A. Yes.

19 Q. Did you say anything to her?

20 A. No.

21 Q. Okay. You guys had been given some directions about
22 how to take care of her; is that correct?

23 A. That is correct.

24 Q. And did you -- those directions were given to you by

1 whom? You didn't know the person's name, did you?

2 A. No.

3 Q. But tell us where you got those directions.

4 A. From someone that was -- worked at the hospital or
5 something like [REDACTED] sister I think or something like that.

6 Q. All right. What directions did you follow? What did
7 you do or what did [REDACTED] do?

8 MRS. RODRIGUEZ: Objection. Objection to the hearsay, Your
9 Honor.

10 THE COURT: Court's going to overrule that objection. He
11 can say what they did.

12 BY MR. SCHNACK:

13 Q. What did you do?

14 A. [REDACTED] put her on her side on the love seat, love couch.

15 Q. And did [REDACTED] get a -- did he do anything else?

16 A. And he grabbed a trash can.

17 Q. And where did he put the trash can?

18 A. Next to the love seat on the right side.

19 Q. Now you have seen the pictures. There is kind of a
20 dark green or dark black or black tall trash can. Is that what
21 you're talking about?

22 A. That's correct.

23 Q. Did -- while you were there, did C. throw up -- C. V.
24 throw up in that trash can?

1 A. No, sir.

2 Q. You said she was awake. Was she talking at that
3 time?

4 A. Yes.

5 Q. What type of things was she talking about? What was
6 she saying?

7 A. How much she didn't feel good and -- repeat.

8 Q. What was C. V. saying? You said how much she didn't
9 feel good. How was she expressing that? What was she saying?

10 A. Like her stomach was hurting for some reason after
11 throwing up like at the party so she didn't throw up anymore. I
12 asked her if she wanted some water but.

13 Q. Did she want water?

14 A. No.

15 Q. All right. So after she was laid down and was laying
16 on the couch, did you stay with her the rest of that evening?

17 A. That is correct.

18 Q. Did you ever leave her?

19 A. No.

20 Q. Did -- there was a blanket at some point in time.

21 Did [REDACTED] -- did [REDACTED] give you a blanket?

22 A. Yes, that's correct.

23 Q. Did [REDACTED] give you one of his hoodies or shirts for
24 her or how did that occur?

1 A. Actually, before we went to the party, he gave me
2 that hoodie shirt and I put it on her at the cutoff.

3 Q. Uh-huh.

4 A. And that's how it got on her.

5 Q. All right. Did you get it pulled over her head
6 completely?

7 A. No.

8 Q. All right. So that's how -- that's finally we know
9 how the hoodie got on her; is that right?

10 A. That's correct.

11 Q. And [REDACTED] you said gave you a blanket and he set up
12 the trash can?

13 A. That's correct.

14 Q. Did you put the blanket on her right away or not?

15 A. No.

16 Q. And did [REDACTED] or [REDACTED] or [REDACTED] or anybody stay in
17 that room with you?

18 A. No.

19 Q. Now, I think it was [REDACTED] but one of the girls came
20 into court and testified that they said something to you about
21 not trying anything with her and you told them you would never do
22 that. Did that conversation ever happen?

23 A. No.

24 Q. As far as the other kids are concerned, did they --

1 you saw them at the party; is that correct?

2 A. That is correct.

3 Q. All right. After you got to [REDACTED] house and you
4 got C. down, was on the love seat, who stayed in that room?

5 A. Just me and her.

6 Q. Did [REDACTED] [REDACTED] stay in that room to help her friend?

7 A. No.

8 Q. Did [REDACTED] stay there to help a friend?

9 A. No.

10 Q. Did [REDACTED] stay there to help her friend?

11 A. No.

12 Q. You heard [REDACTED] say that he and [REDACTED] went to bed and
13 that [REDACTED] [REDACTED] slept on the floor. Do you have any personal
14 knowledge of that?

15 A. No.

16 Q. So you don't know what was going on in that room; is
17 that fair?

18 A. That is fair.

19 Q. Did they ever come into the room you were at -- in?

20 A. No.

21 Q. You heard me ask them is there any way that they
22 would have seen or heard what went on in the room that you and C.
23 V. were in?

24 A. That's correct.

1 Q. They couldn't have, could they?

2 A. They couldn't.

3 Q. And they didn't?

4 A. And they didn't.

5 MRS. RODRIGUEZ: Your Honor, he can't testify to what others
6 saw.

7 MR. SCHNACK: I'll withdraw.

8 THE COURT: That will be sustained.

9 BY MR. SCHNACK:

10 Q. They did -- did anybody ever come into that room
11 during the time you were in there up until the end?

12 A. No.

13 Q. Now, as far as we heard you on the tape say you were
14 there two, three, or four hours. Is that accurate?

15 A. That is accurate.

16 Q. Why can't you give us a better explanation as to how
17 long you were there?

18 A. Because my phone was dead.

19 Q. All right. Was the room dark?

20 A. No.

21 Q. What was lighting it up?

22 A. LED lights.

23 Q. Pardon?

24 A. LED lights.

1 Q. What's that?

2 A. Like they're like changing color lights on, like, the
3 top of the -- the top of the room.

4 Q. All right. So it isn't like this room where we have
5 fluorescent lights and it's lit up very well. These are more
6 mood lighting. Is that a fair statement?

7 A. Yes.

8 Q. What were you wearing?

9 A. My red Champion shirt, gray shorts, white socks, and
10 red Vans.

11 Q. Same thing that you had on in the tape or the DVD we
12 saw?

13 A. That's correct.

14 Q. All right. During the period of time the two, three,
15 or four hours that you were in that room with C. V., did she ever
16 fall -- was she asleep?

17 A. No.

18 Q. Was she talking to you?

19 A. Yes.

20 Q. Did you -- you said on the tape you checked on her
21 every five minutes. Tell us about that.

22 A. Because she didn't feel good so I would check up. I
23 would ask her if she was okay every five minutes or sooner.

24 Q. And what would she say?

1 A. That she is fine.

2 Q. Did she say anything else to you?

3 A. No.

4 Q. Did she -- did you ever give her a blanket?

5 A. Yes.

6 Q. What did -- why did you give her a blanket?

7 A. Because she said she was freezing.

8 Q. She was free?

9 A. Freezing.

10 Q. And did you -- and as a result of that, did you give
11 her a blanket?

12 A. That is correct.

13 Q. Did -- you earlier you said something about water.
14 Did that happen earlier or when was that?

15 A. That was later on.

16 Q. Tell us about it.

17 A. So when she asked me for the blanket, when she was
18 freezing and I put the blanket on her, I asked her if she wanted
19 some water and she said no.

20 Q. Did you have more -- I mean, you said you checked on
21 her every five minutes or so. That went on for either an hour or
22 two or three or four or however long you were in that room; is
23 that fair?

24 A. That is fair.

1 Q. Did she always verbally respond and talk to you?

2 A. Yes.

3 Q. Is there any time that you were concerned that she
4 didn't understand you?

5 A. No.

6 Q. Did she ever mumble or stumble or ever have any -- a
7 hard time answering you?

8 A. No.

9 Q. Now, at some point in time, you were sitting on the
10 couch at the end of that love seat; is that correct?

11 A. That is correct.

12 Q. And did -- tell us, did you put her legs on your lap?

13 A. That is correct.

14 Q. Tell us why you did that.

15 A. Because she was like falling off the couch like her
16 feet were off the couch.

17 Q. All right. And did you have to do anything while you
18 were in that room with her to keep her on the couch?

19 A. Repeat the question.

20 Q. You said she was like falling off the couch.

21 Explain. Tell us about that.

22 A. She was just laying like on her side and she didn't
23 really have her -- like she really wasn't on the couch.

24 Q. All right. So did she fall off the couch?

1 A. No.

2 Q. Did you do anything with regard to that? With regard
3 to her falling or staying on the couch, did you -- you put a
4 blanket on her. Did you do anything with regard like that?

5 A. No. I -- no.

6 Q. All right. Did you ever get up and push her back on
7 the couch?

8 A. No. Well, repeat the question, please.

9 Q. Did you ever push her back onto the couch?

10 A. No.

11 Q. All right. So you're talking to her this whole time
12 but you are not having what you call long conversations; is that
13 correct?

14 A. That is correct.

15 Q. And she understood you?

16 A. Yes.

17 MRS. RODRIGUEZ: Objection. He can't testify to what
18 somebody else understood.

19 THE COURT: That will be sustained.

20 BY MR. SCHNACK:

21 Q. Did she ever do anything or say anything to indicate
22 to you she didn't understand you?

23 A. No.

24 Q. When you would ask her if she was all right, were her

1 -- were her responses appropriate?

2 A. Yes, sir.

3 Q. And you asked her if she wanted water, was her
4 response appropriate?

5 A. Yes, sir.

6 Q. When you asked her if she said she was freezing and
7 you put a blanket on her, were her responses appropriate?

8 A. That's correct.

9 Q. Now, at some point in time, you put her legs on your
10 lap and you've told us that; correct?

11 A. Correct.

12 Q. Why did you do that again?

13 A. Because she -- she wasn't like on her side really so
14 that's why I did that.

15 Q. All right. And did you eventually start rubbing her
16 legs?

17 A. Yes, that's correct.

18 Q. Tell us about it.

19 A. I was just rubbing on her thighs and making sure she
20 was okay.

21 Q. And that led to more, didn't it?

22 A. Yes.

23 Q. Tell us about it.

24 A. So I started rubbing on her thighs and asking --

1 Q. Did she have her pants up or down? She had on
2 sweatpants. We've heard that. Did she have her sweatpants --
3 were they up tight around her tummy or were they lower or where
4 was --

5 A. They were lower.

6 Q. All right. Did she have on underpants?

7 A. Yes.

8 Q. All right. Were you rubbing on -- when you were
9 rubbing on her leg, was her -- were her -- was that on above her
10 clothes or were her sweatpants off?

11 A. They were on.

12 Q. So you were rubbing on her leg and she had her
13 sweatpants up; is that correct?

14 A. That is correct.

15 Q. Did that lead to more things?

16 A. Yes, sir.

17 Q. Tell us about it. I know you don't want to do this
18 but the Judge needs to hear it so tell us about it.

19 A. So I started rubbing on her thighs and I asked her if
20 this was okay every time and she said yes and then she seemed --

21 Q. Slow down. You asked her if it was all right; is
22 that correct?

23 A. That is correct.

24 Q. Meaning what?

1 A. If this was fine me rubbing on her thighs.

2 Q. And what did she say?

3 A. That it was fine.

4 Q. Did she say specific words?

5 A. No, not really.

6 Q. Just yes, it is fine?

7 A. Yes, sir.

8 Q. Did you keep doing that?

9 A. Yes.

10 Q. At some point in time, did you take or did her

11 sweatpants come down a little bit?

12 A. Yes.

13 Q. Did you do that?

14 A. Yes.

15 Q. Did she help you?

16 A. Yes.

17 Q. How did she help you?

18 A. She pulled them down with me while I was doing it so

19 she was helping.

20 Q. All right. She's testified and we saw the tape where

21 she said her sweatpants were down to around what I'll say the

22 middle of her thigh between -- above her -- two or three or four

23 inches above her knee. You've seen that on the tape; is that

24 correct?

1 A. That is correct.

2 Q. Is that accurate?

3 A. Yes.

4 Q. Now, she had on underpants, also; is that correct?

5 A. That is correct.

6 Q. Did those get pulled down?

7 A. Yes.

8 Q. Who did that?

9 A. We both did.

10 Q. She was laying on her or sitting on her sweatpants
11 and underpants; is that correct?

12 A. That is correct.

13 Q. So you got those pulled down to mid-thigh; is that
14 correct?

15 A. That is correct.

16 Q. Did you then start rubbing her --

17 MRS. RODRIGUEZ: Your Honor.

18 Q. Tell us what happened.

19 A. So I started rubbing on her thigh and that's when I
20 was asking if this was fine and she said yes. And then I went
21 further up every time and she was saying it was fine. And so it
22 led to me sticking my finger inside of her.

23 Q. And you did push a finger inside of her; is that
24 correct?

1 A. That is correct.

2 Q. And then did she say anything else to you?

3 A. No. She just -- she enjoyed it.

4 Q. Well --

5 MRS. RODRIGUEZ: Objection, Your Honor.

6 MR. SCHNACK: You can't --

7 THE COURT: That will be sustained.

8 BY MR. SCHNACK:

9 Q. Did she tell you at some point in time to stop?

10 A. Yes.

11 Q. And what -- when she said stop, what did you do?

12 A. I stopped.

13 Q. Now, she testified that she said it twice and she

14 didn't believe you heard her say it the first time. That would

15 be correct; is that right? You only heard it once?

16 A. That's correct.

17 Q. And your reaction was to stop?

18 A. Yes.

19 Q. Then what did you do?

20 A. I stopped and then I got up and went to the gaming

21 chair.

22 Q. Did you ever have to pull up your pants or do -- or

23 did you ever have your pants down or off?

24 A. No, sir.

1 Q. Did you ever place your penis inside of her?

2 A. No, sir.

3 Q. Did you ever put your penis on her stomach?

4 A. No, sir.

5 Q. Did you at any time rape her?

6 A. No.

7 Q. Now, as far as while this was going on, did you have
8 an erection?

9 A. Yes.

10 Q. Did it stay in your pants?

11 A. Yes.

12 Q. Did you put your hand in your pants that night?

13 A. Yes.

14 MRS. RODRIGUEZ: Your Honor, I'm going to object to the
15 leading questions.

16 MR. SCHNACK: I'll rephrase it.

17 THE COURT: All right. Rephrase it.

18 BY MR. SCHNACK:

19 Q. I don't know how. There -- you've heard the
20 gentleman say there was DNA on the inside of some multi-colored
21 underpants. You heard him say that yesterday; is that correct?

22 A. That is correct.

23 Q. Are those your underpants, the multi-colored
24 underpants that he talked about that he swabbed the inside of?

1 A. That is correct.

2 Q. Did you have your hand in the inside of your
3 underpants?

4 A. Yes.

5 Q. How many times after this event occurred with C. V.
6 did you place your hand inside of your underpants that day?

7 A. Like that night?

8 Q. Well, let's start with that night.

9 A. Like.

10 Q. Did you do it while you were on the couch while you
11 were there?

12 A. Yes.

13 Q. Why did you put your hand in your pants?

14 A. To warm my hands up and then when I had -- is this
15 when she left?

16 Q. No. Before she left.

17 A. To fix my --

18 Q. You got to say it.

19 A. My penis.

20 Q. You had an erection?

21 A. Yes.

22 Q. What did you do?

23 A. I fixed it like I moved it over.

24 Q. All right. Then you went -- did you go to the

1 bathroom at [REDACTED] house?

2 A. Not that night.

3 Q. Earlier the next morning when the officer got there?

4 A. Yes, that's correct.

5 Q. I assume you used your hand to go to the bathroom?

6 A. Of course.

7 Q. I assume you touched your penis?

8 A. Of course.

9 Q. And I assume you touched the inside of your
10 underwear?

11 MRS. RODRIGUEZ: Your Honor, again, object to the leading.

12 Q. Did you touch the inside of your underwear when you
13 went to the bathroom to get your penis out?

14 A. That's correct.

15 Q. Did you use the same hand to get your penis out that
16 you had placed in C. V.?

17 A. That's correct.

18 Q. You're right-handed?

19 A. Yes.

20 Q. Did you go to the bathroom at the police station?

21 A. That is correct.

22 Q. Did you do -- tell us what happened going to the
23 bathroom at the police station.

24 A. The same thing that happened at [REDACTED] house.

1 Q. Well, did you put your hand in your underpants?

2 A. Yes.

3 Q. Now, after C. V. told you to stop, you said you got
4 up and played video games; is that correct?

5 A. That is correct.

6 Q. Did she stay on the love seat?

7 A. Yes.

8 Q. Did she fall asleep?

9 A. Yes.

10 Q. For how long?

11 A. Probably like 20 minutes.

12 Q. All right. Did she eventually get up and leave the
13 room?

14 A. That is correct.

15 Q. She told us that she got up like nothing happened and
16 said she had to pee and walked out of the room. Is that how you
17 remember it?

18 A. Repeat the question.

19 MRS. RODRIGUEZ: Your Honor, I'm going to object to asking
20 him to comment on another witness's testimony.

21 THE COURT: That -- that will be sustained. Refrain --
22 rephrase your question, Mr. Schnack.

23 BY MR. SCHNACK:

24 Q. You said she fell asleep on the love seat for about

1 20 minutes. She eventually got up; is that correct?

2 A. That is correct.

3 Q. How -- what did you see her do? Did she say
4 anything? What happened when she got up?

5 A. When she got up, she just walked out the room.

6 Q. Did she run out of the room?

7 A. No.

8 Q. Did she say anything about having to pee?

9 A. No.

10 Q. Not that you remember?

11 A. Not that I remember.

12 Q. Then at some point in time, [REDACTED] comes into the
13 room; is that correct?

14 A. That is correct.

15 Q. And he basically confronts you; is that right?

16 A. That is correct.

17 Q. Did that happen twice? He came into the room and
18 left and then came back?

19 MRS. RODRIGUEZ: Your Honor, again, I'm going to object to
20 him continually leading the witness.

21 THE COURT: That will be -- that will be sustained.

22 BY MR. SCHNACK:

23 Q. How many times did [REDACTED] come into the room?

24 A. Twice.

1 Q. The first time he came into the room, did -- what
2 happened?

3 A. He asked me if I raped her and I said no.

4 Q. All right. Anything else?

5 A. No.

6 Q. Did [REDACTED] then leave the room?

7 A. Yes.

8 Q. Did he come back?

9 A. Yes.

10 Q. The second time he came back, did his demeanor
11 change?

12 A. Yes.

13 Q. What happened? Tell us about it.

14 A. He got mad and he asked me -- he asked me the same
15 question, did I rape her, and I said no, I did not.

16 Q. Did you start crying?

17 A. Yes.

18 Q. Why would you -- why did you cry?

19 A. Because I didn't rape her.

20 Q. [REDACTED] -- you can't tell us -- how was [REDACTED] acting?

21 A. Like mad because C. was crying saying that I raped
22 her so he was believing her.

23 Q. Are you afraid of [REDACTED]?

24 A. Yes.

1 Q. What did you do the rest -- okay. Did you have
2 anything to do with getting C. V. out of the house that morning
3 or whatever it was?

4 A. No.

5 Q. Did you see [REDACTED] come over to the house?

6 A. No.

7 Q. What did you do?

8 A. After [REDACTED] left the room, I asked for a phone
9 charger and then I went to sleep.

10 Q. All right. Is that the first sleep you had since you
11 woke up at [REDACTED] house the day before?

12 A. That's correct.

13 Q. Had you still had not had anything to eat other than
14 what you have told us about?

15 A. That's correct.

16 Q. And do you have any idea how long you slept?

17 A. For a couple hours.

18 Q. All right. What woke you up?

19 A. I had to take a pee.

20 Q. All right. Did anybody come to the house to talk
21 with you or to --

22 A. Repeat the question.

23 Q. That morning after they all left, you're in the house
24 down in the basement. Did any -- did [REDACTED] mom or dad ever

1 come downstairs?

2 A. No.

3 Q. That evening, did [REDACTED] mom or dad ever come
4 downstairs?

5 A. No.

6 Q. In your presence, did anybody ever go up to get
7 [REDACTED] mom or dad?

8 A. No.

9 Q. Eventually, Officer Summers, a police officer who you
10 now know as Officer Summers came; is that correct?

11 A. That is correct.

12 Q. And we saw on his body camera how he took you to his
13 squad car. Is that all accurate?

14 A. Yes.

15 Q. Now, they took you in the squad car to the police
16 station; is that correct?

17 A. That is correct.

18 Q. All right. And they put you in a room there; is that
19 correct?

20 A. That is correct.

21 Q. And you stayed in that room for how long?

22 A. Hours.

23 Q. Had you still had anything to eat?

24 A. No.

1 Q. Had you had any more sleep?

2 A. No.

3 Q. In the video when we first see you, you have your
4 hands inside of your shirt. Why were your hands inside of your
5 shirt?

6 A. Because it was freezing.

7 Q. And the one exhibit that shows all the period of
8 time, the hours you were in that room by yourself, were you cold?

9 A. Yes.

10 Q. Were you -- tell us how you felt.

11 A. I felt really, really tired and really, really cold.

12 Q. Were you scared?

13 A. Yes.

14 Q. Now, at any time, did Officer Summers or anybody have
15 any conversations with you while you were in that room until
16 Detective Hollensteiner and Detective Billingsley came in?

17 A. Summers would come in every 30 minutes to ask me if I
18 wanted water, I had to go pee, or get a -- if I was hungry.

19 Q. And eventually they got you the McDonald's that we
20 see on the table; is that correct?

21 A. That is correct.

22 Q. And you get to eat that after you have done the
23 interview; is that correct?

24 A. No.

1 Q. You -- when did you eat that?

2 A. He asked me and then he got me it and then before the
3 detectives came, I ate one of the sandwiches.

4 Q. All right.

5 A. And that when later on I ate the other one.

6 Q. All right. So is that the first food you had to eat
7 since you had the meal at [REDACTED] house, [REDACTED] parents' house,
8 on Sunday evening?

9 A. That is correct.

10 Q. Did you cooperate with the officers' requests?

11 A. Yes, that's correct.

12 Q. They gave you the Miranda Rights. Do you know what
13 those are?

14 A. No.

15 Q. All right. That piece of paper. Do you remember on
16 the tape that you signed a piece of paper?

17 A. Yeah.

18 Q. All right. Have you ever heard of Miranda Rights
19 before?

20 A. No. Never.

21 Q. When they told you you have a right to remain silent,
22 you heard them say that; is that correct?

23 A. That is correct.

24 Q. And you understood what they were saying; is that

1 correct?

2 A. That is correct.

3 Q. And you signed off on that; is that correct?

4 A. That is correct.

5 Q. So when they read all that to you, you understood it
6 and you signed it; is that right?

7 A. That is right.

8 Q. They -- did they force you to do that?

9 A. No.

10 Q. We've seen the detectives and Officers Summers, they
11 treated you fairly, is that -- other than the fact that you were
12 cold; is that fair?

13 A. That is correct.

14 Q. Did you answer all of their questions to the best of
15 your ability?

16 A. Yes.

17 Q. Now on the tape, you look -- this is my word -- a
18 little strange or a little weird. You're yawning a lot and
19 things like that. Did you see that?

20 A. Yes.

21 Q. Is that how you normally act?

22 A. No.

23 Q. Can you account for some of that?

24 A. Yes. Yes. What -- repeat the question.

1 Q. Why did you act in the manner you acted on the tape?
2 A. Because I was really tired from the night before and
3 freezing.
4 Q. Were you scared?
5 A. Yes.
6 Q. Were you hungry?
7 A. Yes.
8 Q. Were you innocent?
9 A. Yes.
10 Q. Now, you had -- how much money did you have on you
11 when you were down at the police station?
12 A. \$10.
13 Q. Did you know your aunt's phone number?
14 A. No.
15 Q. Did you know anybody's phone number off the top of
16 your head?
17 A. No.
18 Q. Did you ever ask to call anybody?
19 A. Yes.
20 Q. And we saw that on the tape; is that right?
21 A. That is correct.
22 Q. Who did you ask to call?
23 A. My father.
24 Q. And they told you you couldn't because you were 18;

1 is that correct?

2 A. That is correct.

3 Q. 18 by two weeks?

4 A. That is correct.

5 Q. You were -- when you finally got to jail, is that the
6 first time you have ever been in jail?

7 A. That's correct.

8 Q. Were you in the adult facility of the jail over here
9 if you know?

10 MRS. RODRIGUEZ: Your Honor, I'm going to object to this as
11 irrelevant.

12 THE COURT: It is irrelevant. The Court will sustain the
13 objection.

14 BY MR. SCHNACK:

15 Q. Did you call [REDACTED] [REDACTED] from jail?

16 A. Yes, that's correct.

17 Q. And did you call anybody else from jail?

18 A. [REDACTED], too.

19 Q. On the tape of you that was played yesterday, you saw
20 that; is that correct?

21 A. That is correct.

22 MR. SCHNACK: At -- no. I don't have anything further.
23 Thank you.

24 THE COURT: Questions, Ms. Rodriguez.

1 CROSS-EXAMINATION

2 BY MRS. RODRIGUEZ:

3 Q. Mr. Clinton, going back to the party, you've
4 described the drinks that you had. Did anybody force you to
5 drink those?

6 A. No.

7 Q. Okay. So you did it on your own?

8 A. That's correct, ma'am.

9 Q. And over what period of time? What time did you get
10 to the party?

11 MR. SCHNACK: Objection. It is asked and answered. He
12 doesn't know.

13 THE COURT: I am going to overrule the objection. She has a
14 right to cross-examine him.

15 THE WITNESS: I don't know.

16 BY MRS. RODRIGUEZ:

17 Q. And do you know what time it was that you left the
18 party with the other individuals?

19 A. No. I don't know.

20 Q. Do you know if it was after midnight?

21 A. No. I don't know.

22 Q. The drinks that you drank, were they earlier on in
23 the night?

24 A. Yes.

1 Q. In your interview, you said they got me drunk. Who
2 got you drunk?

3 A. Repeat the question.

4 Q. In your interview, you heard your interview, you said
5 they got me drunk. Who got you drunk? Who are you blaming that
6 on?

7 A. Nobody.

8 Q. Okay. During the time you were at the party, you saw
9 C. V. up against the house; is that right?

10 A. That's correct.

11 Q. And she was puking?

12 A. That's correct.

13 Q. Is that correct?

14 A. Yes.

15 Q. And how long -- did you observe how long she was up
16 against the house and was puking?

17 A. No, ma'am.

18 Q. You don't know how long that occurred?

19 A. No, I don't.

20 Q. Did you stand there watching for a period of time?

21 A. No.

22 Q. When you came out of the house -- you were in the
23 house; right?

24 A. That's correct.

1 Q. And you came out and saw her up against the wall; is
2 that right?

3 A. That's correct.

4 Q. You said people were attending to her?

5 A. Yeah. [REDACTED] sisters.

6 Q. [REDACTED] sisters were helping her. She was obviously
7 very intoxicated; is that correct?

8 MR. SCHNACK: Objection. He can't know that. He can
9 testify to what he saw.

10 THE COURT: That -- that will be sustained. Rephrase your
11 question.

12 BY MRS. RODRIGUEZ:

13 Q. So at that point, you saw that she was -- she was at
14 least sick; is that correct?

15 A. Yeah. That's correct.

16 Q. Okay. And earlier before that happened, did you
17 observe her drinking alcoholic drinks?

18 A. No.

19 Q. Okay. So you testified she gave you a drink. She
20 gave you a shooter?

21 A. She gave me two shooters.

22 Q. She gave you two shooters. And at that time, was she
23 drinking shooters?

24 A. She only drank the two with me that I know.

1 Q. Okay. So she drank two with you and then gave two to
2 you?

3 A. Yeah. So when she first got to the party when she
4 first showed up, she handed me one of those shooters right away.

5 Q. So she handed you one shooter. And did you drink
6 that in her presence?

7 A. Yes.

8 Q. Was she drinking in your presence?

9 A. Yes.

10 Q. Okay. And how many did she drink while she was in
11 your presence?

12 A. Two.

13 Q. And how long were you standing there with C. V.?

14 A. Like drinking?

15 Q. Yes.

16 A. Not long.

17 Q. Okay. And that was the first time you had ever met
18 her; correct?

19 A. That is correct.

20 Q. Okay. You had never seen her?

21 A. No.

22 Q. You had never talked to her before?

23 A. No.

24 Q. Did somebody at the party introduce you to her?

1 A. That is correct.

2 Q. Who introduced you?

3 A. [REDACTED] and [REDACTED].

4 Q. And so they -- did they just tell you what her name
5 was or tell me how that went.

6 A. Yeah. They just told me that one of [REDACTED] best
7 friends were coming down and they asked me if I wanted to get on
8 like hook up with her.

9 Q. They asked you if you wanted to hook up with her?

10 A. Yes. That's correct.

11 Q. And did you say yes?

12 A. Yes.

13 Q. Okay. And so you expressed an interest in getting
14 together with her?

15 A. Repeat the question.

16 Q. You expressed an interest in getting together with C.
17 V.?

18 A. That is correct.

19 Q. But C. V. never told you she was interested; isn't
20 that correct?

21 A. That is correct.

22 Q. Okay. And did you also indicate you were interested
23 in getting with [REDACTED] [REDACTED]?

24 A. Not really, no.

1 Q. Okay. What do you mean by not really?
2 A. I never really talked to her at that party.
3 Q. Did you meet [REDACTED] [REDACTED] at the party?
4 A. Yes. In the beginning with C. V. and [REDACTED] [REDACTED].
5 Q. So the three, [REDACTED] and the two [REDACTED], were there
6 together when you met them?
7 A. Yes.
8 Q. Did you already know [REDACTED]?
9 A. Yes.
10 Q. But you met the both [REDACTED]?
11 A. That is correct.
12 Q. And it's your testimony today that at that party, you
13 never yourself indicated you were interested in getting with C.
14 V.?
15 A. Repeat the question.
16 Q. At the party, did you yourself indicate to [REDACTED] or
17 [REDACTED] or anybody else that you were interested in hooking up
18 with C. V.?
19 A. Yes.
20 Q. Okay. So you did express that interest?
21 A. Yes.
22 Q. Okay. And was that early on in the party or later in
23 the party?
24 A. I don't remember.

1 Q. Other than the -- when you first met C. V., did you
2 spend any other time at the party visiting with her?

3 A. With the second shot, I did.

4 Q. So you had a second shot and you were with her at the
5 time you had the second shot?

6 A. Yes.

7 Q. Okay. And how long were you with her at that time?

8 A. Not long.

9 Q. Okay. You were just standing together?

10 A. Yeah.

11 Q. Okay. And after the second shot, then you -- did you
12 have any further contact with C. V. that night?

13 A. No.

14 Q. When you observed the people in the swimming pool,
15 they were -- you said there were several females in the swimming
16 pool; is that correct?

17 A. That is correct.

18 Q. And they were all swimming in their bras and
19 underwear; is that right?

20 A. That's correct.

21 Q. And how many were there?

22 A. I don't remember.

23 Q. Several?

24 A. Yeah.

1 Q. You said at some point after the [REDACTED] parents came
2 out, there was a mutual decision to leave the house?

3 A. That's correct.

4 Q. And was that that you needed to take C. V. home?

5 A. That's -- well, that wasn't up to my decision. I
6 didn't hear what was going on with that.

7 Q. You don't know why you decided to leave?

8 A. Well, yes.

9 Q. Was it because of C. V.'s condition she was in?

10 A. Yes.

11 Q. Okay. Because she was sick and vomiting?

12 A. Yes.

13 Q. Is that correct?

14 A. That's correct.

15 Q. And was she -- did she have to be physically carried
16 out to [REDACTED] car?

17 A. That's correct.

18 Q. Who carried her to [REDACTED] car?

19 A. [REDACTED].

20 Q. And that's because she wasn't in any shape to walk;
21 isn't that correct?

22 A. She couldn't walk because she felt sick.

23 Q. Okay. So she couldn't walk. And then was it a short
24 drive to the cutoff?

1 A. Yes.

2 Q. And you said you were outside at the cutoff for about
3 30 minutes or so?

4 A. Yeah. That's correct.

5 Q. Okay. Now, at one point, did -- did C. V. say she
6 didn't want to get out of the car?

7 A. Yes.

8 Q. Okay. And was that because she was sick?

9 A. That's correct.

10 MR. SCHNACK: Objection. He can't know why she said that.

11 THE COURT: Court's going to overrule the objection.

12 MR. SCHNACK: Fine.

13 THE COURT: I've heard several sufficient evidence.

14 MR. SCHNACK: I'm fine. I'll withdraw it. Yeah, that's
15 fine. No jury.

16 THE COURT: Go ahead.

17 BY MRS. RODRIGUEZ:

18 Q. So did she not want to get out of the car because she
19 was sick?

20 A. I don't know.

21 Q. Okay. And during that 30 minutes or so that you were
22 by the car, did she -- that you were by the car, did she ever get
23 out of the car?

24 A. Yes.

1 Q. And did you have to help her get out of the car?
2 A. No.
3 Q. She got out on her own power?
4 A. Yes.
5 Q. Okay. Once she got out of the car, did she vomit?
6 A. No.
7 Q. Did she ever lay down on the street?
8 A. Yes because she was trying to gag herself to throw
9 up.
10 Q. So she laid down on the floor -- on the street and
11 was trying to gag herself to throw up?
12 A. Yes.
13 Q. Okay. And was it after that that [REDACTED] carried her
14 into the house?
15 A. Later on, yes.
16 Q. Okay. And, again, she wasn't able to walk herself,
17 was she?
18 A. That's correct.
19 Q. Because she was sick?
20 A. That's correct.
21 Q. You said when -- when [REDACTED] carried C. in, he laid her
22 on the couch in the game room; is that right?
23 A. That is correct.
24 Q. Mr. Schnack referred to a ping pong table. The ping

1 pong table is actually in the main living room area; is that
2 correct?

3 A. Yeah, that's correct.

4 Q. Okay. So that is not the game room?

5 A. No.

6 Q. The game room is a separate room?

7 A. Yes.

8 Q. Off to the left of the stairs?

9 A. Yes. That's correct.

10 Q. And you said that it had these LED lights on?

11 A. That's correct.

12 Q. Are those the same blue lights that were on when
13 Officer Summers came to get you?

14 A. That is correct.

15 Q. And you saw that in the video yesterday?

16 A. That's correct.

17 Q. You said when [REDACTED] put C. down on the couch, that she
18 was -- she was awake at that time?

19 A. That is correct.

20 Q. And you said that -- that they were talking. [REDACTED] was
21 talking to C.?

22 A. Yes.

23 Q. You said he put her on her side; is that right?

24 A. That is correct.

1 Q. Is that because so she wouldn't get sick?

2 A. That's correct.

3 Q. Didn't want her laying on her back and she was
4 vomiting; is that right?

5 A. She wasn't vomiting.

6 Q. No. You didn't want to put her on her back in case
7 she vomited?

8 A. Oh, yeah. That's correct.

9 Q. So he put her on her side on the couch and put a
10 trash can in front of her?

11 A. That's correct.

12 Q. Now, when you were interviewed by the officers, you
13 indicated that C. V. was wrecked. Isn't that the word you used?

14 A. That's correct.

15 Q. And that meant, in your opinion, she was very
16 intoxicated?

17 A. Yes.

18 Q. Okay. And that's when -- when she was taken to the
19 game room?

20 A. No.

21 Q. Didn't you -- didn't, in the recording, didn't you
22 say that Drew dragged her -- that you dragged her inside and then
23 you corrected and said that [REDACTED] picked her up and carried her in
24 and that she was wrecked?

1 A. No, I don't remember that.

2 Q. And after she was placed in that room, didn't you say
3 you had to check on her every five minutes to make sure she was
4 okay?

5 A. That is correct.

6 Q. Okay. And that's because of her condition at the
7 time she was placed on that couch; isn't that correct? You had
8 to check on her every five minutes to make sure she was okay?

9 A. Yes.

10 Q. And that was because of the condition she was in?

11 A. That's correct.

12 Q. And didn't you also indicate that she did not want to
13 be moved because she was -- didn't want to vomit?

14 A. No, that is not correct.

15 Q. You didn't tell the officers -- you heard the video
16 yesterday. Didn't you say twice that she didn't want you to move
17 her?

18 A. That's correct. She didn't want me to remove her --
19 move her.

20 Q. Because she was going to throw up again?

21 A. No.

22 Q. You didn't hear that?

23 A. Nope.

24 Q. Okay. How long and how long were you in the room

1 before you became bored and started touching up on her?

2 A. I don't remember.

3 Q. Well, you were checking on her every five minutes to
4 make sure she was okay; is that right?

5 A. That's correct.

6 Q. And so do you know how many times you checked up on
7 her before you became bored and decided to start touching up on
8 her?

9 A. No, I do not remember.

10 Q. Now, you have told us here today that after you
11 started touching up on her thighs, that you kept asking her if it
12 was okay what you were doing; is that right?

13 A. That is correct.

14 Q. And, in fact, you have told us here today that she
15 not only said it was okay but she assisted you in pulling off --
16 pulling down her sweatpants. Is that what you're telling us here
17 today?

18 A. That is correct.

19 Q. And you're telling us here today that she not only
20 said it was okay what you were doing but she also assisted you in
21 pulling down her underwear. Is that what you are telling us here
22 today?

23 A. That is correct.

24 Q. Now, when you were interviewed by the officers on May

1 31st, you knew what you were accused of; correct?

2 A. When?

3 Q. You knew what you were accused of?

4 A. No. I was not at the time.

5 Q. Okay. You were asked specifically about touching
6 her; correct?

7 A. Later on, yes.

8 Q. Okay. And initially in that interview, you totally
9 denied any touching, that you had touched her at all; isn't that
10 correct?

11 A. No.

12 Q. At the first part of the interview, did you deny
13 doing anything to her?

14 MR. SCHNACK: Objection, Your Honor. It's argumentative.
15 The document -- the DVD speaks for itself.

16 THE COURT: That will be sustained. The Court -- the Court
17 heard and remembers the interview so you may ask a different
18 question, Ms. Rodriguez.

19 BY MRS. RODRIGUEZ:

20 Q. At the time that you admitted that you had penetrated
21 her vagina with your finger, do you remember that part of the
22 interview?

23 A. Yes, I do, ma'am.

24 Q. Okay. You eventually admitted to that; correct?

1 A. That is correct.

2 Q. And during that time during that part of the
3 interview, did you ever tell the officers that she not only
4 consented but she assisted in pulling down her -- her sweatpants
5 and her underwear?

6 A. No, I did not.

7 Q. And you didn't do that because that's not what
8 happened; isn't that correct?

9 A. Repeat the question.

10 Q. You didn't tell the officers that because that's not
11 what happened, is it?

12 A. Repeat the question.

13 Q. You did not tell the officers that C. V. assisted in
14 pulling down her gray sweatpants and her underwear, you didn't
15 tell them that because that's not what happened.

16 A. That's not correct.

17 Q. When [REDACTED] -- when your friend, [REDACTED], came in and
18 confronted you about raping C., do you remember that?

19 A. Yes, I do, ma'am.

20 Q. You said he came in twice; isn't that correct?

21 A. That is correct.

22 Q. And you denied raping her but you admitted that you
23 pen -- that you used your finger on her; correct?

24 A. Correct.

1 Q. And at that time, [REDACTED] was mad?

2 A. The second time, yes.

3 Q. Okay. Did you tell him that she agreed to it and she
4 helped pull down her own clothing?

5 A. He never asked that.

6 Q. And you didn't think that that was important to tell
7 him?

8 A. No.

9 Q. After -- after C. left the room or -- excuse me. Let
10 me withdraw that. After you got done using your finger on C.,
11 you said you got up and played on the Xbox; is that right?

12 A. That is correct.

13 Q. And at what point did you put your hands in your
14 pants?

15 A. Before that.

16 Q. You put your hands in your pants before you sat in
17 the game chair or after?

18 A. Before.

19 Q. So you have described how you were sitting on the
20 couch and you were having this sexual contact with C. V.;
21 correct?

22 A. Correct.

23 Q. Okay. At some point, she said stop?

24 A. That is correct.

1 Q. And you're saying that was after you had already
2 penetrated her with your finger; is that right?

3 A. Repeat the question.

4 Q. She said stop; correct?

5 A. Correct.

6 Q. And that was when you were sexually penetrating her
7 -- your finger to her vagina?

8 A. Yes.

9 Q. Okay. And then you said you got up and went to the
10 game chair?

11 A. That is correct.

12 Q. Okay. When did you put your hands in your pants to
13 fix your -- your penis?

14 A. I don't remember.

15 Q. Okay. Was it after that? After you got up from the
16 couch?

17 A. I don't remember.

18 Q. Okay. Do you even remember doing that?

19 A. Yes.

20 Q. And when you say you had to fix yourself, fix your
21 penis, explain what you mean by that.

22 A. Like.

23 Q. What did you do?

24 A. I just put it on my underwear, like, it's hard to

1 explain but.

2 Q. You didn't ejaculate?

3 A. No.

4 Q. And the underwear that you were wearing at that time
5 are the same underwear that the officers took from you; correct?

6 A. That is correct.

7 Q. When [REDACTED] came in the second time, you acknowledge
8 that you started crying?

9 A. That is correct.

10 Q. And were you -- were you crying because you were
11 upset at what you had done?

12 A. No.

13 Q. You weren't upset at what had happened?

14 A. No.

15 Q. You were just simply upset because your friend was
16 mad at you?

17 A. Yes.

18 Q. And did you -- were you sitting in the chair when you
19 started crying?

20 A. I don't remember.

21 Q. Did you fall on the floor crying?

22 A. No.

23 Q. That didn't happen?

24 A. No, that did not.

1 Q. The hoodie that you said you helped put on C. outside
2 before you went in the house, were you wearing that hoodie?

3 A. Yes, that's correct.

4 Q. At the party?

5 A. Yes, that's correct.

6 Q. Okay. So was it [REDACTED] hoodie that he had given you
7 to wear to the party?

8 A. Yes, that's correct.

9 Q. And then you helped put it on her before she was
10 carried into the house?

11 A. That is correct.

12 Q. Okay. And were you able to put that on her all the
13 way?

14 A. No.

15 Q. It was just on her arms?

16 A. Yes.

17 Q. And did you have difficulty trying to put that on
18 her?

19 A. No.

20 Q. Why didn't you put it on all the way?

21 A. Because that's when she was trying to gag herself out
22 when she was laying down.

23 Q. Okay. So that's when she was -- was she laying down
24 on the street trying to gag herself when you were trying to put

1 the hoodie on her?

2 A. Yes.

3 MRS. RODRIGUEZ: No further questions, Your Honor.

4 THE COURT: Redirect?

5 MR. SCHNACK: Yeah.

6 REDIRECT EXAMINATION

7 BY MR. SCHNACK:

8 Q. When you checked on her every five minutes, at any
9 time did she say other than she was sick, not feeling well, did
10 -- was her response that she was okay?

11 A. Yes.

12 MR. SCHNACK: And, Judge, I forgot to ask him one question
13 so I would like to do that and then obviously it can go back --

14 THE COURT: Go ahead.

15 BY MR. SCHNACK:

16 Q. On -- the officers told you something, you made a
17 statement to the officers about this was wrong. Do you remember
18 making that statement?

19 A. Yes.

20 Q. What did you mean by that?

21 A. Because I cheated on my girlfriend with someone I
22 didn't even know.

23 Q. Slow down. You cheated on -- you had a girlfriend
24 back in Michigan?

1 A. That's correct.

2 Q. And you cheated on her?

3 A. That's correct.

4 Q. With someone you didn't know. What do you mean by
5 that?

6 A. I didn't even know the person that --

7 Q. You cheated on?

8 A. What had happened.

9 MR. SCHNACK: Thank you. Nothing further.

10 THE COURT: Ms. Rodriguez.

11 RE-CROSS-EXAMINATION

12 BY MRS. RODRIGUEZ:

13 Q. So you didn't tell the officers that you stopped
14 because it was wrong because you were sexually penetrating
15 somebody who was passed out?

16 A. Repeat the question.

17 MR. SCHNACK: Objection. It is a compound question. It is
18 argumentative.

19 THE COURT: Rephrase -- rephrase the question,
20 Ms. Rodriguez.

21 BY MRS. RODRIGUEZ:

22 Q. When you told the officers that it was wrong, do you
23 remember saying that?

24 A. That is correct.

1 Q. And you stopped using your finger on her because it
2 was wrong. Is that what you told the officer?

3 A. No.

4 Q. Okay. What did you -- when you told the officer you
5 stopped because it was wrong, what did you stop?

6 A. My finger.

7 Q. Using your finger on her; correct?

8 A. Yes.

9 MRS. RODRIGUEZ: Okay. Nothing further, Your Honor.

10 MR. SCHNACK: Nothing further.

11 THE COURT: You may step down.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 MR. SCHNACK: Your Honor, we would rest.

15 THE COURT: All right. Ms. Rodriguez, do you have any
16 rebuttal evidence?

17 MRS. RODRIGUEZ: Your Honor, I would recall C. V.

18 THE COURT: Okay.

19 Ma'am, if you will step up to the front of the courtroom,
20 raise your right hand and be sworn by the clerk.

21 (Witness sworn.)

22 THE COURT: Come around here and have a seat again. And
23 then scoot up to the table to where you are comfortable and speak
24 towards the microphone, please.

1 THE WITNESS: Okay.

2 THE COURT: Ms. Rodriguez.

3 C. V.

4 called as a witness on behalf of the People of the State of
5 Illinois, being first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MRS. RODRIGUEZ:

9 Q. C., just a few more questions. You're the same C. V.
10 that previously testified in this case; is that correct?

11 A. Yes.

12 Q. Okay. Just a couple more questions. When you were
13 carried down -- when you went to [REDACTED] house after the [REDACTED] [REDACTED]
14 party, do you remember that?

15 A. Yes.

16 Q. Okay. Do you remember being carried down to the
17 basement?

18 A. That we went down -- like we didn't go in the house
19 at all. We just went from downstairs from the downstairs
20 basement door into the bedroom or the game room.

21 Q. Right. Into the game room. You remember being
22 carried down there?

23 A. Yes.

24 Q. Okay. Once you were placed on the couch, do you know

1 how you were placed on the couch? How you were laying?

2 A. I remember getting laid down and then I just fell
3 right asleep with my head on the left side of the couch.

4 Q. Okay. So after -- after you laid down, you were laid
5 down on the couch?

6 A. Yes.

7 Q. Did you ever help Devon (phonetic) -- excuse me --
8 did you ever help the defendant pull down your sweatpants?

9 A. No.

10 Q. Did you ever help him pull down your underwear?

11 A. No.

12 Q. Did you ever tell him that it was okay that he was
13 rubbing on your legs?

14 A. No.

15 Q. Did you ever tell him that you were enjoying or it
16 was okay that he was putting a finger in your vagina?

17 A. No.

18 Q. You previously testified that you told him stop
19 twice?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. Did he ever, at the time that you told him to stop,
24 did he have his finger in your vagina?

1 A. I thought it was his penis is what I recall but.

2 Q. Okay. And that's what you have testified to?

3 A. Yes.

4 Q. Okay. You indicated that after you were placed on
5 the couch, that you immediately fell asleep?

6 A. Yes.

7 Q. Did you ever wake up and have an ongoing conversation
8 with Drew Clinton?

9 A. I did not.

10 MRS. RODRIGUEZ: No further questions, Your Honor.

11 THE COURT: Questions, Mr. Schnack?

12 CROSS-EXAMINATION

13 BY MR. SCHNACK:

14 Q. You thought it was his penis in you?

15 A. That's what I recall, yes.

16 Q. But you didn't know?

17 A. I cannot know for sure. He had a cushion over my
18 face.

19 MR. SCHNACK: Nothing further.

20 THE COURT: Anything further, Ms. Rodriguez?

21 MRS. RODRIGUEZ: No, Your Honor.

22 THE COURT: Ma'am, you may step down.

23 THE WITNESS: Do I need to exit the room?

24 THE COURT: Pardon?

1 THE WITNESS: Do I need to exit the room or can I have a
2 seat?

3 THE COURT: You can have a seat, ma'am.

4 (Witness excused.)

5 THE COURT: Okay. Ms. Rodriguez, any additional rebuttal
6 evidence?

7 MRS. RODRIGUEZ: No, Your Honor.

8 THE COURT: Mr. Schnack, any surrebuttal?

9 MR. SCHNACK: No, Your Honor.

10 (Further proceedings were had and
11 taken but were not requested for
12 transcription.)

13 *****

14

15

16

17

18

19

20

21

22

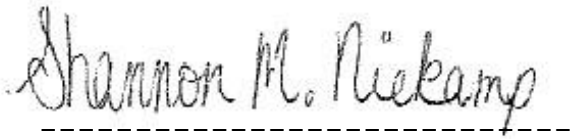
23

24

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

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS

I, Shannon M. Niekamp, an Official Court Reporter for the
Circuit Court of Adams County, Eighth Judicial Circuit of
Illinois, certify the foregoing to be a true and accurate
transcript of the testimony and proceedings.



OFFICIAL COURT REPORTER

Dated this 15th day
of January, 2022.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

PEOPLE OF THE STATE OF)
ILLINOIS,)

Plaintiff,)

v.)

DREW CLINTON,)

Defendant.)

No. 21-CF-396

ORDER

On the court's motion, all transcripts prepared in this cause shall redact the names of all minors. The minor victim, as set forth in the charging document, may be referred to by initials.

There shall be no reporting or publishing of the minors' names without leave court. This prohibition applies to individuals and all print and digital media entities, agents and assigns.

A copy of this order shall be affixed to all originals and copies of the official transcripts/report of proceedings.

So ordered.

Entered: 1/15, 2022



Judge Scott D. Larson

cc: SAO
Def. counsel
Def.
Chief Judge

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, ADAMS COUNTY

FILED

JAN 18 2022

Dei. B. Hochwandsner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
v.)
)
DREW CLINTON,)
)
Defendant.)

No. 21-CF-396

ORDER

On the court's motion, all transcripts prepared in this cause shall redact the names of all minors. The minor victim, as set forth in the charging document, may be referred to by initials.

There shall be no reporting or publishing of the minors' names without leave court. This prohibition applies to individuals and all print and digital media entities, agents and assigns.

A copy of this order shall be affixed to all originals and copies of the official transcripts/report of proceedings.

So ordered.

Entered: 1/15, 2022

Scott D. Larson

Judge Scott D. Larson

cc: SAO
Def. counsel
Def.
Chief Judge

I hereby certify that a copy has been:
Mailed, postage prepaid Faxed
Personally delivered Emailed
SAO PO Counsel
Plaintiff Defendant
1-18-22 *McCartney*
Date Deputy Clerk