

1 IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
2 LASALLE COUNTY, ILLINOIS

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5 PEOPLE OF THE STATE OF ILLINOIS,)
6) Plaintiff,)
7 v.) Case No. 11-CF-606
8 JOHN A. HULS,))
9) Defendant.)

10 REPORT OF PROCEEDINGS had in the above-entitled cause
11 before the HONORABLE H. CHRIS RYAN, Presiding Judge of the
12 Thirteenth Judicial Circuit, Criminal Justice Center, Ottawa,
13 Illinois, on July 19, 2012.

14 APPEARANCES:

15 Mr. Brian J. Towne
16 LaSalle County State's Attorney
17 Mr. Jeremiah Adams
18 Assistant State's Attorney

19 on behalf of the People;

20 Mr. Robert Campbell
21 Attorney at Law

22 on behalf of the Defendant.

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1 So with that at this point, your Honor, that's all
2 I have to say at this time and we would ask that -- actually,
3 let me address a conflict of interest. Because this is an
4 illegal program, your Honor, setup improperly. The person
5 that set it up is, in fact, the boss here and is running the
6 prosecution. To me that's an inherent conflict of interest
7 and we've addressed these in our motion as well so at this
8 point in time we are asking for somebody outside the county,
9 outside the State's Attorney's Office to prosecute this
10 matter so that finally we'll bring some accountability to
11 these arrests, your Honor. Thank you.

12 THE COURT: Mr. Towne.

13 MR. TOWNE: Thank you, your Honor.

14 Your Honor, counsel through the course of his
15 written responses, his motion itself and his discussions here
16 today seem to center around and the source, apparently, of
17 most of his complaints is a newspaper article. It's not case
18 law. It's not anything that I even wrote. It's something
19 that he read in the newspaper and is now taking exception
20 with.

21 He has indicated all the problems that he has with
22 drug interdiction stops. Drug interdiction stops take place
23 in every county, in every state of this country. So the
24 majority of his first -- the part of his argument here having

1 *problems with written warnings and the fact that there are*
2 *pretextual stops being made and the fact that there's no*
3 *record of the radar reports, as he put it, well, that doesn't*
4 *happen anyway in any kind of case anywhere in this country.*
5 *And so to suggest that that is a problem that requires a*
6 *special prosecutor, it doesn't even make any sense.*

7 *The bottom line is is he's read this newspaper*
8 *article. He's indicated that because the newspaper article*
9 *says that I get 60 percent of everything. First of all, I*
10 *don't get anything personally. This is the State's*
11 *Attorney's Office and it's the LaSalle County Fund 25 and*
12 *it's a forfeiture account. These accounts are separate and*
13 *apart. They are audited and the statute -- the statutes of*
14 *the State of Illinois are what created these funds and the*
15 *statutes of the State of Illinois direct how these funds are*
16 *to be used and the statutes of the State of Illinois say that*
17 *these funds are to be used to enforce laws regulating*
18 *controlled substance of cannabis. That's what these funds*
19 *are being used for.*

20 *The State's Attorney's Office doesn't get anything*
21 *extra. We've provided affidavits from Chief Sangston, who is*
22 *a partner or a member of the SAFE unit. That the Court can*
23 *take judicial notice of every drug fine, that fine order that*
24 *comes across his desk, and knows that the SAFE unit itself*

1 does not get any money. The Spring Valley Police Department
2 gets money. The State's Attorney's Office gets Fund 25 money
3 which is all pursuant to the statute. The percentages do not
4 increase because we're the ones that are doing it.

5 So the bottom line is is counsel seems to have a
6 problem with drug interdiction as a whole. He's
7 misrepresenting where the money is going to to try to
8 convince this Court that there's a conflict in some way.

9 The case law is what declares the guidelines this
10 Court must use to look at for conflict and there are three
11 major reasons why something becomes a conflict. I understand
12 it's at your discretion but the case law does give you
13 guidelines for that and those guidelines don't apply in this
14 case. I'm not a named party in this matter. I'm not getting
15 any money in my pocket for this matter and there's no
16 appearance of impropriety.

17 Counsel not once during his argument stated what
18 the impropriety that it appears to be here other than the
19 fact that he claims that my sole motivation for doing it is
20 to get money and he cites a newspaper article for that.
21 Well, if he read the entire newspaper article, your Honor, or
22 if you've seen it as part of one of the exhibits, you'll see
23 that the primary goal of the SAFE unit is to interdict drugs
24 and to take drug dealers off the street.

1 As an ancillary matter that was suggested in the
2 newspaper in addition to arresting bad guys, in addition to
3 taking drugs off the streets, in addition to seizing vehicles
4 and other assets that are used in the drug trade, yes,
5 whatever portions that the statute allows my office to
6 receive will go into funds that will enforce drug laws.

7 If those funds enforcing drug laws assist my office
8 in reducing the amount of money that the property taxpayers
9 are submitting into my budget to my office, then that's a
10 benefit to LaSalle County as well. It's not a benefit to
11 Brian Towne. It's a benefit to the people of LaSalle County.
12 It's not a conflict. It's not a problem. It's not an issue.

13 And with all due respect, that's what the Court has
14 to consider so I can't tell you what to say but they seem to
15 rely on *People v. Lange* and that seems to be one of the big
16 things that they put in their response and *People v. Lange*
17 says that it's a conflict because it's my employees that are
18 doing this.

19 *People v. Lange* in their own opinion say, "In so
20 ruling we emphasize that our holding is based on the specific
21 facts of this case." And this case is that an Assistant
22 State's Attorney in *People v. Lange* went above and beyond.
23 He went out on a manhunt for this guy. He tracked down the
24 evidence for this guy. He personally charged this guy and he