

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
COLES COUNTY, ILLINOIS

THE PEOPLE OF
THE STATE OF ILLINOIS
Plaintiff,

vs.

[REDACTED]

Defendant.

Case No. 19-DT-76
19-DT-100

MOTION TO DISMISS BASED ON PROSECUTORIAL MISCONDUCT

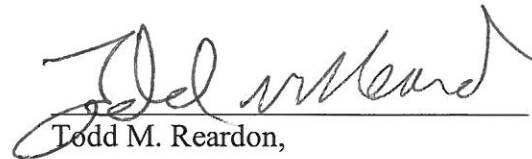
NOW COMES, The Defendant, [REDACTED], by and through her attorney, Todd M. Reardon, and moves this Honorable Court to Dismiss the Charge in this case and in support of said motion the Defendant states as follows:

1. The Defendant is Charged with Driving Under the Influence of Alcohol.
2. That the Defendant was represented in these causes by counsel.
3. That for a period of time thereafter Counsel for the State's Attorney's Office was having communication with the Defendant all the while knowing she was represented in violation of Illinois Rules of Professional Conduct, RULE 4.2: COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL " In representing a client, a lawyer shall not communicate about the subject of the representation with a liaison the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order."
4. That the original prosecutor in this case sought to advance his own sexual desires with the Defendant and began communications with the Defendant about her case her defenses her strategies and her desired outcome.
5. That the Defendant asserts her Constitutional Rights were being violated by the State's Attorney office specifically the Right to Counsel by having unannounced communications with her behind her Attorney's back. (See Attached Affidavits of the Defendant [Exhibit A] and Witness [Exhibit B], and corresponding sex request [Exhibit C] attached hereto .
6. As a result of the State's action by Brady Allen, the Defendant's Defense case has been irreparably harmed in that no prophylactic measure can be put in place to undo the illegal communications obtained by ASA Allen against the Defendant in his quest to have sexual liaison with the Defendant while pretending to take an interest in the Defendant's case outcome. See, People v. Lawson 67 Ill.2d 449 (1977). " We are aware of appellate

court cases holding that the trial court may not dismiss an indictment for any reason other than the reasons given in section 114-1 of the Code of Criminal Procedure of 1963. . . . We are also aware of conflicting appellate court decisions. However, we believe that on the basis of the reasoning of our past decisions and that of the appellate courts and on the basis of the reasoning of the United States Supreme Court, we must conclude that a trial court does have an inherent authority to dismiss an indictment in a criminal case where there has been a clear denial of due process even though that is not a stated ground in section 114-1." *Id.*

WHEREFORE, The Defendant, Moves this honorable court to dismiss this case for violations of Due Process based on Prosecutorial Misconduct.

Respectively Submitted,



Todd M. Reardon,

Todd M. Reardon #6238998
518 6th Street
Charleston, IL 61920
217-345-5291

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Defendant.

AFFIDAVIT

I, [REDACTED] being sworn under oath do hereby state as follows:

1. I am over the age of 18, and I make this affidavit based upon my own personal knowledge.
2. That I am a current client of Todd Reardon and a Defendant in the above captioned cases.
3. That I have had many electronic communications via Snap Chat, texts messages, Facebook, Tinder, as well as cell phone contact with ASA Brady Allen during the pendency of my criminal cases.
4. That on February 18, 2020 while I was attending court in my criminal cases, I received text message from ASA Brady Allen on my Apple watch.
5. That during the pendency of this case ASA Brady Allen sent me the following messages attached hereto as Exhibit A to I.
6. That ASA Brady Allen has on multiple occasions requested sexual favors and pornographic material from me in exchange for favorable treatment on my criminal cases.
7. That during the pendency of my case ASA Brady Allen kept asking for pornographic photos from me. I eventually provided him said photo.
8. That ASA Brady Allen stated he would give me advice on my DUI cases while he was having sex with me.
9. That ASA Brady Allen repeatedly told me that I had a alcohol problem and I needed help.
10. That during the pendency of my criminal cases ASA Brady Allen told me to ignore my attorneys advice and take the plea deal being offered by Coles County States Attorneys Office.
11. That I am a personal friend of [REDACTED] and have had multiple conversations about ASA Brady Allen both in person and via social media about her relationship with ASA Brady Allen.
12. That [REDACTED] has made statements to myself and others that ASA Brady Allen has for many months engaged in electronic communications with [REDACTED] during the pendency of her criminal matters also requesting sexual favors and/or



pornographic material.

13. That [REDACTED] has made statements to me that ASA Brady Allen was going to reduce her pending criminal DUI charge to reckless driving in exchange for sexual favors and/or pornographic material.

14. That I questioned ASA Brady Allen about the conflict of interest and his involvement in my cases.

15. That ASA Brady stated that the CCSAO had a policy that the contact with between ASA Brady Allen and the Defendants was permissible as long as the relationship did not get serious.

16. That ASA Brady Allen stated to me that if the relationship became serious he would inform States Attorney Danley who would then get someone else to prosecute her.

AFFIANT FURTHER SAYETH NAUGHT

Respectfully Submitted,

Date: 8-21-20

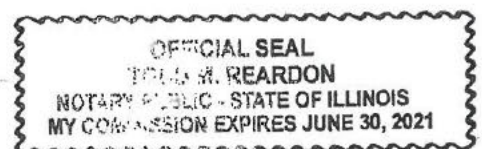
[REDACTED]

STATE OF ILLINOIS)
) SS
COUNTY OF COLES)

I, the undersigned, a Notary Public in and for said County, in the State aforementioned do hereby certify that [REDACTED], becoming personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed, and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand this 21st day of August, 2020.

[Signature]
Notary Public



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19-DT-100

[REDACTED]
Defendant.

AFFIDAVIT

I, [REDACTED], being sworn under oath do hereby state as follows:

1. I am over the age of 22, and I make this affidavit based upon my own personal knowledge.
2. That I have no cases in pending in Coles County.
3. That in 2019 a friend of mine, [REDACTED], advised she was being approached by an Assistant State's Attorney who was wanting to trade sexual favors for her on a case.
4. That on February 18, 2020, I was in court with [REDACTED] and saw her receive a text messages while in Court from Brady Allen on her apple watch.
5. That [REDACTED] shared with me some of the sexually explicit messages she had received from Mr. Allen.
6. That Brady Allen was the same person who I learned was pressuring [REDACTED].

AFFIANT FURTHER SAYETH NAUGHT

Date: 8/21/2020

Respectfully Submitted,


[REDACTED]



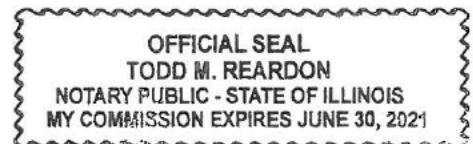
STATE OF ILLINOIS)
)
COUNTY OF COLES) SS

I, the undersigned, a Notary Public in and for said County, in the State
aforementioned do hereby certify that [REDACTED], becoming personally known to
me to be the same person whose name is subscribed to the foregoing instrument,
appeared before me this day in person and acknowledged that she signed, sealed, and
delivered the said instrument as her free and voluntary act, for the uses and purposes
therein set forth.

Given under my hand this 21st day of August, 2020.



Notary Public





Brady Allen



MARCH 3RD

BRADY

Then you need to visit me and we can discuss
your situation while you ride my cock ;)

Or I can give advice while your mouth is full 🐈

BRADY

How's that for a plan?

BRADY

What time do you get off?

MARCH 4TH

BRADY

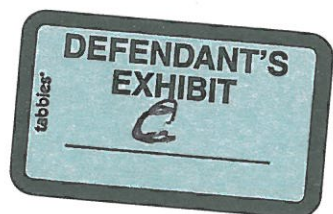
Well I don't think I'm going to hear back from
you tonight. And I was trying to be playful there
but if you don't like that suggestion, I'd at least
like to get dinner or something and talk things
out. I hope you won't take forever to get back to
me...

You're killing me here.

Do you have any interest in getting together?

Damn. I'm out of town Saturday. Let me know
what your schedule looks like the next week, or
just whenever you think you're going to have a
few hours free.

TODAY



Send a chat

