

1 IN THE CIRCUIT COURT
2 FOR THE FIFTH JUDICIAL CIRCUIT
COLES COUNTY, CHARLESTON, ILLINOIS

3 THE PEOPLE OF THE STATE OF)
4 ILLINOIS,)
5 vs.) No. 19DT76
6 KARA CHUMBLEY,)
7 Defendant.)

8 TRANSCRIPT OF PROCEEDINGS

9 BE IT REMEMBERED, and CERTIFIED, that on to wit: The
10 26th day of October, 2020, the following proceedings were
11 held in the aforesaid cause before the Honorable Mark
12 Bovard, Circuit Judge.

13 APPEARANCES: Jennifer Mudge
14 Special Prosecutor for the State
15
16 Todd Reardon
Attorney for Defendant
17
18
19
20
21
22
23
24

1 (Monday, October 26, 2020, at 1:43 p.m.)

2 WHEREUPON, THE FOLLOWING PROCEEDING WAS HELD IN OPEN COURT:

3 THE COURT: This is 19DT76 and 19DT100, People v. Kara
4 Chumbley. Ms. Mudge is present on behalf of the special
5 prosecutor. Is Ms. Chumbley present?

6 MR. REARDON: She is.

7 THE COURT: If you'd have a seat on the bench there.
8 We've got a little stranger setup today.

9 MS. CHUMBLEY: Okay.

10 THE COURT: But, uh, then Todd I'll let you have the
11 short desk if you would.

12 MS. CHUMBLEY: Okay.

13 THE COURT: Uh, let Todd sit there. Just short --

14 MR. REARDON: Let us, short desk, uh-huh.

15 MS. CHUMBLEY: Oh, sorry.

16 THE COURT: There you are.

17 MS. CHUMBLEY: Right here?

18 MR. REARDON: Right here is fine.

19 MS. CHUMBLEY: Okay.

20 THE COURT: Ms. Chumbley is present with Mr. Reardon
21 and matter was up today on pending motions, which includes the
22 Motion to Dismiss and there was a motion to, uh, or a Petition
23 for Indirect Civil Contempt in regard to a subpoena. If it's
24 appropriate, lets start with the Petition for Indirect Civil

1 Contempt concerning subpoena to Chief Taylor and I'll show the
2 Chief is present with Mr. Dan Jones, the City attorney in that
3 regard. Todd, what's the status of that petition from your
4 perspective please?

5 MR. REARDON: Well, they have substantially complied
6 with the subpoena. I believe it was directed to be delivered
7 to the Clerk. He delivered it to me and I would like to talk
8 and get Mr. Taylor on the witness stand to explain why it
9 wasn't tendered timely and to ask for attorney's fees, Judge.

10 THE COURT: Okay.

11 MR. REARDON: It shouldn't have to be 60 days on a 30
12 day subpoenas.

13 THE COURT: All right. Does the City attorney wish to
14 be heard on the matter before we continue?

15 MR. JONES: Judge, Chief Taylor is going to explain to
16 you that the subpoena was supposed to be returned I think
17 September 14th. He showed up in court which was a Monday. He
18 showed up on Friday, had the day wrong, and then emergencies
19 for the city overwhelmed him on Monday and he was just not
20 able to get here. Uh, and that was the last he heard of it
21 until last week.

22 THE COURT: Okay.

23 MR. JONES: Uh, so, and then he tendered it as soon as
24 he realized it.

1 THE COURT: Okay. Todd, do you wish to question the
2 Chief on that issue?

3 MR. REARDON: Yes, I do, Judge.

4 THE COURT: Okay. Chief Taylor if you would step
5 forward for me, please?

6 MR. TAYLOR: Yes, sir.

7 THE COURT: Good afternoon, sir.

8 MR. TAYLOR: Hello.

9 THE COURT: Swear or affirm your testimony is going to
10 be the truth?

11 MR. TAYLOR: Yes, sir.

12 THE COURT: Thank you. Have a seat.

13 DIRECT EXAMINATION OF JASON TAYLOR

14 BY MR. REARDON

15 MR. REARDON: Would you please state your full name for
16 the record?

17 MR. TAYLOR: Jason J. Taylor.

18 Q: And what's your occupation, sir?

19 A: Chief of Police, City of Mattoon.

20 Q: And for how long have you been so employed as the
21 Chief of Police of Mattoon?

22 A: Uh, about three years as Chief.

23 Q: Okay. And you -- before that you had been a police
24 officer 20-plus years?

1 A: 23 years.

2 Q: 23. You're aware of a subpoena being served on you

3 in this cause, correct?

4 A: Yes.

5 Q: And it required you to deliver certain information,

6 is that correct?

7 A: It did.

8 Q: May I approach, Judge?

9 THE COURT: You may.

10 MR. REARDON: And I will have for counsel a copy --

11 MS. MUDGE: This is everything --

12 MR. REARDON: On here plus something else. We're

13 recording both.

14 MS. MUDGE: This is for the subpoena compliance to

15 each matter?

16 MR. REARDON: Yeah.

17 MS. MUDGE: Okay. Thank you.

18 MR. REARDON: There's another - you'll save that disk

19 for two -- two cases for the --

20 MS. MUDGE: Okay.

21 MR. REARDON: Do you recognize that CD, sir?

22 A: I do.

23 Q: What is that CD?

24 A: That's a copy of the interview for Brianna Lee given

1 to me by Detective, Alex Hess.

2 Q: Okay. And he, according to the ink on here,
3 recorded that 8-24-20, is that correct?

4 A: I believe so.

5 Q: Okay. And then you received my subpoena and asked
6 to be it returned -- a copy of this if one existed?

7 A: I'm sorry. Yeah, he would have recorded that on the
8 24th I assume, yes.

9 Q: Okay. You don't know who wrote that you're assuming
10 Alex did?

11 A: I am assuming its Alex, yes.

12 Q: Okay. Have you reviewed this before you tendered it
13 to me?

14 A: No.

15 Q: Okay. Um, at whose request did you make this video
16 or audio recording?

17 A: Yours.

18 Q: The original recording. Why was he inter- -- why
19 was Brianna Lee interviewed by your office?

20 A: Uh, I think it was something to do with the former
21 prosecutor and basically my understanding of the matter was,
22 um, Mrs. Lee said that you and Mervin Wolfe tried to get her
23 to come in and sign an affidavit so you'd get money for her --

24 Q: Really?

1 A: And claimed that she was also sexually harassed by
2 Mr. Allen. That was the reason I was told she was
3 interviewed.

4 Q: Okay. At whose direction did she come to Mattoon
5 Police? How did -- how did she get sent there?

6 A: I have no idea how she ended up there. I wasn't
7 there.

8 Q: Okay. Did Mr. Danley ever contact your office about
9 interviewing people that had wrote affidavits in this case?

10 A: I've never spoken to Mr. Danley about interviewing
11 people in this case.

12 Q: Okay.

13 A: The first I learned of it -- the first I learned of
14 this interview was when you wanted it.

15 Q: Okay. So you weren't even aware as the Chief of
16 Police that your department --

17 A: Actually, I -- I -- I knew we interviewed somebody
18 regards to allegations against you and Mr. Wolfe, but that's
19 all I knew at that time.

20 Q: And have -- you haven't watched?

21 A: I haven't looked at it, no.

22 Q: Okay. Now would you agree with me that I have left
23 five messages at your secretary's office since the time has
24 passed on this?

1 A: No, not at all.

2 Q: Have you gotten any phone calls, please call Todd
3 Reardon?

4 A: No. I haven't got one phone call that says call
5 Todd Reardon. The first time I knew of it that you still
6 needed it was last Wednesday when you walked in the office.

7 Q: Okay. Would you agree with me on that day I showed
8 up and was told I had to return in an hour and a half?

9 A: I was serving a search warrant on a child molester's
10 house, yeah.

11 Q: I understand. I understand. We have our reason.
12 Would you agree that, uh, Ms. Chumbley has hired me privately?

13 A: I don't know the agreement between you two.

14 Q: Okay. Should she have to pay for her compliant --
15 your compliance with her subpoena?

16 MR. JONES: Judge, that's a -- that's a legal
17 question. That's not a --

18 THE COURT: I'll sustain the City's objection in that
19 regard. You can make that argument.

20 MR. REARDON: Um, would you agree with me it was not
21 complied with timely?

22 A: Correct.

23 Q: No one from your office ever filed this with the
24 Circuit Clerk, correct?

1 A: No, sir.

2 Q: And no attempt was made to file it with the Circuit
3 Court, correct?

4 A: Correct.

5 Q: And you would agree with me that you received a copy
6 of the Petition for Finding of Indirect Civil Contempt once I
7 filed it on the City's attorney?

8 A: I got it last week, yeah, the same day.

9 Q: Okay. And then I handed you a copy, correct?

10 A: Correct, yeah.

11 Q: But for that petition you didn't plan on turning
12 over this video, correct?

13 A: No. I had heard no more about it, correct.

14 Q: That would be the end of my inquiry, Judge.

15 THE COURT: Thank you. Ms. Mudge, do you wish to ask
16 the Chief any questions?

17 MS. MUDGE: No, sir.

18 THE COURT: As City attorney, do you wish to clarify
19 or question the Chief?

20 MR. JONES: Thank you, Your Honor. I would.

21 THE COURT: I know we lack space, but that should work
22 right there.

23 MR. JONES: That's good. Yeah.

24 MS. MUDGE: Do you want to sit up here?

1 MR. JONES: No. You don't have to move. You're fine.

2 MS. MUDGE: Really, I can.

3 CROSS EXAMINATION OF JASON TAYLOR

4 BY MR. JONES

5 MR. JONES: Uh, so, Chief, this -- this, uh, subpoena
6 was returnable September 14th is that correct, sir?

7 MR. TAYLOR: Yes, sir.

8 Q: And that was a Monday?

9 A: Correct.

10 Q: What did you do when you got this subpoena?

11 A: I, uh, got with the detectives, did we have an
12 interview with Brianna Lee? We did. I had them make a copy
13 of it. I gave a copy of the subpoena to Brian Johanpeter, our
14 IT person, had him search the e-mails for communications
15 between our office and Jesse Danley's that fit the nature
16 of the subpoena and we complied with it, uh, as soon as we
17 could.

18 Q: And by complying you compiled this --

19 A: Prepared the document -- prepared the interview.

20 Q: -- this -- the CD, correct?

21 A: Correct.

22 Q: And is there anything on that CD that is in
23 compliance with that Mr. Beardon asked for in his subpoena?

24 A: Yes, that's my understanding.

1 Q: Were you holding anything back?

2 A: No.

3 Q: Okay. Was it prepared and ready to go for the

4 September 14 hearing?

5 A: Oh, yes. Yes.

6 Q: Okay. So what happened then?

7 A: In my mind the hearing was Friday, the 11th, not the

8 14th. Uh, I threw on a suit, came over here on Friday, the

9 11th, went to Jennifer Schiavone's office, realized that the --

10 the folks from the State weren't here and that I am in the

11 wrong place and the wrong day. Um, that week there was an

12 emergency meeting through the CECOM. We had an emergency

13 meeting in CECOM with the board on Monday morning. The only

14 thing on my mind that weekend and Monday morning was that

15 emergency meeting at 10:45, 11:00, something like that.

16 Q: So the emergency meeting was the same day that the

17 subpoena was actually returnable?

18 A: Yes, sir.

19 Q: Okay. And so, uh, and without getting into it too

20 much, what was the nature of the emergency?

21 A: I knew I was going to have to fire a man that was

22 61-years-old and I didn't want to do it. It bothered me.

23 Q: And --

24 A: He didn't -- he didn't steal anything. He's not a

1 bad guy, but I knew I was going to have to present some facts
2 to the board and I knew what I had to do.

3 Q: So that was on your mind on the 14th?

4 A: On my mind all weekend and it was certainly on my
5 mind on Monday the 14th.

6 Q: And then on the 14th did -- did this particular
7 hearing just slip your mind?

8 A: Yes.

9 Q: Okay. Was there ever any intent on your part to
10 avoid a court hearing in this matter?

11 A: No.

12 Q: Was there ever any intent on your part not to
13 provide the information that had been requested in the
14 subpoena?

15 A: No.

16 Q: Okay. Always your intent to comply with the
17 subpoena?

18 A: Yes.

19 Q: After the hearing on the 14th then, uh, what did you
20 do with the CD?

21 A: I laid it on my desk on Friday the 11th, uh, on
22 Tuesday or Wednesday the following week I saw it sitting
23 there, realized I'd missed the hearing and I waited to hear
24 anything more. I didn't hear a peep until last Wednesday when

1 | you came to the office.

2 | Q: All right. Anyone contact you right after the --
3 | this hearing date on the 14th?

4 | A: No. I didn't get -- I didn't get any phone calls,
5 | no messages, nothing to call Todd Reardon, nothing.

6 | Q: Okay. The Petition for Indirect Civil Contempt has
7 | a filed-stamped date of September 23, 2020. Between the 14th
8 | and the 23rd of September did you hear anything from Mr.
9 | Reardon or anybody else?

10 | A: No, not at all.

11 | Q: Okay. After Mr. Reardon filed this Petition on
12 | September 23rd, did you get a copy of this in the mail?

13 | A: No.

14 | Q: The Petition?

15 | A: No.

16 | Q: All right. Did you get -- get a call from Mr.
17 | Reardon's office?

18 | A: No.

19 | Q: Did you get a call from anyone about this subpoena?

20 | A: Not -- not until last Wednesday when he walked in
21 | the door and wanted 500 bucks.

22 | Q: So between the time it was filed on September 23rd
23 | and the time he came by and gave you a copy on October 21st,
24 | you didn't hear anything about it?

1 A: No.

2 Q: Okay. What happened when he came by the office on
3 the 21st with it?

4 A: Um, I was on the phone with you because he'd already
5 served you a copy. You were explaining what he wanted. I
6 said, Dan, I've got it right here in the drawer; um, it was on
7 my desk for a month and I threw it in a drawer and never heard
8 anything more about it. He told me to give it to him. I
9 walked down. I gave it to him. I said, do you still want me
10 in court on Monday? He said, have Dan call me, he's the
11 City's attorney.

12 Q: So on the 21st you gave him the information he
13 requested?

14 A: Yes.

15 Q: Okay. If he had contacted you at any time between
16 September 23rd and October 21 would you have done the same
17 thing?

18 MR. TAYLOR: Oh yeah.

19 MR. REARDON: Objection. Calls for speculation, Judge.

20 THE COURT: Sustained. Next question please.

21 MR. JONES: Uh-huh. Was there ever any intent on your
22 part not to give this information to Mr. Reardon?

23 A: It was never my intent to not comply with the
24 subpoena, or the Court, or anyone.

1 Q: I don't have anything else then, Judge. Thank you.

2 THE COURT: Thank you. Mr. Reardon.

3 REDIRECT EXAMINATION OF JASON TAYLOR

4 BY MR. REARDON

5 MR. REARDON: Follow up. Um, Officer, or Dep., or Chief
6 Taylor, you're aware of Brady v. Marilyn principles?

7 MR. TAYLOR: No.

8 Q: You're not aware of that?

9 A: No.

10 Q: That's where your department can't hold back
11 exculpatory evidence.

12 A: Okay.

13 Q: Even without a subpoena does that case sound
14 familiar to you?

15 A: Yes.

16 Q: And have you not viewed this you don't -- you
17 haven't -- known whether it's, uh, Brady or not do you?

18 A: I do not.

19 Q: Okay.

20 A: I'm going to -- Alex Hess says that's the interview
21 you wanted and that's what you subpoenaed.

22 Q: And would you agree with me that your -- the
23 interview took place the 24th, the day after Brady Allen
24 supposedly resigned from --

1 MR. JONES: Judge, let me show an objection of
2 relevance here.

3 MR. REARDON: Completely relevance because its --

4 MR. JONES: This is not whether it complies with the
5 subpoena or not.

6 THE COURT: To his contempt?

7 MR. REARDON: Yes. Oh, yes. We believe it was hidden
8 for a reason, Judge.

9 THE COURT: Okay. Go ahead and ask the full
10 question and I'll, uh, consider it.

11 MR. REARDON: Would you agree with me, sir, that this
12 video was recorded the day after Brady Allen supposedly
13 resigned from the state's attorney's office?

14 MR. TAYLOR: I don't have one clue, iota, when Brady
15 Allen resigned from the state's attorney's office.

16 Q: Okay.

17 A: I don't have a clue when he left here.

18 Q: Okay.

19 A: That is -- he is not my problem.

20 Q: Do you read the newspaper? Do you read the
21 newspaper, sir?

22 A: I do not take the Journal Gazette, no.

23 Q: Okay.

24 A: I heard through the grapevine that he resigned.

1 Q: Did you realize he put out a press release?
2 A: No.
3 Q: And filed it in this case?
4 A: No.
5 THE COURT: When you say this case, you being the
6 Chumbley case or the Lee case?
7 MR. REARDON: The Chumbley case, Judge.
8 THE COURT: Okay.
9 MR. REARDON: That would be the end of my inquiry,
10 Judge.
11 THE COURT: Okay. Any clarification?
12 MR. JONES: No.
13 THE COURT: You may step down, sir.
14 MR. TAYLOR: Thank you, Judge.
15 THE COURT: Thank you. Any other, uh, evidence or
16 argument on behalf of, uh, Mr. Reardon's side?
17 MR. REARDON: Just briefly, Judge. Ms. Chumbley I think
18 we would, uh, submit that she's being charged an hourly fee
19 from my representation. If the Court wishes her to testify on
20 that minute matter we can. I don't want to questions to go
21 for appeal of that other than she's paying me hourly at this
22 state.
23 THE COURT: Okay.
24 MR. REARDON: We would stipulate that I -- she's

1 | privately retained.

2 | THE COURT: Any objection to me taking notice that Mr.
3 | Reardon has been privately hired for Ms. Chumbley in the event
4 | there's an attorney's fees award?

5 | MS. MUDGE: No, sir.

6 | THE COURT: Okay.

7 | UNIDENTIFIED PERSON: Your Honor.

8 | THE COURT: Argument.

9 | MR. REARDON: May it please the Court. We don't get to
10 | just put stuff in our desk and wait for people to call us
11 | back. That's what the subpoena is. It compels you to appear.
12 | It compels you. And the only way I got compliance was to
13 | waste my time and have to wait around an hour and a half to
14 | get it from him. My normal hourly rate is \$300, Your Honor,
15 | which is not an unreasonable sum for a person who has
16 | practiced 12, 23 years in this county. I think its right in
17 | line with Mr. Ferguson and other licensed members of the
18 | private bar. I think it's an affront to have a chief of
19 | police ignore subpoenas. There has to be a deterrence here,
20 | Judge, and the only way we can deter -- I don't want him to be
21 | held in criminal contempt. It isn't criminal what he did, but
22 | it is civil. It's, I ignored an order, so what? It's your
23 | job to keep following up with me. No, that's what the
24 | subpoena is, Judge. That is he's supposed to follow up with

1 me, not vice versa, and I would ask for a sanction amount of
2 \$600, Judge, two hours legal time.

3 THE COURT: Thank you, Mr. Reardon. Mr. Jones.

4 MR. JONES: Judge, may it please the Court and
5 counsel. I think it's important to note this was an honest
6 mistake. There's been no proof of any intent to deceive or
7 acknowledge that it's been withheld and when counsel says this
8 is the only way I could have handled it, that's just not
9 correct. He filed his Petition for Contempt on September 23rd
10 and then didn't do anything with it until a month later on
11 October 21 when he sent a copy to me and he sent a copy to
12 Chief Taylor and that's the first anybody ever heard of that.
13 He could have filed -- he could have sent a copy of the
14 petition to me. He could have sent it to Chief Taylor. Could
15 have sent it to anybody in the City, it would have been
16 resolved. Could have done anything other than send us -- give
17 us each a copy on Wednesday, the 21st, with a notice of hearing
18 on the 26th. Judge, this could have been handled much more
19 easily without the need for all of this, without the need of
20 Chief Taylor to be here, me to be here. It was an inadvertent
21 mistake. It could have been avoided. It's not contemptuous
22 in any way of this Court. Chief Taylor is the Chief of
23 Police, has been for three years, been on the force for 24
24 years. This was an honest mistake and it could have been

1 resolved easy.

2 THE COURT: Thank you, Mr. Jones. Mr. Reardon, last
3 word.

4 MR. REARDON: I'll have the last word. I notified Mr.
5 Jones of what I was going to do. Judge, to act like he's
6 affronted and shocked that I filed it, I told him, I said are
7 you representing the Chief when I am filing for contempt
8 against him for failure to answer a subpoena? You would think
9 his attorney would then call him and say, please turn over
10 that disk to Todd Reardon so he don't get on us, but he chose
11 not too and, so, until I filed my Petition for Contempt and
12 served it on him then I get compliance. Judge, sanctions are
13 appropriate, two hours time at the minimal.

14 THE COURT: Thank you, sir. Okay. Matter before the
15 Court this afternoon in this instance is the Petition for
16 Indirect Civil Contempt filed September 23rd on behalf of the
17 Defendant alleging that the Mattoon Chief of Police, Jason
18 Taylor, failed to timely comply with the subpoena. As I
19 review the court docket it appears the subpoena had been
20 issued returnable September 14th at 10:45 a.m. to the Coles
21 County Courthouse. The subpoena return was filed September
22 15th. On September 14th, the day that the subpoena was
23 returned, there was a brief court hearing just to establish
24 that the State was objecting to the Motion to Dismiss. There

1 was no mention of the subpoena to the Chief that day or any
2 non-compliance. Further, looking at the docket on September
3 23rd there is a Petition for Indirect Civil Contempt. On that
4 date this case had already been set for this day, October 26th.
5 Nonetheless, I don't see a notice of hearing on the Petition
6 for Contempt and I don't have complete information as to when
7 the Chief actually received the Petition for Indirect Civil
8 Contempt. Having heard the sworn testimony of the Chief, one,
9 the information now has been provided so there is no need to
10 otherwise compel him to -- as a sanction so to speak as we
11 would do with the, uh, finding of contempt; uh, but, two, in
12 paragraph 4 of the Petition alleges that the witness's refusal
13 to answer it's been willful and wanton and I do not find that
14 the evidence supports a willful and wanton non-compliance.
15 Um, I think the information with a few follow-up calls or
16 contact to the City attorney back on September 14th through the
17 23rd would have likely been produced, but I do not find the
18 evidence supports a finding that the Chief somehow was trying
19 to cover up or not produce this in a timely fashion. So the
20 Petition for Indirect Civil Contempt and the relief sought
21 thereafter is denied.

22 MR. REARDON: I would ask the Court briefly to listen to
23 the recording that morning of the September 14th because I did
24 address his non-compliance because the Sheriff's office was

1 here if you remember and didn't bring the disk of this
2 courthouse security and I said I don't know why Mattoon isn't
3 here.

4 THE COURT: I will do that. Okay.

5 MR. REARDON: So, I would ask the Court to do that.

6 THE COURT: Okay. Um, I will show today that I am
7 denying the Petition, but I will listen to it and at the next
8 hearing I will report to you if it does affect my judgment in
9 that regard. Okay?

10 MR. REARDON: Thank you, Judge.

11 THE COURT: Anything else for Chief Taylor or Mr.
12 Jones this afternoon or can they be excused?

13 MR. REARDON: Have a good day gentlemen.

14 MR. TAYLOR: Thank you.

15 MR. JONES: Thank you, Your Honor.

16 THE COURT: Thank you, gentlemen. All right. Then we
17 turn to the matter for the Motion to Dismiss based on
18 prosecutorial misconduct. In conjunction with that motion,
19 uh, Mr. Reardon had filed, uh, maybe issued subpoenas to Brady
20 Allen.

21 MR. REARDON: Uh-huh.

22 THE COURT: And Mr. Danley.

23 MR. REARDON: Correct.

24 THE COURT: As it concerns Brady Allen, he had filed

1 on October 22 at 5:43 p.m. a Motion to Quash, which I believe
2 you had not seen until I showed it to you at the bench, Todd?

3 MR. REARDON: Yeah. And -- and I -- I have no problem.
4 I don't want a sick person with today's health issues, but I
5 wish we would set a hearing, a date certain, where he has to
6 be present.

7 THE COURT: I agree with that. I, um, when I saw this
8 motion I in all of my cases if I have a Defendant call, say
9 they can't be here, given the COVID restrictions, I've been
10 giving them benefits of the doubt for the first one. If it's
11 something I think its -- they're just trying to avoid
12 appearing then I would require more medical excuse, etcetera;
13 um, with that being the case, Todd, it's your motion to
14 dismiss. You may have had a strategy that you were going to
15 call him first over other folks. Um, do you simply want a date
16 certain and, uh, do it all at that time or --

17 MR. REARDON: Yes.

18 THE COURT: Is that your preference?

19 MR. REARDON: Yes, and I --

20 THE COURT: As opposed to piecemealing?

21 MR. REARDON: Correct.

22 THE COURT: Okay. What's the special prosecutor's
23 position on Mr. Allen's absence and the suggested way of
24 appearing?

1 MS. MUDGE: Um, I do not have any comment on Mr.
2 Allen's absence. I got his, um, Motion to Continue Friday
3 afternoon as -- as you did, Judge. Um, as far as another
4 setting I am here on November 23rd or December 21st. Mr.
5 Reardon wants to pick another date I can make myself available
6 as well.

7 THE COURT: Okay.

8 MR. REARDON: Um --

9 THE COURT: Afternoon of the 23rd is open for me just
10 to throw that out there, Todd.

11 MR. REARDON: I have matters out-of-county the
12 afternoon. I've got the early morning I can be in Coles, but
13 I don't know what her.

14 THE COURT: I have Mattoon OV's over at Burgess that
15 morning so that kind of, uh, takes that out of it for me.
16 What else do you suggest?

17 MR. REARDON: Are you in any county near here between
18 those two dates?

19 MS. MUDGE: What about the 30th? I could -- I could
20 make the 30th work, November the.

21 THE COURT: I'm wide open the 30th for some reason.

22 MS. MUDGE: So am I.

23 MR. REARDON: Let me take one moment.

24 MS. MUDGE: Is it a holiday?

1 THE COURT: It's the first Monday after Thanksgiving,
2 so.
3 MS. MUDGE: Oh.
4 MR. REARDON: You Honor I have matters in Cumberland
5 County, but if my son, who's present, can you cover Cumberland
6 for me that day?
7 MR. REARDON, JR.: Yeah.
8 THE COURT: Okay.
9 MR. REARDON: Then we'll -- we'll do November 30th.
10 THE COURT: What -- what time would we like to do?
11 You've got 11's in felony court probably so we'll avoid that
12 hour. Do you want to 1:30, 1:00?
13 MS. MUDGE: Or we can do 10 a.m.
14 MR. REARDON: I can do 9 a.m. Or you got --
15 THE COURT: Let's do 9:30 so that way it doesn't run
16 into Judge Glenn's call more likely than not.
17 MR. REARDON: Okay.
18 THE COURT: Is that okay?
19 MR. REARDON: Absolutely.
20 THE COURT: All right. So Ms. Chumbley your case is
21 reset to November 30th at 9:30, um, I will show that the
22 subpoenas are continued to that date. Mr. Reardon, if you
23 would endeavor to give notice to any of the subpoenaed
24 witnesses that you would intend to, uh, examine that day,

1 please.

2 MR. REARDON: I think Mr. Danley should be present right
3 now. He's still under a subpoena and he's got a motion to
4 quash.

5 THE COURT: Yeah.

6 MR. REARDON: It's his motion. It's not their motion.

7 THE COURT: Okay.

8 MR. REARDON: I think he gets confused about that.

9 THE COURT: What is your request there? Clerk to
10 notice him or?

11 MR. REARDON: A rule -- a rule -- a rule to show cause.

12 THE COURT: A rule to show cause.

13 MR. REARDON: Why he ain't here today.

14 THE COURT: If you wish to prepare a Rule to Show
15 Cause I will sign on that returnable for November 30th as he
16 has not yet been resolved of that -- absolved of that
17 subpoena. So I think your request is appropriate in that
18 regard.

19 MR. REARDON: Thank you, Judge.

20 THE COURT: Okay. Um, anything else for you on the
21 Chumbley matter, Todd?

22 MR. REARDON: Not at this time.

23 THE COURT: Would you step up on one I missed last
24 week with you?

1 MR. REARDON: Sure.

2 THE COURT: And then I think I have maybe one other
3 one with you Ms. Mudge. Okay.

4 MS. MUDGE: Yes, Your Honor.

5 MR. REARDON: Is it involving me?

6 THE COURT: It's Brianna Lee, which is another special
7 prosecutor case and it's just tracking on the same day; um,
8 but I think she's pro se if I recall.

9 MR. REARDON: I definitely think she should be entitled
10 to this video that the Mattoon Police turned over to me
11 because it is Brady, Judge, clear Brady. I don't know the
12 status of Ms. Lee's cases. She's not my client, but advising
13 the State they now have the video.

14 THE COURT: Um, at the beginning of the hearing, Todd,
15 you provided to special prosecutor a flash drive.

16 MR. REARDON: Uh-huh.

17 THE COURT: I assume it had, if I heard you right, the
18 MPD's response.

19 MR. REARDON: Yes.

20 THE COURT: And other information that's been cited in
21 the motions.

22 MR. REARDON: And audio recording of Mr. Brady admitting
23 --

24 THE COURT: Which was the transcript, uh, that

1 attached to your motion?

2 MR. REARDON: Yes. Yeah.

3 THE COURT: Okay. Anything else for you this
4 afternoon on Chumbley?

5 MS. MUDGE: No, sir.

6 THE COURT: Okay.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22


23

24

C E R T I F I C A T E

I, Joda Shick, Court Specialist in and for the County of
Coles, State of Illinois, do hereby certify that the foregoing
to be a true and accurate transcript of the digital recorded
proceedings had in the before-entitled cause on said day.

Dated this 30th day of October, 2020.


Joda Shick
Court Specialist

Joda Shick
Court Specialist