



# SAO YEARBOOK 2019

Winnebago County State's Attorney's Office

November, 2020

## State's Attorney Marilyn Hite Ross



Welcome to the Winnebago County 2019 Yearbook. This is the first annual report and it is a proud record of the accomplishments of the dedicated staff of the Winnebago County State's Attorney's Office. As State's Attorney, I continue to collaborate with our community partners who assist us every day in making Winnebago County a safe place to live, work, and raise our families. I understand that the majority of juvenile crime occurs during after school hours. However, by supporting children after school programs and national organizations such as "Fight Crime: Invest in Kids", we can work together to instill values in our children to keep them in the classroom and out of the courtroom. This endeavor results in an infinite return on our investment. Thank you for the privilege to serve as Winnebago County State's Attorney.



The duty of the prosecutor is to seek justice, not merely to convict.

### OUR MISSION

*The mission of the State's Attorney's Office is to serve the interests of the people of Winnebago County by vigorously and fairly prosecuting violations of the Illinois Criminal statutes and Winnebago County ordinances, by being attentive to the concerns of victims and witnesses that arise from those violations, and by providing legal services to all offices of Winnebago County.*





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## “PURSUING JUSTICE WITH INTEGRITY, TRUST AND RESPECT

Prosecutors are unique in that they have both powers and duties that other lawyers do not. The prosecutor has a duty to represent all of the people this includes victims, defendant's and the community as a whole. The prosecutor must advocate for justice for victims while concurrently ensuring that the defendant's constitutional rights are protected at every stage of the process. The role and duty of the prosecutor is described in the following quotations.

“The duty of a public prosecutor or other government lawyer is to seek justice, not merely to convict.”

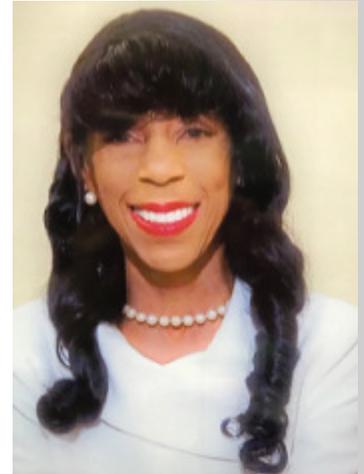
Rule 3.8(a) of the Illinois Rules of Professional Conduct

“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor – indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”

*Berger v. United States*, 295 U.S. 78, 88 (1935)  
(The United States Attorney is a federal prosecutor).



The Duty of the Prosecutor is to seek Justice, not merely to convict.



Winnebago County State's Attorney  
Marilyn Hite Ross

“The qualities of a good prosecutor are as elusive and as impossible to define as those which make a gentleman. And those who need to be told would not understand it anyway. A sensitiveness to fair play and sportsmanship is perhaps the best protection against the abuse of power, and the citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility.”

United States Supreme Court Justice Robert H. Jackson, April 1, 1940

“While a not guilty finding is sometimes equated with a finding of innocence, that conclusion is erroneous. Courts do not find people guilty or innocent. They find them guilty or not guilty. A not guilty verdict expresses no view as to a defendant's innocence. Rather, it indicates simply that the prosecution has failed to meet its burden of proof. While there are those who may criticize courts for turning criminals loose, courts have a duty to ensure that all citizens receive those rights which are applicable equally to every citizen who may find himself charged with a crime, whatever the crime and whatever the circumstances. When the State cannot meet its burden of proof, the defendant must go free.”

*People v Smith*, 185 Ill.2d 532, 545 (1999)



# The History of the Winnebago County State's Attorney's Office



## HISTORY OF STATE'S ATTORNEY'S OFFICE

### History of the Winnebago County State's Attorney's Office

For the first 54 years of statehood, Illinois had no county-based prosecutor offices. Under Illinois's first two constitutions and applicable laws, prosecutors were elected or appointed in each of the state's judicial circuits which almost always included more than one county. These officers, interchangeably called Circuit Attorneys and State's Attorneys were tasked with the duty of prosecuting all criminal cases as well as providing legal advice to any state or county officials in their jurisdiction. The 1870 Constitution provided that in 1872 and every four years thereafter, the voters of each county would elect a State's Attorney. Since that time, the way in which Illinois voters have selected their local prosecutors has remained the same.

### Constitutional & Legislative History

In 1819, the First General Assembly adopted legislation providing for the duties and selection of the attorney general and three circuit attorneys with the Attorney General also serving as the circuit attorney in the First Circuit in downstate Illinois. These early prosecutors were appointed by the Governor with the advice and consent of the Illinois Senate and were entrusted with the responsibility to prosecute "all matters and things, pleas, actions, and suits, wherein the state is a party. ." In 1827, the term "circuit attorney" was temporarily replaced with the term "state's attorney" when the General Assembly revised the law proscribing the duties of the Attorney General and local prosecutors.

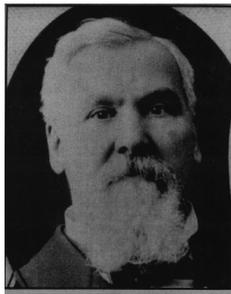
Section 1 of that legislation provided that it shall be the duty of the attorney general to "when required, to give his opinion without fee or reward to any county commissioner's court [County Board] ...when required to do so, upon any question of law relating to any criminal or other matter in which the people, or any county, is concerned..." Section 4 of the 1827 Act directed state's attorneys to "do and perform the duties, within the judicial circuit in which he shall reside, which are, by the first section of this Act, required of the attorney general." Accordingly, as early as 1827, State's Attorneys have served in the dual role as prosecutors and counselors to county government.

In 1835, the General Assembly assumed the responsibility of electing state's attorneys for terms of two years, ending the previous system of appointment by and service at the pleasure of the Governor. On January 16, 1836, Winnebago County was formed out of Jo Daviess and LaSalle Counties. Winnebago County was named for the Winnebago Tribe of Native Americans.

In the 1840s, the General Assembly reversed itself and re-designated local prosecutors as "circuit attorneys," but this change would not last for long. Beginning with the ratification of the Constitution of 1848, circuit-based prosecutors became state's attorneys again. Interestingly, from 1848 until 1867, the State of Illinois functioned without an elected or appointed Attorney General and the state's attorneys served as the sole prosecuting authority in the State of Illinois. During this time, state's attorneys were popularly elected for four-year terms in each of the multi-county judicial circuits. (photos of all previous state's attorneys)

Between 1848 and 1870, statutes occasionally used the term “prosecuting attorney” to refer to state’s attorneys as the 1848 Constitution permitted the General Assembly to provide for the election of county prosecutors in place of circuit-wide elected state’s attorneys.

The state’s third constitution, ratified in 1870, provided that in 1872, and every 4 years thereafter, state’s attorneys were to be elected by county, rather than by judicial circuit. Since 1870, continuing after the 1970 Constitution, the principal powers and duties of the state’s attorneys have remained largely the same – with some of the statutory provisions still retaining language from the 1820s.



John C. Garver  
1872-1880



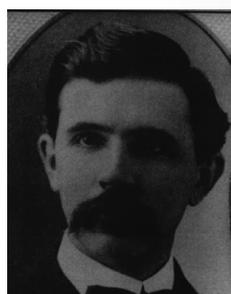
Charles A. Works  
1880-1892



Arthur H. Frost  
1892-1902



Harry B. North  
1902-1912



Gust E. Johnson  
1912-1916



William Johnson  
1916-1924



William D. Knight  
1924-1932



Robert E. Nash  
1932-1940



Max A. Weston  
1940-1948



Robert R. Canfield  
1948-1956



John B. Anderson  
1956-1960



William R. Nash  
1960-1968



Phillip G. Reinhard  
1968-1976



Daniel D. Doyle  
1976-1986



Paul Logli  
1986-2007



Philip J. Nicolosi  
2007-2008



Joseph P. Bruscato  
2008-2018



Marilyn Hite Ross  
2018-2020



# Criminal Bureau

# A Message From State's Attorney Marilyn Hite Ross



Pursuing Justice with Integrity, trust, and respect is my mission and goal as the eighteenth Winnebago County State's Attorney. I am proud of our efforts to increase public safety for the residents of Winnebago County and provide support and justice for all who enter the criminal justice system. As State's Attorney, I understand that justice must be tempered with mercy and balanced with public safety for the collective welfare for all. Therefore, I have expanded the Winnebago County State's Attorney's Community Justice Programs. Eligible participants are admitted to the program without regard to their ability to pay the program fees. Although the program was developed to be sustained with participation fees, I have absorbed the program into my overall budget to better serve the community by providing individuals an alternative to incarceration and conviction.

I have partnered with state Representative Maurice West III to advocate for state grant funding to assist and encourage other state's attorney's offices to develop and enhance their current alternative justice programs. I remain committed to removing financial barriers to anyone who is eligible to participate in the Winnebago County State's Attorney Community Justice programs. I have also partnered with Rock Valley College to provide job training in skilled labor trades for those charged with low level offenses so that they have the potential for future gainful employment.

My commitment to positive engagement of our children was enhanced in 2019, when I launched a juvenile initiative to address the behavior of minors who enter the juvenile court system and to educate minors in the community about the core values of the prosecutors who serve in the Winnebago County State's Attorney's Office. In an effort to address the needs of children appearing in delinquency court, I expanded the diversion and deferred prosecution adult programs to juveniles with the goal of redirecting juveniles to more positive behaviors. In collaboration with juvenile probation and youth services network, we were able to develop an individual program to address the specific needs of children who enter the juvenile court system. Also included in the juvenile initiative were two community outreach programs. The "Respect Campaign" began in 2019 and is offered to children of all ages to instill in them the importance of respecting ourselves, respecting each other, and embracing our differences. I also created the Winnebago County State's Attorney Junior Ambassador Program. This program is available to children in grades 6<sup>th</sup> through 12 and educates the children through instruction, illustration, and interaction regarding the four core values of the Winnebago County State's Attorney's office: respect, integrity, trust, and communication. I believe that by educating our children regarding these four core values we can provide a solid foundation for promoting positive behaviors and ideals that can be shared throughout the Winnebago County community.

Written by State's Attorney Marilyn Hite Ross





## Criminal Case Closure Rate 2019

The Criminal Bureau attorneys prosecute felony, misdemeanor, DUI and Traffic cases. The 2019 case closure rates are listed below.



### 2019 Case Closure Rate

Case Type	Filings 1/1/19- 12/31/19	Closed 1/1/19- 12/31/19	Variance	% Cases Closed
Criminal Felony	3393	3557	-164	1.048
Criminal Misdemeanor	3927	3709	218	.944
DUI	1167	1384	-217	1.18
Traffic	33718	32682	1036	.969

**Statistics provided by 17th Judicial Trial Court Administration**



## DOMESTIC VIOLENCE UNIT

Prosecuting domestic violence cases, with their difficult entanglements of a victim who often has emotional ties with the perpetrator, is the work of five domestic violence unit attorneys and two victim service providers. Three attorneys prosecute felony domestic cases, including Aggravated Domestic Battery – Strangulation, which makes up a large number of felony cases. Two attorneys prosecute misdemeanors, which include Domestic Battery and Violation of Order of Protection. The unit keeps two victim service providers busy reaching out to each victim, both when the case is first charged, and then at critical points in the case. The State's Attorney's Office also assists petitioners in obtaining Orders of Protection for cases where there is a criminal prosecution; two additional victim advocates located in the Courthouse Domestic Violence Assistance Center are dedicated to this process. Attorneys from the Domestic Violence Unit assist petitioners in court at the time of the plenary Order of Protection.

Domestic violence cases are difficult to prosecute because of the nature of the relationship of the perpetrator and victim. The perpetrator knows everything about the victim, where she lives, works, where her children are. Victims enter into a relationship with a batterer not knowing what is in store; they often form emotional attachments to the perpetrator and then when the controlling and then violent behavior ensues, the victim is told it is her fault that he is acting this way. The victim may depend on the perpetrator for income, or child care while she is working. Perpetrators may use emotional blackmail to try to convince their victims not to cooperate with a prosecution; if this fails, they may threaten to harm or kill their victims or their families. For this reason, it is understandably difficult to reach victims, both in terms of convincing them that standing up to the perpetrator in court will benefit her, as well as in terms of physically locating reluctant victims.

Telling a victim that, statistically speaking, victims who do stand up in court against their perpetrators are safer, may sound unconvincing to a woman who has been threatened repeatedly by the person who has already hurt her. Still, prosecuting these cases is extremely important in breaking the cycle of domestic violence.

Children who grow up in a household with domestic violence often go on to adult relationships fraught with domestic violence, either as a batterer or a victim. One of the goals of holding perpetrators accountable is to attempt to break that cycle, whether it be by domestic violence counseling for the perpetrator, jail, or prison, and outreach recommending and offering counseling for victims as well as children who are witnesses to the violence; reaching out with support and referrals to services is a crucial function of the victim service providers, who work closely with Remedies domestic violence shelter and service provider, Children's Safe Harbor visitation exchange, and numerous other agencies.

Children are victims if they are live in a household with domestic violence; this reality came to a terrible conclusion in a recent murder case prosecuted by members of the Domestic Violence Unit. Michael Mernack broke into the home of his recently estranged ex-girlfriend at midnight on December 28, 2016. His ex-girlfriend, who had taken out a restraining order against him, was at work and was not home. Mernack shot and seriously wounded her 63 year old mother, and then encountered Rebecca, the victim's 16 year old daughter. Mernack shot and stabbed Rebecca to death. The victim's 6 year old daughter was upstairs in a bedroom; evidence showed that Mernack went to that bedroom but his gun jammed so she was not harmed. Mernack was found guilty of first degree murder and sentenced to natural life.

Written by Alison Meason



Rebecca Finkboner  
2000-2016

# PRESS RELEASE OCTOBER 26, 2018

Winnebago County State's Attorney Joe Bruscato announces that **Michael E. Mernack (D.O.B. 9/15/1980)** was sentenced to Natural Life plus 45 years, with an additional two concurrent sentences of 30 years in the Illinois Department of Corrections by the Honorable Judge Joseph McGraw. Mernack was found guilty of First Degree Murder, Attempt First Degree Murder, Aggravated Battery and Home Invasion after a jury trial in August.



Michael Mernack

On December 28<sup>th</sup>, 2016, Winnebago County Sheriff's Police were called to 1028 Minns Drive in Machesney Park after a report that a child was being battered. When Deputies arrived they saw the defendant, Michael Mernack, who was armed with a handgun. Police advised Mernack to stop, and drop his weapon, but the defendant pointed the gun at the approaching Deputies. Both Deputies fired at Mernack, who was struck by the gunfire. Mernack was taken to the hospital, where he was treated and taken in to custody. Officers then found the body of a 16 year old child lying on the floor of the apartment complex, who was pronounced deceased. Another victim, Cheryl Puckett, grandmother of the children, was also inside of the apartment with a gunshot wound to the face. She was taken to the hospital and survived. A subsequent autopsy on the teenager found she died as a result of being both shot and stabbed. A third child, who was only 6 years old at the time, was also found inside the residence, and was located hiding inside the apartment and was not hurt. Detectives determined that Mernack was in a dating relationship with the 16 year old's mother, but that the two had broken up before the shooting.

First Degree Murder is a Class M Felony that is punishable by a sentence of 45 years - Natural Life in the Illinois Department of Corrections followed by three years of Mandatory Supervised Release. Mernack was sentenced to Natural Life in the Illinois Department of Corrections for this offense which will be served at 100 percent.

Home Invasion is a Class X Felony that is punishable by a sentence of 21-45 years in the Illinois Department of Corrections followed by three years of Mandatory Supervised Release. Mernack was sentenced to 45 years in the Illinois Department of Corrections for this offense.

This sentence will be served consecutive to the First Degree Murder sentence and will be served at 85 percent.

Attempt First Degree Murder is a Class X Felony that is punishable by a sentence of 6-30 years in the Illinois Department of Corrections and two years of Mandatory Supervised Release. Mernack was sentenced to 30 years in the Illinois Department of Corrections for this offense. The sentence will be run concurrent to all other charges and will be served at 85 percent.

Aggravated Battery with a Firearm is a Class X Felony that is punishable by a sentence of between 6-30 years in the Illinois Department of Corrections and two years of Mandatory Supervised Release. Mernack was sentenced to 30 years in the Illinois Department of Corrections for this offense. The sentence will run concurrent to all other charges and will be served at 85 percent.

# DUI DIVISION



People V. James Jeffers 2015CF2791

On December 4<sup>th</sup>, 2015, at approximately 1:30am, Rockford Police Officers were dispatched to the Whitman Street Bridge for a traffic crash. Upon arrival, Police observed a Chevrolet Malibu with heavy damage to the driver's side of the vehicle and an SUV had heavy front end damage. The driver of the Malibu, Alex Banks, was pronounced deceased at the scene. The front seat passenger sustained serious injuries as a result of the collision. An autopsy, conducted by the Winnebago County Coroner's Office determined that Banks died as a result of blunt force trauma to the head and chest. The driver of the SUV was identified as the defendant, James Jeffers. Upon further investigation, Officers determined that Jeffers' blood alcohol content was above the legal limit of .08 and he tested positive for cannabis metabolite (THC).

People v. Shelly Givens (18CF116)

On January 12, 2018, officers from the Rockford Police Department responded to the area of 1615 Kilburn in reference to a traffic accident that involved an injured person. Responding officers learned that there had been a collision between a Chevrolet Suburban and a Subaru Legacy.

Officers spoke to witnesses on scene. One witness stated that he was traveling behind the Subaru northbound on Kilburn. He said the Suburban was traveling southbound at speeds he described as "flying." The witness stated that the Suburban was in the wrong lane of traffic, and was coming directly at him and the Subaru in front of him. He stated that as the Suburban got closer, the Subaru turned to avoid the Suburban but the Suburban struck the Subaru. A passenger in the Subaru was suffered a broken pelvis and a collapsed lung as a result of the collision. Based upon evidence acquired, a driving under the influence investigation was initiated. During the investigation, Shelly Givens (aka: Shelly Gaskin) was developed as a suspect. The case was reviewed by the Winnebago County State's Attorney's Office and charges were authorized. On June 14, 2019, Givens pled guilty to Aggravated Driving Under the Influence of Alcohol Involving Great Bodily Harm. A sentencing hearing was conducted, and on October 2, 2019, the Honorable Judge Philip J. Nicolosi sentenced Givens to 2 years in the Illinois Department of Corrections, followed by one year of Mandatory Supervised Release.

Written by Heather Kruse

The Mission of the Alliance Against Intoxicated Motorists (AAIM) is to prevent deaths and injuries caused by chemically impaired or distracted operators of any motor vehicle or watercraft and to assist victims of these crashes in Illinois.



The Winnebago County State's Attorney's Office is proud to work with AAIM to enhance public awareness about the damage caused by impaired and distracted drivers. AAIM Advocates work closely with prosecutors and Victim Advocates in the State's Attorney's Office in order to provide support and guidance to those affected by impaired drivers. These advocates provide invaluable support to victims and their families as they move through the legal process in Winnebago County.

# DUI DIVISION

**Time Period:**

**Dec. 2018 - Dec. 2019**

Dec. 2018 - Dec. 2019	Case #	Charges	Sentence imposed	Date
	17CF146	Agg LTS Death	Sentenced 5 DOC	9/18/2019
	18CF116	Agg DUI GBH	Sentenced 2 DOC	10/2/2019
	15CF2791	Agg DUI Death Agg DUI GBH	Sentenced 10 DOC, concur- rent 5 DOC	3/20/2019
	18CF2746	Agg Use of Electronic Comm. Device Involv- ing Death	Sentenced Probation	10/4/2019

# DUI DIVISION

## SILENT WITNESS THEORY VIDEO FOUNDATION

As technology advances, video recording systems are becoming more commonplace in the everyday world. Evidence of driving under the influence is increasingly being captured on personal recording devices, such as car dash cameras and doorbell cameras. It is important to understand the foundational requirements for such videos to be admitted as evidence at trial.

One technique for laying foundation for videos where a camera recorded an event that was not personally observed by the witness is the “silent witness theory.” The Illinois Supreme Court said that “under this theory, a witness need not testify to the accuracy of the image depicted in the photographic or videotape evidence if the accuracy of the process that produced the evidence is established with an adequate foundation.” *People v. Taylor*, 2011 IL 110067 (2011).



The Illinois Supreme Court outlined the factors that trial courts should consider when admitting videos under the silent witness theory. These factors include: 1) the device’s capability for recording and general reliability; 2) competency of the operator; 3) proper operation of the device; 4) showing the manner in which the recording was preserved (chain of custody); 5) identification of the persons, locale, or objects depicted; and 6) explanation of any copying or duplication process. *Id.* at ¶ 35.

If a person has evidence of a crime on their recording system, it is best practice to alert local law enforcement so that they can properly download and preserve the video.

Written by Heather Kruse





Felony Trial Division  
Murder Prosecutions  
Major Trials  
&  
Sentences



# Felony Trial Division

## Murder Prosecutions, Major Trials & Sentencing

**December 2, 2019**



Winnebago County State's Attorney Marilyn Hite Ross announces that on November 26, 2019, **Marques Lemar Tate (DOB: 05/28/1982)** was sentenced by the Honorable Judge Debra Schafer to a total of 18 years in the Illinois Department of Corrections for the offense of Aggravated Criminal Sexual Assault.

In June of 2017, Rockford Police received a complaint from an individual who reported that the defendant, Marques Lemar Tate, had sexually assaulted a child. Sensitive Crimes Detectives conducted a follow up investigation which revealed, that Tate had sexually assaulted a child. The investigation was reviewed by the Winnebago County State's Attorney's Office resulting in authorized charges. Tate previously pled guilty on September 13, 2019.

**November 12<sup>th</sup>, 2019**

Winnebago County State's Attorney Marilyn Hite Ross announces that on November 8<sup>th</sup>, 2019,

**Alonte M. Bjorlie (DOB: 4/5/1996)** was sentenced to 15 years in the Illinois Department of Corrections for Possession with Intent to Deliver Cocaine, 15 years for Possession with Intent to Deliver Heroin and 15 years for Possession with Intent to Deliver Fentanyl by the Honorable Judge Ronald White. The defendant will also be on Mandatory Supervised Release for three years after he is released from prison. Bjorlie was found guilty of all three Possession with Intent to Deliver charges after a jury trial in August. The sentences will run concurrently and be served at 50%.



On May 7<sup>th</sup>, 2019, Winnebago County Sheriff's Deputies conducted a traffic stop in the area of Route 251 and Windsor Road. The driver was identified as the defendant, Alonte Bjorlie. Deputies smelled marijuana and conducted a search of Bjorlie's vehicle. A further investigation revealed that the defendant was in possession of several controlled substances. Portions of the controlled substances were sent to the Illinois State Police Crime Lab for testing and came back positive for cocaine, heroin and fentanyl.



**October 25<sup>th</sup>, 2019**

Winnebago County State's Attorney Marilyn Hite Ross announces that **Scottie A. Pulliam (D.O.B. 8/9/1971)** was sentenced to a total of 26 years and three months in the Illinois Department of Corrections for Predatory Criminal Sexual Assault and Aggravated Criminal Sexual Abuse by the Honorable Judge Brendan Maher. The defendant will be on Mandatory Supervised Release for three years after he is released from prison. Pulliam will also have to register as a sex offender for the rest of his life as part of his sentence. The defendant was found guilty of Predatory Criminal Sexual Assault and Aggravated Criminal Sexual Abuse after a jury trial in May.

In September of 2018, Rockford Police received a complaint from an individual who reported that the defendant, Scottie Pulliam, had sexually abused her. Sensitive Crimes Detectives conducted a follow up investigation which revealed that Pulliam had sexually abused a child under the age of 13 multiple times between 2014 until it was reported in 2018.

**October 23<sup>rd</sup>, 2019**

Winnebago County State's Attorney Marilyn Hite Ross announces that on October 22<sup>nd</sup>, 2019, **Todd J. Shevelson (DOB: 9/28/1990)** was sentenced to 28 years in the Illinois Department of Corrections by the Honorable Judge Brendan Maher. The defendant pled guilty to Aggravated Criminal Sexual Assault in front of Judge Maher on July 25<sup>th</sup>, 2019. As part of his sentence, Shevelson will be on Mandatory Supervised Release for three years after he is released from prison. He will also have to register as a sex offender for the rest of his life. The sentence will be served at 85%.



In April of 2014, the Rockford Police Department received a report of a sexual and physical assault by the defendant, Todd Shevelson. A victim reported that the assaults occurred over several days beginning in late March of 2014 until it was reported to law enforcement in April. Detectives conducted a follow up investigation that was reviewed by the Winnebago County State's Attorney's Office. As a result, Shevelson was charged and subsequently indicted by a Winnebago County Grand Jury.



**October 31<sup>st</sup>, 2019**

Winnebago County State's Attorney Marilyn Hite Ross announces that **Terrell D. Ellis (D.O.B. 5/22/1980)** was sentenced to 70 years in the Illinois Department of Corrections by the Honorable Judge Randy Wilt. The defendant will also be on Mandatory Supervised Release for three years after he is released from prison. Ellis was found guilty of First Degree Murder after a jury trial in front of the Honorable Judge Wilt in May.

On April 28<sup>th</sup>, 2016, Rockford Police Officers were called to 3540 Louisiana Road for a medical assist. Upon arrival, Officers were directed to an upstairs bedroom. Police found a female victim who was identified as Monica Box who had been badly beaten. Box was transported to the hospital, where she was pronounced deceased. A subsequent autopsy found that the victim died as a result of blunt force trauma to the head. Detectives conducted a follow up investigation and the defendant, Terrell Ellis was developed as a suspect. Ellis and Box were in a dating relationship at the time of the offense.



**March 27, 2019**

Winnebago County State's Attorney Marilyn Hite Ross announces that **Juan Barradas-Ferral, (D.O.B.: 11/6/1990)** was sentenced to 35 years in the Illinois Department of Corrections by the Honorable Judge John Lowry. Barradas-Ferral was found guilty of Predatory Criminal Sexual Assault of a Child and Aggravated Criminal Sexual Abuse after a bench trial in February 2018.

Between September 1, 2014 and March 25, 2015 **Juan Barradas-Ferral** was engaged in a sexual relationship with a minor. The relationship came to light when Rockford Police Officers responded to a call for service at Coco Key Water Park located on East State Street in Rockford on March 25, 2015. Various patrons observed this defendant engaged in inappropriate sexual contact with the victim. An investigation was conducted and the defendant was subsequently arrested.

**April 9<sup>th</sup>, 2019**



Winnebago County State's Attorney Marilyn Hite Ross announces that **Perriyon L. King (D.O.B. 11/9/1996)** was sentenced to 90 years in the Illinois Department of Corrections by the Honorable Judge Donna Honzel. King was found guilty of Attempt First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm and Mob Action Charges after a jury trial in October of 2018.

On April 5<sup>th</sup>, 2017, at approximately 4:35 p.m. Rockford Police were called to the area of North Longwood Street and Rural Street after several reports that shots had been fired in the area. Officers found a vehicle that had been struck by gunfire. The driver, 69-year-old Richard Griffin, had been hit by one of the rounds. A second occupant in Griffin's vehicle was not hurt. Griffin was taken to the hospital, and is still being treated for the injuries he sustained. Detectives learned the defendant, Perriyon King was firing shots at another vehicle occupied by two other persons near Longwood and Rural Streets when the vehicle Griffin was driving was struck.

**February 15<sup>th</sup>, 2019**



Winnebago County State's Attorney Marilyn Hite Ross announces that **Deontay L. Gunnell (D.O.B. 5/14/1995)** was sentenced to a total of 51 years in the Illinois Department of Corrections by the Honorable Judge John Lowry. The defendant will also be on Mandatory Supervised Release for three years once he is released from prison. Gunnell was found guilty of First Degree Murder, Aggravated Discharge of a Firearm and Mob Action after a bench trial in November of 2018.

On December 4<sup>th</sup>, 2015 around 4:00pm, Rockford Police Officers were dispatched to the Fairgrounds Housing Complex after a complaint of shots being fired. Officers found a female victim, unresponsive, upstairs inside an apartment at 814 Tanner Court. The victim was later identified as Racheal Garrett. A subsequent autopsy found that Garrett died of a gunshot wound to the chest. Detectives with the Violent Crimes Unit conducted a follow-up investigation. The defendant, Deontay Gunnell, and two other men were developed as suspects and charges were authorized by the Winnebago County State's Attorney's Office.



# Narcotics Division

# Cases to Note



**Timothy Damm:** After a jury trial in November of 2019 the defendant was found guilty of Criminal Defacement of Property, a Class 4 felony. An investigation completed by the Rockford Police Department resulted in the defendant's arrest for spray-painting the headquarters of the Winnebago County Republican Party. A sentencing hearing was held and the defendant received a probation and was ordered to pay for the damage he caused.

**Rafael Ruiz:** On January 31, 2020 the defendant was sentenced to 24 years in the Department of Corrections for his role in a Major Drug Trafficking Organization. In a joint investigation by the Drug Enforcement Agency and the Rockford Police Department the defendant was arrested for delivering approximately 1 kilogram of cocaine to a cooperating witness. An arrest warrant was obtained for the defendant and a search of the defendant's house led to police locating approximately 50 kilograms of cocaine, two handguns and \$116,596 of U.S. Currency.



**Jerry Pearson:** On August 19, 2019 the defendant was sentenced on three different Super X charges of Intent to Deliver Cocaine. After a sentencing hearing the defendant received 15 years in the Department of Corrections with the sentence being served at 75%. The Rockford Police Department investigation led to the defendant's arrest for two separate deliveries of over 100 grams of cocaine to a cooperating witness. At the time of the defendant's arrest he was determined to be in possession of over 900 grams of cocaine.

**Leroy Nolan:** In April 2019, Appellate Court reversed the dismissal of an indictment after the trial court found that the State presented false or misleading evidence to the Grand Jury. In a published opinion, the Appellate Court disapproved of the trial court's permitting of a hearing in which the defendant testified that the events testified to in the Grand Jury proceedings did not occur because that would usurp the function of a petit (trial) jury.



**Romeo Trammell:** In October 2018 the defendant was found guilty by the Honorable Ronald J. White of the Class X felony of offense of Armed Habitual Criminal, a Class X felony. The evidence at trial proved beyond a reasonable doubt that the defendant was in possession of a gun at the time he was in a vehicle. Defendant awaits sentencing.

**Marchello Johnson:** After a jury trial in April 2019 the defendant was found guilty of Aggravated Discharge of a Firearm, a Class 1 felony, after evidence showed he shot at a man at the Cherryvale Mall. Defendant was sentenced to 12 years IDOC to be served at 85%.

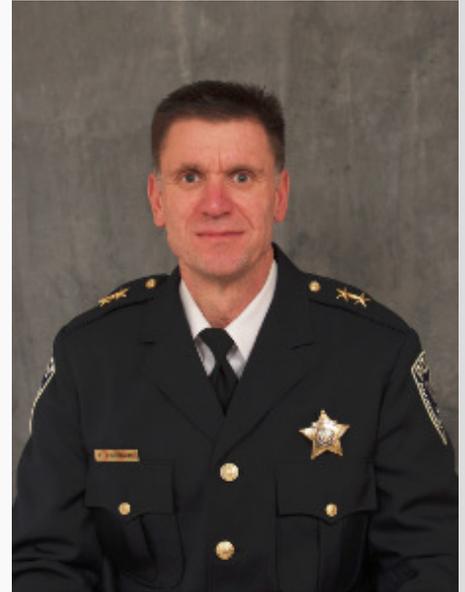


**Alonte Bjorlie:** In August 2019 the defendant was found guilty by a Winnebago County Jury for Possession With Intent To Deliver 15-100 grams of cocaine, a Class X felony, and Possession With Intent To Deliver 1-15 grams of Fentanyl, a Class 1 felony. The evidence showed that the defendant had the narcotics on his person and in his car along with \$5,000. Defendant was sentenced to 15 years IDOC.



# Investigations

## Dedication Greg Lindmark Press Conference & State's Attorney Training Facility



Greg Lindmark began his career with the Rockford Police Department shortly after graduating from high school. He had a successful career before retiring as Deputy Chief in 2011. Greg's passion for helping others led him to his second career when he was hired as Chief Investigator for the Winnebago County State Attorney's Office. He worked for the State Attorney's Office until the time of his death in February 2015. Greg was an officer and a friend to everyone he encountered during his law enforcement career.

On August 8, 2019 Winnebago County State's Attorney Marilyn Hite Ross and other Rockford area law enforcement officers unveiled a memorial to the man who spent his life and career helping others. During the dedication ceremony, State Attorney Hite Ross announced the dedication of the state's attorney's press/training facility in honor of Greg Lindmark. State Attorney Hite Ross explained that the room will serve a dual purpose as the State Attorney's Press Room, as well as a facility to provide valuable training to attorneys throughout northern Illinois as well as law enforcement agencies. The space includes a commemorative plaque honoring Greg Lindmark, who gave so much during his lifetime to others. Dedicating this training facility is a great opportunity for our office to remember Greg for his dedicated leadership in our community and this dedication ensures that his legacy will never be forgotten.

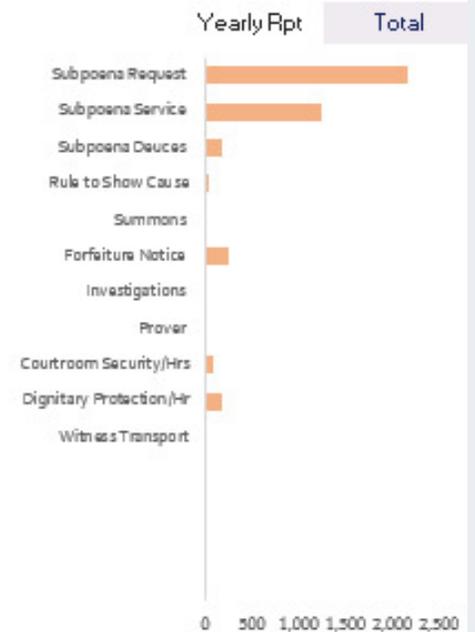


# Winnebago County State's Attorney's 2019 Investigation Unit

## Winnebago County States Attorney Investigative Unit



2019 Yearly Report	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Subpoena Request	480	472	498	709	2159
Subpoena Service	207	310	389	350	1256
Subpoena Deuces	37	40	58	40	175
Rule to Show Cause	9	16	11	7	43
Summons	5	0	0	2	7
Forfeiture Notice	10	7	43	200	260
Investigations	14	3	2	5	24
Prover	1	0	3	1	5
Courtroom Security/Hrs Dignitary Protection/Hr	28	1	33.5	23.5	86
Witness Transport	42	36	21.5	91	190.5
	7	4	7	1	19



The Investigative Unit of the Winnebago County States Attorney's Office consists of three sworn officers who provide dignitary protection and transportation for the State's Attorney during special events. The unit works with Assistant State's Attorneys in pre-trial meetings with witnesses to help prepare them for testimony during trials.

The responsibilities of the unit include but are not limited to; serving as Grand Jury Bailiffs, locating and serving subpoenas to victims and witnesses, providing protection and security for witnesses, and at times providing transportation to court for victims and witnesses. Working collaboratively with local law enforcement, Investigators have been able to interact with reluctant and uncooperative witnesses. The unit provides these witnesses with assistance and security, giving them the confidence they need to testify in court.

The Investigative Unit also serves forfeiture notices, juvenile summons, subpoena deuces tecums to hospitals for medical records, and rule to show causes when witnesses do not show for served subpoenas.



# Investigative Unit

## Felony Trials

The Investigative Unit has played an intricate role in some of the counties major felony cases. Their tenacious efforts locating witnesses and relationship development were crucial in many of these cases that had a successful outcome such as;



**Javontavious Benford:** was found guilty on 10/28/2019 of First Degree Murder and Mob action. He was sentenced to 25 years in prison.



**Douglas Williams:** was found guilty on 6/5/2020 of First Degree Murder and sentenced to 70 years in prison.



**Jason Randolph:** was found guilty on 6/17/22020 of Home Invasion, Domestic Battery, and Unlawful Restraint. Randolph is awaiting sentencing.



**Raheem King:** was found guilty on 8/28/2020 of Felony Murder of three victims, Aggravated Vehicular Hijacking, Aggravated Restraint, and Armed Robbery. King faces natural life and is awaiting sentencing.



**Wainer Ancheta:** was found guilty on 9/17/2020 of Armed Habitual Criminal and Possession of a Controlled Substance. He was sentenced to 27 years in prison.



**David Stephens:** was found guilty on 10/8/2020 of First Degree Murder and Unlawful Possession of a Weapon by a felon. Stephens is awaiting sentencing.



**Kenneth Johnson:** was found guilty on 10/23/2020 of First Degree Murder. Johnson faces up to 60 years in prison and is awaiting sentencing.



# Juvenile Justice Division

# THE ANATOMY OF JUVENILE COURT

Juvenile Court was started right here in Illinois in 1899. The first Juvenile Courts recognized that kids are different and as such should be treated differently under the law. The Courts are required to focus on the best interest of the child and, where that child committed a criminal offense, balance the protection of the community. Juvenile Courts are separated into two essential functions. Abuse and Neglect Court that deals with the protection of children and, Delinquency Court that deals with children that commit criminal acts. In order to protect the children involved in Juvenile Court the law requires these cases be kept private and court is not open to the public.

## Delinquency Court

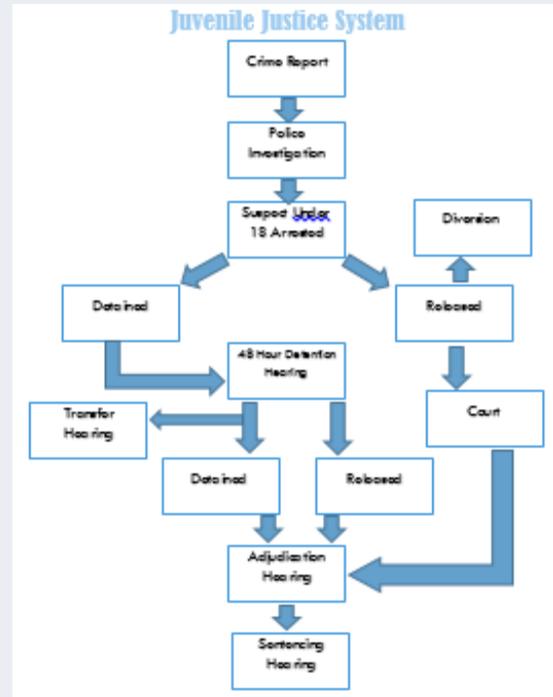
When a person under the age of 18 commits a criminal offense their case is filed in Juvenile Court. The stated goal of Juvenile Court is to balance community safety, accountability for the child that committed the offense and competency development for the minor. We want to protect the community, place any victim back in the place they were before the crime the best as possible and leave the offending child in a better place with skills to be a more productive member of our community and not commit future crimes.

Most adults did something as a child that could be considered a crime. Whether that was taking something that did not belong to them, hitting someone, minor drinking or other similar conduct. In most cases the police are not involved and these infractions are handled by parents, teachers and other adults. Research shows that when the courts are involved with children that are at low risk of reoffending that it can actually increase the chance they will become more involved in the criminal justice system in the future. Therefore, most kids that commit these lower level crimes are never brought to court.

The State's Attorney's Office works with Juvenile Probation and local Police departments to screen cases, where the offense is serious, the child is a repeat offender or the minor needs services that would indicate court involvement is necessary we file those cases in court. A minor over 10 years of age who commits a serious crime may be placed in the juvenile detention center or placed on home confinement while the case is resolved. The flow chart below is a basic model of how cases move through the juvenile justice system.

Important things of note in juvenile delinquency cases is that all juveniles are appointed an attorney to represent them and never appear in court alone. Juvenile cases have a shorter time to comply with speedy trial demands which is 30 days when a minor is in custody.

Juvenile arrests and cases are usually eligible for expungement either automatically or upon request of the court. Information on expunging a juvenile record is at <https://www2.illinois.gov/osad/Expungement/Pages/JuvenileExpungement.aspx>



The most likely result of a juvenile case is a term of probation. This allows the juvenile probation officers to work with the child on the reasons they became involved in court to try to prevent future court involvement. Services like substance abuse treatment, mental health counseling, education, restitution and no contact orders are all monitored by probation. A child involved in court may even be removed from home and placed in a home that can better monitor their needs and progress. A youth may be sentenced to the Illinois Department of Juvenile Justice which is secure confinement if community services are insufficient to handle their criminal conduct. In more serious cases the State's Attorney's Office may file a petition to have a youth transferred to adult court and sentenced under the criminal laws. The child's age, seriousness of the offense and prior criminal history are factors that the law requires be considered in deciding a transfer to adult court. It is the Judge that ultimately makes that decision.

For youth with mental health or substance abuse issues a specialty court called Youth Recovery Court provides more intensive monitoring and services.

The Winnebago County State's Attorney's Office has 2 dedicated attorneys to work on juvenile delinquency cases. There is one courtroom assigned to hear these cases and it is in session full time. In 2019, 304 new delinquency cases were filed in Winnebago County. Over a thousand arrests were reviewed to determine if cases should be filed in court or if they were appropriate to be diverted. Winnebago Juvenile probation reports that in 2019, 143 new probation orders were entered. Some delinquency petitions filed were for juveniles who were on probation for another offense at the time the new petition was filed. In 2019, 41 juveniles were sentenced to the Illinois Department of Juvenile Justice.

Written by Pamela Wells

# Protecting Children & Supporting Families

## ABUSE & NEGLECT

The Juvenile Abuse and Neglect Court is focused on the protection of children. The goal is to keep families together or reunite them where possible and if not possible come up with another permanent plan for the child. We work with the Department of Children and Family Services and the Police to identify children that are in need of the protection of the court. The goal is not to punish the parent but to make them a safe parent by getting them services where possible.

All parents and children that appear before the court are entitled to have an attorney represent them. CASA which stands for Court Appointed Special Advocate and are the eyes and ears of the court are appointed for many cases where the Court feels they need more information and a volunteer adult is then assigned to regularly meet with the child and advocate for the child in court.

Because children are involved, everything is faster in this court. If children are removed from a parent's care then a hearing must be held within 48 business hours for the Court to determine if this is necessary. A hearing on the petition (allegations) is to be heard within 90 days. If a parent is found unable to care for a child they have nine months to fix these issues or risk having parental rights terminated and an alternative permanent home located for the child.

Neglect can be proven in several ways and it does not require the court fine it is the fault of the parent.

1. Failure to provide food, clothing, shelter, education, or medical care as necessary.
2. That the child's environment is injurious.
3. That the child was born exposed to drugs other than prescribed medication.
4. That a child under 14 was left unattended for an unreasonable time without consideration for their welfare.

These are the most common cases and include everything from children exposed to domestic violence to children who are born exposed to drugs or kids that are living in homes that are unsafe for them.



Abuse can be proven in one of the following ways.

1. Excessive corporal punishment which would include consideration of the severity, use of an object, leaving marks, age of child and what the child was being punished for.
2. Sexual abuse by a family or household member or other caretaker.
3. Physical abuse by family member or household member or other caretaker where the child is injured other than by accidental means and
4. Torture.



Dependency can be proven in the following ways.

1. The child is without a parent or legal guardian
2. The parent or guardian is mentally or physically unable to care for the minor.
3. The child's behavior or mental or physical condition make the parent unable to care for the child.

When DCFS becomes involved they attempt to offer services to the family and, if necessary, find an alternate placement with family or friends for the children. Many of these children have been exposed to trauma and need services themselves. Often DCFS works with these families with no involvement in court at all.

When cases are court involved they are reviewed a minimum of every 6 months to ensure that the parents and children are receiving the services needed and that they are making steps towards reuniting the family.

The Winnebago County States Attorney's office has three attorneys assigned to handle abuse and neglect cases. There are two designated courtrooms for these cases. One is in session full time and the other is in session three and a half days a week.

In 2019 the Winnebago County State's Attorney's Office filed 570 abuse and neglect petitions.

The most recent year data is available for case closures is 2018. In that year, 22% of the cases closed the children remained with a parent throughout the case, in 21% of the cases closed that year the children were returned home to a parent, 34% of the cases were closed when the children were adopted with 14% closed with another adult becoming the legal guardian of the child and 6% were closed with the children becoming adults. On average it took 906 days for these cases to be resolved once they are court involved.



We know that the criminal justice system affects these children as well. Data from 2018 shows that 58% of the kids involved in cases that closed that year had at least one parent incarcerated.



While the abuse and neglect cases are not an attempt to punish a parent, there is often a crossover in that a parent, guardian or household may be charged for a criminal offense in relation to the acts that have the family involved in court. One of the issues that often arises is if a non-offending party believes the child and can protect them from an offender. This is a regular issue with domestic cases and sex offenses. A parent involved in an abusive relationship may have trouble protecting themselves and stay in the abusive relationship for various reasons. At the same time this is an environment that is dangerous for the children to witness and be involved in. If the parent is unable or unwilling to take the steps necessary to protect the kids there may be both a criminal case for domestic violence and a neglect case. DCFS offers counseling to parents to allow them to make these protective decisions better.

The burden of proof is different than in criminal cases. In juvenile court the burden of proof is by a preponderance of the evidence as it is a civil case. That means anything more than 50% if you are looking at a numerical scale. On the other hand in a criminal case the burden of proof is much higher and is beyond a reasonable doubt.

The rules of evidence are also different. Because both parents are parties to the case as well as the children, any statements made can be admitted as evidence regardless of if they testify themselves. In criminal court, with some limited exceptions, the victim usually has to take the witness stand and the statements they made to other people are considered hearsay and not admissible. In addition, to protect children when they do testify, their testimony can be taken in the Judge's chambers. In a criminal case they must testify in open court with the offender present to protect the defendant's constitutional right to confront their accusers. Since there is overlap, we communicate with the other units of the office and attempt to have one attorney work with the victim if they do have to testify to help reduce the trauma or retelling the facts of the case to multiple people.

Written by Pamela Wells



# General Counsel

# CIVIL BUREAU REVIEW

The Civil Bureau of the Winnebago County State's Attorney's office represents elected and appointed officials who have claims brought against them in their official capacity, as well as County employees who have claims brought against them as result of their employment with the County. The civil bureau practices in state and federal court and before administrative agencies and is responsible for prosecuting all civil appeals involving the County or its officials and employees. Most recently, the bureau was successful in the Illinois Appellate Court for the Second District in overturning the appointment of a special prosecutor, paid at the County's expense, to represent the County Board Chairman in a suit against the County Board. The civil bureau also represents the County in administrative hearings involving violations of County ordinances.

Since 2008, the civil bureau has been responsible for negotiating collective bargaining agreements—two with AFSCME and one with the FOP—affecting a majority of the County employees. Prior to 2008, the County hired outside counsel to handle these negotiations. The civil bureau also defends grievances filed by employees under the contracts and Unfair Labor Practice complaints before the Illinois Labor Board. Led by Chief of the Civil Bureau/Deputy State's Attorney David Kurlinkus, as the chief negotiator, the bureau recently concluded negotiations of a three-year contract with the FOP. The AFSCME contracts expire in 2021, and negotiations are expected to begin in the spring for a successor contract.



The civil bureau provides staffing of all County Board meetings and committees of the County Board, as well as the Community Mental Health Board, the County Zoning Board of Appeals, the County Board of Health, and the Youth Court Advisory Board. The civil bureau serves as parliamentarian for the County Board meetings and provides opinions on the Open Meetings Act and the Freedom of Information Act to the County Board. The civil bureau provides legal advice to the various County departments.

Chief of the Civil Bureau David Kurlinkus has led the civil bureau since 2009. In addition to acting as chief negotiator during union negotiations, Kurlinkus has headed up some of the more complex litigation, including the lawsuit filed by the County Board Chairman against the County Board, referenced above. Attorney Kurlinkus acts as the parliamentarian at the County Board meetings and attends every County Board meeting. He has also serves as the FOIA officer for the State's Attorney's Office since he started in the office and has responded to hundreds of FOIA requests during that time. In addition, Attorney Kurlinkus has been the point person in responding to subpoenas served on the State's Attorney's Office.



Deputy State's Attorney Charlotte LeClercq has been the point of contact for the Winnebago County Health Department during the COVID-19 pandemic. She has provided legal advice to the Health Department's Administrator and has been key in coordinating local responses and strategies with state administrative and IDPH determinations. She has drafted compliance letters and notices for use by the Health Department in addition to her more than full case load, including an ever-increasing number of lawsuits against the Sheriff's Department, in state and federal court.

Deputy LeClerc is also the backbone of the collective bargaining team, keeping track of the offers, counteroffers and other parts of the bargaining process.

Assistant State's Attorney Andrew Muller, a recent transfer to civil from the criminal bureau, has taken over the forfeiture call and assists with administrative hearings for ordinance violations. He has provided invaluable assistance in drafting pleadings and memoranda for a wide variety of civil cases. The forfeitures, which have a financial impact on many area law enforcement agencies, are extremely complicated and a constant challenge. Andrew has not only helped in the courtroom procedure, but also in dealing with the many defendants who make their way to the office in an attempt to discuss their cases.

Assistant State's Attorney John Giliberti has a full trial load and has picked up the very complex property tax/trustee deed portion of the bureau's work. He inherited a new County trustee, a lawsuit by the former County trustee, and the ever-changing property tax redemption landscape. Additionally, John, the third member of the collective bargaining team, has provided invaluable experience in union negotiations and grievance mediations and arbitrations from his time as an attorney for the City of Rockford, and is the office expert in researching arbitrators so that the County can choose an impartial arbiter should it become necessary to go into interest arbitration.



The civil bureau drafts and/or reviews intergovernmental agreements between the County and other governmental entities and also drafts and/or reviews contracts between County offices and outside agencies for the purchase of goods and services. The bureau works with County Board members and County administration in drafting resolutions and ordinances for consideration by the County Board. The civil bureau accepts and processes subpoenas served in civil and criminal cases, handles Freedom of Information Act responses for the State's Attorney's office, and serves as a resource to other County offices which have questions regarding FOIA.

Written by David Kurlinkus  
Chief of Civil Bureau



# FREEDOM OF INFORMATION ACT (FOIA)

The Civil Bureau of the Winnebago County State's Attorney's office serves as the Freedom of Information Act officer for the office and is responsible for responding to FOIA requests. FOIA requests must be in writing and may be submitted by email or by U.S. mail. Although no form is required by FOIA, there is a form available on the State's Attorney's website at [www.winnebago-county-states-attorney.com](http://www.winnebago-county-states-attorney.com). Click on the MORE tab and scroll down to FREEDOM OF INFORMATION.

Because the State's Attorney's office deals with prosecution of criminal matters, some of the material that appears in criminal files is excluded from production as work product. In addition, private information such as social security numbers, telephone numbers, drivers license numbers and other personal identifiers are exempt from production under FOIA and must be redacted from documents prior from their being produced.

Most of the FOIA requests received by the office are from prisoners in the Winnebago County Jail or in Illinois Department of Corrections facilities. The bulk of these requests are for the contents of the inmates' prosecution files. A number of requests come in for materials and transcripts of the proceedings before the Grand Jury. Most of the documents that are reviewed or produced by the Grand Jury are exempt from disclosure under FOIA.

FOIA requires production of communications, written and electronic, that are produced by elected officials or employees of the County. This can be an overwhelming job when the request is for emails between members of the County regarding a given topic. These searches must be screened, especially when they are to or from a member of the State's Attorney's staff, to determine whether the email is exempt under attorney-client privilege if legal advice is being given by the State's Attorney.

The County IT department is involved in searching relevant emails sent to or from County email addresses. Private devices, such as cell phones, and text messages sent from those devices may be subject to FOIA if they device is used to conduct governmental business.

FOIA provides for a copying charge of \$.15 per page after the first 50 pages which are provided free of charge. The entity can charge for postage if the response is mailed. If documents are stored and capable of being transmitted electronically, no charge is permitted. If DVDs are provided as a response, the governmental entity can only charge for the cost of the disk, not the time for producing the contents. FOIA, with few exceptions, does not allow the governmental body to charge for the time it takes an employee to locate, review or copy material for a response. The time involved in this process can be considerable as many of files in criminal prosecutions can contain thousands of pages of documents to review, redact and copy. In a typical year, the Civil Bureau will receive 60-75 FOIA request, all of which must be responded to in five business days.

If any portion of a FOIA request is denied, the reason for the denial must be provided to the requestor, and that denial may be appealed to the Illinois Attorney General's Public Access Counselor (PAC) or in a lawsuit filed in circuit court. The PAC sends a Request for Review to the governmental agency which must then respond to the appeal and provide copies of the withheld documents to the PAC. The PAC can they order the governmental entity to give copies of the documents to the requestor or uphold the governmental entity's objection. If the PAC issues a binding opinion, the governmental entity can appeal that decision to the Cook or Sangamon County Circuit Courts. If the requestor files a suit in circuit court instead of going to the PAC, and if they win, they can receive their attorney's fees from the governmental entity.



# CIVIL BUREAU CASES TO NOTE

## **Bobby Brooker v. James Abate and Jacob Marino Federal Court Case No. 18 C 50111**

In December 2017, a search warrant for illegal drugs was executed by the Winnebago County Sheriff's Department Narcotics Unit at the apartment of Bobby Brooker. While executing the search warrant, Brooker's pit bull was shot and killed by one of the deputies inside the apartment. Brooker brought a civil rights lawsuit against two deputies claiming his Fourth Amendment rights were violated from the shooting (the seizure) of the dog. Brooker also argued the deputies failed to adequately plan for the dog's presence. However, a federal court judge turned aside both contentions and granted summary judgment for the deputies. The Court noted Brooker's deposition testimony that he used his pit bull to deter people from crawling in through his back window. The evidence also suggested the pit bull acted aggressively towards one of the deputies in the moments before each shot was fired, posing an immediate threat to the deputy's safety and that the use of force as unavoidable under the circumstances. Significant was Brooker's deposition testimony that he only saw the tip of his dog's nose when it was shot the first time and that he did not see his pit bull when it was shot for the second time because after the first shot, his eyes "instantly filled with water [tears]." The Court found the manner in which the deputies entered the home (breaking down the door after having twice knocked-and announced and receiving no response), coupled with the fact that Brooker was unaware of where his pit bull was located at the time of the initial entry, undermined Brooker's contention that the deputies should have permitted him to secure his dog upon their initial entry. Notably, the Court also found the shooting occurred while events were quickly unfolding, and while the pit bull was unsecured and in close physical proximity to the deputy that shot the dog.

Written by John Giliberti

## **Body Cameras Contract**

From August, 2019 until late November, 2019, the State's Attorney's Office negotiated a \$2.36 million five year contract between Winnebago County on behalf of the Winnebago County Sheriff's Office and Axon Enterprise, Inc., for body cameras, new dashboard cameras and new tasers. The contract also included unlimited storage for evidence, software and training. Prior to the contract, Sheriff's deputies and Winnebago County Jail correctional officers had not used body cameras. In addition, in squad dashboard cameras and tasers were also nearing the end of their life use. The contract is testament to the Sheriff's forward thinking in seeking body cameras for his deputies and correctional officers as well as new in car squad dashboard cameras to help keep the public and inmates safe. More public safety agencies are now seeking body cameras and in squad dashboard cameras to improve policing in our community.

Written by John Giliberti

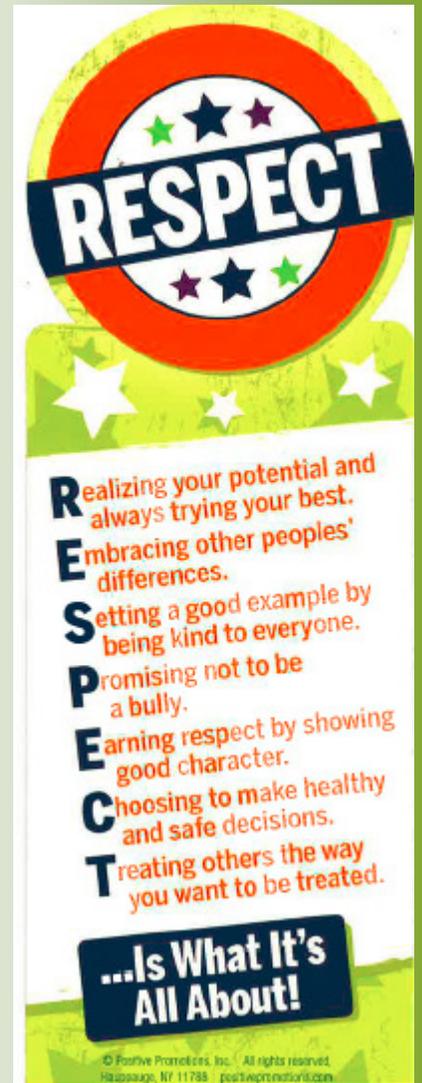




Community Outreach  
&  
Community  
Engagement



In 2019 the Winnebago County State's Attorney's Office launched a RESPECT Campaign which consists of a brief 15 minute power point presentation talking about respect to junior high school students that can be offered as part of an extracurricular activity or an after-school program. For more information about the program visit our website at [www.winnebago-county-states-attorney.com](http://www.winnebago-county-states-attorney.com)



Respect Materials purchased from Positive Promotions



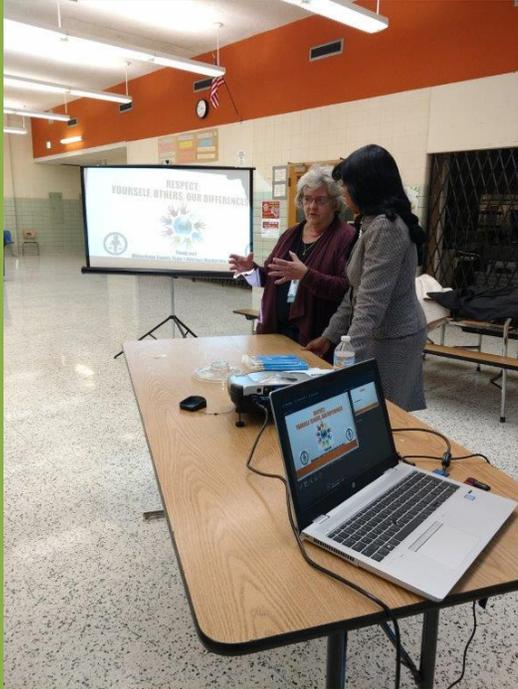
State's Attorney Marilyn Hite Ross presented Respect Campaign at Keith School on March 11, 2020.



State's Attorney Marilyn Hite Ross presented Respect Campaign at Resa Middle School on November 18, 2019

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State's Attorney Marilyn Hite Ross presents her Respect Campaign at Kennedy Middle School November 2019

Students from Kennedy Middle School November 2019



Winnebago County State's Attorney Marilyn Hite Ross pictured with afterschool program participants at RESA Middle School in Rockford, Illinois.

## Uplifting youth through afterschool programs

A guest blog post from Winnebago County State's Attorney Marilyn Hite Ross

As Winnebago County's State's Attorney, one of my most rewarding experiences has been to meet with and uplift young people. Before the onset of the coronavirus pandemic, it was my honor to visit several Rockford-area afterschool programs. There, I both listened to students, and shared the principles of respect and self-respect that are the bedrock of a peaceful community.

Since then, I have been gratified to see how afterschool providers found innovative ways to continue to reach kids: through distance-learning opportunities, distribution of meals and supplies, and summertime educational and recreational opportunities. Now, with COVID cases forcing Winnebago County schools to alternate between in-person and remote learning, YMCAs, YWCAs, and community organizations have stepped in to provide safe spaces for the children of working parents.

Even in non-pandemic times, out-of-school-time programs increase safety in our county. As [a recent report from Fight Crime: Invest in Kids](#) states, quality programs like these can help reduce crime, boost academics, and increase graduation rates. That is something we can applaud at the start of this school year, and always.

# Winnebago County State's Attorney Community Justice Academy

## What is the Community Justice Academy?

The Community Justice Academy is for first time, non-violent offenders. It is an opportunity to keep a conviction from being permanently entered on their record. The defendant must complete an intake interview with the program coordinator, meet with and be approved by a the Community Justice Academy Faculty, and if accepted, complete the program requirements.

The requirements include completing community service hours, obtaining high school diploma or G.E.D., obtaining counseling, writing a letter of apology to the victim, paying full restitution to the victim, and paying fees for the program

Upon successful completion of the Community Justice Academy, the State's Attorney's Office agrees to dismiss the pending charge(s) against the defendant.

If the defendant fails to successfully complete the Community Justice Academy, the defendant is terminated from the program and the case is returned to court for prosecution.



Community Justice Academy Cadets

By understanding the impact of their behavior, accepting responsibility and developing their own capacities, first time offenders become fully integrated, respected members of the community.

## COMMUNITY JUSTICE ACADEMY PROGRAM GUIDELINES

An applicant is not eligible for the Community Justice Academy Program if any of the following apply:

- Prior juvenile or adult convictions or felony arrests.
- Applicant is currently on probation/supervision for misdemeanor or felony charges (juvenile or adult).
- Applicant is an active gang member.
- Applicant is charged with violent, domestic or sex offense.
- Applicant is charged with Class (X), (S), (1) or non-probation able offense.
- Applicant is charged with felony drug , Class 2 or above or DUI offense.
- Applicant is charged with an offense involving a weapon.
- Applicant commits the offense while free on bond.
- Theft cases exceeding \$10,000 from a public/government agency.
- Applicant is charged with identity theft.
- Applicant is charged with traffic offense.
- Applicant is charged with filing a false police report.
- Applicant is charged with crime against an elderly victim.



Community Justice Academy Faculty

# Community Outreach



Engaging Youth



Jack & Jill Leadership presentation with Chief Judge Doherty & State's Attorney Marilyn Hite Ross November 2019



Westgate Coalition Neighborhood meeting Freedom of Assembly July 2019



Unapologetically Ignorant Podcast

State's Attorney Marilyn Hite Ross presents Fight Crimes Invest in Kids  
Event held at McIntosh School October 24, 2019





# Community Partnerships

# CARRIE LYNN CHILDREN'S CENTER

## Partnership with the Winnebago County State's Attorney

As the Executive Director of the Carrie Lynn Children's Center, I am very proud of the impact we've made on the lives of children and families affected by child abuse. As the only Children's Advocacy Center that serves Winnebago and Boone Counties, we serve all child victims of sexual abuse and severe physical abuse. In FY2019, the Center received 742 new referrals.

It is our mission that children should not be re-traumatized by the systems response to their allegation of abuse. Prior to the existence of Children's Advocacy Centers, separate investigations were conducted by various entities often resulting in children being interviewed multiple times. Investigations were fragmented and not always child friendly. One can imagine what it might be like for a child to have to tell their story of abuse over and over again.

To that end, children are interviewed in a home like environment by a trained interviewer while representatives from law enforcement and the Illinois Department of Children and Family Services view the interview from another room. Families are offered immediate support through counseling and advocacy. The investigators continue to work together to resolve investigations quickly, bringing more rapid healing and justice to the children and families.

This effort requires effective collaboration. Collaboration with all of the agencies that need to be involved in the investigation. Therefore, our partnerships with the Office of State's Attorney Marilyn Hite Ross, local law enforcement, the Illinois Department of Children and Family Services, and the specialized medical program, MERIT, is invaluable. All have come together with the shared belief and knowledge that providing a safe place for children to share their story must be our number one priority.



Kathy Pomahac

The Center conducted 405 Forensic Interviews in 2019. Over 1,300 children and their family members received advocacy and other supportive services. Over 1,000 children and their family members received crisis intervention. All services are provided free of charge.

As a primarily grant funded agency, we rely heavily on community donations and personal contributions to close the approximate \$32,000 gap between what grant funding provides and the cost of direct services. Therefore, we are truly thankful to all of our donors. They have helped us ensure that all child victims are heard and believed.

Written by Kathy Pomahac



# Rockford Sexual Assault Counseling, Inc. Partnership with the Winnebago County State's Attorney

Rockford Sexual Assault Counseling, Inc. (RSAC) was started in 1977 as Rockford Rape Crisis Center by the Women's Medical Organization associated with Rockford School of Medicine. They received start-up funding from the Rockford Community Trust. In 1985 the name was changed to RSAC to reflect the change in the 1984 Illinois Statute. Today they are one of 30 rape crisis centers under the Illinois Coalition Against Sexual Assault with offices in Boone, Ogle and Winnebago counties. Our services include crisis intervention, counseling, legal advocacy, prevention education and professional training. We do not discriminate due to race, age, religion, sexual orientation, gender or ability. Interpreters/translation available at no cost.

The goal of RSAC is to provide client-centered services to victims of sexual assault/abuse and their families/significant others and to educate the community to reduce the risk of sexual violence. In FY2019 we provided services to 925 clients and prevention education to 58,513 students in our three-county service area. Due to our funding, we are able to provide these services confidentially and at no cost to our clients. RSAC receives funding from VAWA, VOCA, DHS General Revenue, Illinois Attorney General, RPE-COVID, Boone County United Way, Ogle County United Way, Ogle County 708 Board, private donations and fundraising.

RSAC partners with the Winnebago County State's Attorney Office primarily through our Legal Advocate. When the new sexual assault statute legislation passed in 1984, an increase in sexual assault reports and prosecution followed. The RSAC Legal Advocate provided emotional support, information and advocacy regarding all aspects of the legal system following a sexual assault.



Paula Peterson

In 1994, Paula Peterson was hired in that position and has been the advocate for the majority of the adult sexual assault cases. An advocate from a rape center has an additional level of confidentiality (735ILCS5/8-802.1) and specific training and knowledge to work with victims of sexual assault. State's Attorney Hite-Ross has always supported, encouraged and utilized this position. From RSAC's perspective, she has been instrumental in leading the State's Attorney Office screening process to include careful scrutiny of sexual assault cases. This has resulted in a rise in the charging and successful prosecution of these cases. There are also some complex sexual assault cases she handles the decision of charging herself.

Some sexual assault cases that were highlighted in 2019 were Ryan Clark pled guilty to Aggravated Criminal Sexual Assault and received a 14-year sentence in the Illinois Department of Corrections. Dr. Charles DeHaan pled guilty to Aggravated Battery of 3 elderly patients and received a 9-year sentence. Jim Buckingham was found guilty of Criminal Sexual Assault Unlawful Restraint, he was sentenced to 9 years. Todd Shevelson pled guilty to Aggravated Criminal Sexual Assault of his roommate and received a sentence of 28 years.

Written by Paula Peterson



2019  
Continuing  
Legal  
Education

# CONTINUING LEGAL EDUCATION TRAINING 2019

Since joining the State's Attorneys Office in 2008, now State's Attorney Marilyn Hite Ross has been an advocate for continuing legal education required for the attorney's in the office. The State's Attorney's Office continued this year to offer in house training to prosecutors, free of charge. The topics selected directly correlate to the job of a prosecutor. While these presentations are conducted largely on site, the COVID pandemic caused the office to respond by offering presentations through Video platforms.

Some of the courses offered this year include:

- ◊Juvenile Issues
- ◊Crime Victims Rights and Marsy's Law
- ◊The Uncredibles
- ◊The Anatomy of a Search Warrant
- ◊The Right Thing...Just Do it...Brady
- ◊Screening, Charging & Prosecuting Sexual Assault Cases
- ◊Statutory Summary Suspension HearingS
- ◊Pro Se Defendants, Krankel Hearings

In addition, the Annual Prosecutors Ethics Seminar was held.

2019 Speakers included:

- ◊Honorable Judge Steve Balogh
- ◊Greg Sams, Kane County Bureau Chief Special Prosecutions
- ◊Scott Denardo Jenner & Block Department Counsel & Gayle Littleton Partner
- ◊Jayne Reardon Executive Director, IL Supreme Court Commission on Professionalism



In house CLE training in the Greg Lindmark Training Room.



From Left: Deputy SA Brenda Quade, SA Marilyn Hite Ross, Judge Steve Balogh



From Left: Deputy SA Brenda Quade, SA Marilyn Hite Ross,



From Left: Deputy SA Brenda Quade, SA Marilyn Hite Ross, Jayne Reardon



From Left: Deputy SA Brenda Quade, Gayle Littleton, SA Marilyn Hite Ross, Greg Sams



# Victim Services

# 15th Annual Carol McFeggan Homicide Survivors Memorial June 2019



Illinois State Police Commander Sam speaks at the Homicide Survivors Memorial



Carol McFeggan created the Homicide Survivors Memorial when her brother was killed by a drunk driver. In 2009 the Winnebago County State's Attorney's Office renamed the memorial in honor of her when she was murdered by her husband Thomas F. McFeggan.



State's Attorney Marilyn Hite Ross speaks at the Homicide Survivors Memorial





**March 28<sup>th</sup>, 2019**  
**State's Attorney Marilyn Hite Ross**

Winnebago County State's Attorney Marilyn Hite Ross announces that this morning, the Illinois Prisoner Review Board decided to keep a convicted killer incarcerated in the Illinois Department of Corrections for the 1977 murder of Louis Betts and for an attack on another woman in Winnebago County. The Board voted unanimously to keep Curtis Brownell in prison, and they won't allow him another opportunity to try for parole for another three years. State's Attorney Hite Ross and Boone County State's Attorney Tricia Smith traveled to Dixon to join in the fight to keep Brownell in Prison in February. State's Attorney Hite Ross released the following statement after the Prisoner Review Board announced that Mr. Brownell will stay behind bars. "Although it has been more than 33 years since Mr. Brownell was convicted of these heinous crimes, the impact of these crimes still resonates with the victims, their families, and the community. The attack on these two victims were not the first crimes Mr. Brownell committed against women, but they should certainly be his last. When the court imposed a sentence of 100-300 years, the court sent a strong message that Mr. Brownell should spend the rest of his life in the Illinois Department of Corrections."

In September of 1977, Curtis Brownell kidnapped Louise Betts, 17, while she was hitchhiking along North Second Street in Loves Park. After picking her up, Brownell sexually assaulted, then murdered Betts whose body wasn't found for several months in a rural Boone County field. Before police found Betts' body and arrested Brownell, he also tried to kill another Winnebago County woman. She was seven months pregnant when Brownell abducted her from a Rockford Laundromat, sexually assaulted her and left her for dead. The victim and her baby survived the ordeal.

In 1978, Brownell was convicted and sentenced to 100 to 300 years in prison. Since his conviction Brownell has been denied parole more than a dozen times. The next time Brownell will be eligible to attempt parole, will be in 2022.



# SAO Family

# Recognizing our Military Family



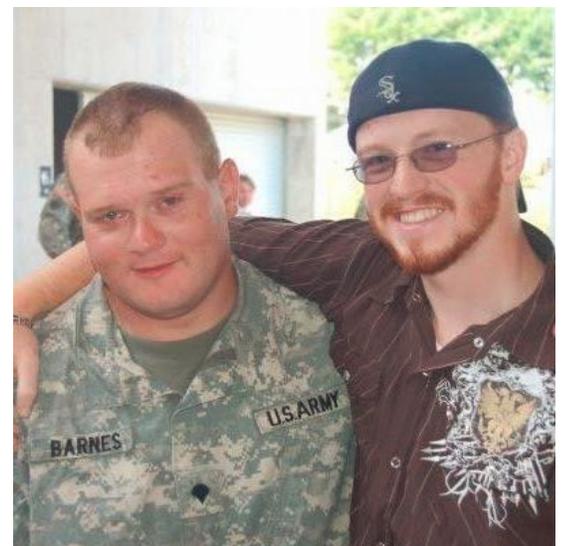
Kathleen M. Rock is a Midshipman 2/C at the U.S. Naval Academy in Annapolis, Maryland



1LT Eric Vernsten  
Trial Counsel, 108th Sustainment Brigade  
Illinois Army National Guard



LTJG Diane E. Meason received her commission as an officer in the U.S. Navy through NROTC at Marquette University in May of 2018. She checked onboard the USS New Orleans stationed out of San Diego, CA and became the Admin Officer, Legal Officer, and later, the Operations Specialist Officer. In October of 2019, the ship homeport shifted to Sasebo, Japan, and LTJG Meason was part of its first FDNF 7th Fleet Patrol. During patrol, she qualified as a Surface Warfare Officer and is now attending Nuclear Power School in Charleston, SC. She will go on to serve on an aircraft carrier as a Nuclear Reactor Officer in the fall of 2021.



Army Specialist Toby W. Barnes, 135<sup>th</sup>  
Chemical Company.

**On behalf of everyone in the Winnebago County State's Attorney's Office thank you for your service. Stay safe and God Bless America.**



SAO Criminal Bureau Virtual Executive Virtual Meeting



Office Fiesta Lunch October 2019



From Left: Mike Rock, State's Attorney Marilyn Hite Ross Retiree Bob Juanez & Sheriff Caruana



Office Ugly Sweater Contest December 2019

# WINNEBAGO COUNTY STATE'S ATTORNEY MARILYN HITE ROSS



Marilyn Hite Ross is the 18th State's Attorney of Winnebago County. She is the first woman and first African American to hold this position. As State's Attorney she launched a juvenile initiative to address the behavior of minors who enter the juvenile justice system and to educate minors in the community about the core values of the prosecutors who serve in her office. Included in her juvenile initiative was the creation of the Winnebago County State's Attorney Junior Ambassador Program. This program is available to children in grades 6<sup>th</sup> through 12 and educates the children through interaction, illustration, and instruction regarding the four core values of the state's attorney's office: respect, integrity, trust, and communication. In an effort to address the needs of children appearing in delinquency court, she extended the diversion and deferred prosecution adult programs to juveniles. In addition, as part of her effort to keep children in the classroom and not the courtroom, she launched a respect campaign for children of all ages to instill in them the importance of respecting ourselves, respecting each other, and embracing our differences. She believes that this could be a foundation to promoting positive behaviors throughout the community.

Previously, Marilyn Hite Ross served as Chief of the Criminal Bureau for Winnebago County State's Attorney Joseph P. Bruscato. She was instrumental in the formation of the Winnebago Boone County Integrity Task Force that investigates all incidents regarding an officer's use of deadly force. She is a career prosecutor who served as an Assistant State's Attorney in Cook County where she prosecuted major cases including capital murder cases. She has also served as an adjunct Professor at Concordia University in Wisconsin. Most recently she served as a special assistant state's attorney to Kane County State's Attorney Joseph McMahon in the murder prosecution of former police officer Jason Van Dyke.



Winnebago County Criminal Justice Center  
650 W. State Street  
Rockford, Illinois



Winnebago County Courthouse  
400 W. State Street  
Rockford, Illinois



Juvenile Justice Center  
211 S. Court Street  
Rockford, Illinois



Lincoln Statue  
400 W. State Street  
Rockford, Illinois



911 Memorial  
650 W. State Street  
Rockford, Illinois