

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 2023-CF-59
)
KATHLEEN AGNEY,)
)
Defendant.)

PRELIMINARY HEARING

REPORT OF PROCEEDINGS of the hearing before CIRCUIT
JUDGE AMANDA ADE-HARLOW on the 7th day of June, 2023.

APPEARANCES:

MR. ROBERT T. HANLON,
State's Attorney of Shelby County, and
MS. DENISE M. AMBROZIAK,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. THOMAS O. FINKS,
Attorney at Law,
with the Defendant.

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THE COURT: All right. Now I have 23-CF-59, People versus Kathleen Agney.

MR. FINKS: Good morning, Your Honor.

THE COURT: Good morning. She is present with Mr. Finks. State is present. Cause is set for preliminary hearing. Status of preliminary hearing, Mr. Finks?

MR. FINKS: We are prepared to proceed, Your Honor. Thank you.

THE COURT: State ready to proceed?

MR. HANLON: Yes, Your Honor.

THE COURT: State, call your first witness.

MR. HANLON: The State calls Quincy Woods.

THE COURT: Sir, if you'll step forward, please. Can you raise your right hand for me?

(Witness sworn.)

QUINCY WOOD

called as a witness on behalf of the People, being first duly sworn, was examined and testified as follows:

THE COURT: Thank you. Please come around here, watch your step up. Have a seat in the chair. And as long as you can keep your voice up, you probably don't

1 need to adjust the microphone.

2 Your witness, State.

3 MR. HANLON: Yes.

4 DIRECT EXAMINATION

5 BY MR. HANLON:

6 Q. I can tell by your uniform that you're
7 employed in law enforcement. Would you please just
8 state your name for the record and what your title is,
9 and the organization that you work for.

10 A. Quincy Wood. Sergeant deputy for Shelby
11 County Sheriff's Office.

12 Q. And how long have you been employed in law
13 enforcement?

14 A. Approximately 11 years.

15 Q. And as a sergeant, do you also have a
16 supervisory role?

17 A. Yes.

18 Q. I'd like to draw your attention to April 4th,
19 2022. Were you dispatched to the Stewardson Fire
20 Department?

21 A. Yes.

22 Q. Who, if anyone, did you meet on April 4th,
23 2022?

24 A. I met with three gentlemen still attached to

1 the Stewardson Fire Department.

2 Q. And what were you informed at the time you
3 arrived?

4 A. I was notified about a suspected theft.

5 Q. Okay. And what was the nature of the
6 suspected theft?

7 A. A large amount of equipment and other items.

8 Q. When you say "other items," could you be more
9 specific?

10 A. Stuff associated with the fire department.

11 Q. And you had more than one occasion to meet and
12 discuss issues associated with this investigation, is
13 that correct?

14 A. Yes.

15 Q. Okay. And at any point in time, did you learn
16 of any charges for unleaded gasoline at the -- or
17 related to the Stewardson Fire Department?

18 A. Yes.

19 Q. And what kind of equipment does the Stewardson
20 Fire Department have relative to the use of unleaded
21 gasoline?

22 A. They informed me it was a generator -- or a --
23 an item on the back of the brush truck.

24 Q. Okay. Anything else?

1 Isn't it true they had a lawn mower?

2 A. I don't know if they have one on -- on hand.

3 Q. Okay. The brush truck generator, do you know
4 what the capacity of the -- for using unleaded fuel is?
5 A couple gallons, is that correct?

6 A. I can't say for sure. It's small.

7 Q. Okay.

8 MR. HANLON: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 MR. HANLON: Your Honor, I have a series of
12 exhibits I'm going to ask the witness about. I have a
13 copy for the Court and a copy for defense counsel.

14 My second copy was a copy for witnesses.
15 Total of 10 exhibits.

16 THE COURT: Do you need them?

17 MR. HANLON: Yes, Judge. My apologies.

18 May I approach the witness?

19 THE COURT: You may.

20 MR. HANLON: I'm handing the witness a index of
21 exhibits -- Exhibits 1 through 10 -- and I tendered a
22 copy to counsel.

23 Q. As part of your -- the sheriff department's
24 investigation, there was a series of charges that were

1 made using some kind of credit card machine. Are you
2 familiar with the credit card machine itself?

3 A. Yes.

4 Q. Okay. And until I ask you questions about the
5 exhibits, just bear with me for a minute. Okay?

6 Can you describe the machine that was used to
7 facilitate these particular charges?

8 A. They initially handwrite, like, on a carbon
9 copy. And then use the -- whichever -- like, if they
10 have the credit card on file, they use that on the
11 machine where it's stamped.

12 Q. So there's a -- those old fashion credit card
13 charge slips that where it goes back and forth, and a
14 plastic card is inserted underneath it and makes an
15 impression on the paper; is that correct?

16 A. Yes.

17 Q. Okay. And these slips are inserted and that
18 zip-zap process works, correct?

19 A. Yes.

20 Q. Okay. And part of that identifies -- so if
21 you look at Exhibit Number 1, you see there's three
22 charge slips that are present there.

23 A. Yes.

24 Q. I'd like you to look at the very top one. Do

1 you see that?

2 A. Yes.

3 Q. Okay. And do you see where it says -- about
4 midway down in the left hand side, just past the
5 perforation -- it says Knapp Mart Citgo. Do you see
6 that?

7 A. Yes.

8 Q. And then right underneath that it says
9 Route 32 at Stewardson. Do you see that?

10 A. Yes.

11 Q. Okay. And is there a Knapp Oil facility in
12 Stewardson, Illinois?

13 A. Yes.

14 Q. Okay. Was there on March 23, 2019?

15 A. Yes.

16 Q. Okay. Do you see there's a impression where
17 it says date in the center of the exhibit? Do you see
18 that?

19 A. Yes.

20 Q. Okay. And that number is 03-23-19, correct?

21 A. Yes.

22 Q. And that means March 23, 2019, correct?

23 A. Yes.

24 Q. Okay. And with respect to that document,

1 there's also a signature where it says customer
2 signature, and then it says K. Agney. Do you see that?

3 A. Yes.

4 Q. Okay. And do you know who that person is?

5 A. Yes.

6 Q. And who is that person?

7 A. Kathleen Agney.

8 Q. And is she sitting here in the courtroom?

9 A. Yes.

10 Q. And would you identify her, please.

11 A. Yes. Sitting in front of me in the flowered
12 shirt.

13 MR. HANLON: May the Court reflect that the witness
14 has identified the defendant as Kathleen Agney as the
15 entry appears in Exhibit Number 1?

16 THE COURT: The Court will so reflect.

17 Q. [By Mr. Hanlon] With respect to -- I would
18 like you to take a look at Exhibit Number 2.

19 You'll see a little asterisk next to the slip
20 that I'm looking at.

21 And it has a date code in the center of it of
22 3-28-19. Do you see that exhibit?

23 A. Yes.

24 Q. Is that also stamped with Route 32 and

1 Stewardson on that zip-zap impression?

2 A. Yes.

3 Q. Okay. And likewise on Exhibit Number 3. The
4 first document is 03-30-19. Do you see that?

5 A. Yes.

6 Q. Okay. And then on that there's also a
7 signature of Kathleen Agney, is that correct?

8 A. Yes.

9 Q. And it reflects a purchase of 16.67 gallons of
10 unleaded fuel, correct?

11 A. Yes.

12 Q. I'd like you to look at Exhibit Number 4. And
13 you'll see five different slips on Exhibit Number 4,
14 and I'm referring to the one in the lower left hand
15 corner. Do you see that?

16 A. Yes.

17 Q. And that bears with it the same impression
18 stamp of Route 32 in Stewardson, is that correct?

19 A. Yes.

20 Q. Okay. As this one is for another purchase of
21 18.52 gallons, correct?

22 A. Yes.

23 Q. Okay. And it says 87 NL, meaning 87 octane
24 nonleaded; correct?

1 A. Yes.

2 Q. And that document is also signed by Kathleen
3 Agney, correct?

4 A. Yes.

5 Q. I'd like you to take a look at Exhibit
6 Number 5.

7 In Exhibit Number 5, it's the image that is to
8 the upper right hand corner.

9 Do you see that image?

10 A. Yes.

11 Q. That image has that same impression mark of
12 Route 32 in Stewardson. Do you see that?

13 A. Yes.

14 Q. And that's for 17.86 gallons for unleaded, is
15 that correct?

16 A. Yes.

17 Q. And it -- each of these charges that I've
18 asked you about -- all the way up to this one -- also
19 include the Stewardson Fire and Ambulance top. Do you
20 see that?

21 A. Yes.

22 Q. In Exhibit Number 6, which is the second image
23 down on the right hand side, it is dated 05-19-19. Do
24 you see that?

1 A. Yes.

2 Q. Okay. And it has the same impression for
3 Route 32 in Stewardson, is that correct?

4 A. Yes.

5 Q. And also for unleaded gasoline, correct?

6 A. Yes.

7 Q. And it is also signed by Kathleen Agney,
8 correct?

9 A. Yes.

10 Q. With respect to Exhibit Number 7. This is for
11 one that's dated May 23, 2019. Do you see that?

12 A. Yes.

13 Q. And that's for another 18.56 of unleaded
14 gasoline, as well as signed by Kathleen Agney?

15 A. Yes.

16 Q. And I'd like to direct your attention to
17 Exhibit Number 8. And if you could look at the center
18 document.

19 Do you see where it says on 6-17-2019,
20 Kathleen Agney signed for 19.238 gallons?

21 A. Yes.

22 Q. And it says MABAS as an additional note. Do
23 you see that?

24 A. Yes.

1 Q. And also within that document and each of
2 these documents, they all reflect the Stewardson Fire
3 and Ambulance at the top. Do you see that?

4 A. Yes.

5 Q. I'd like to draw your attention to Exhibit
6 Number 9.

7 And Exhibit Number 9 is signed by Kathleen
8 Agney, correct?

9 A. Yes.

10 Q. And it's dated June 24, 2019, correct?

11 A. Yes.

12 Q. It's also for the purchase of another set of
13 gasoline chargeable to the Stewardson Fire and
14 Ambulance, correct?

15 A. Yes.

16 Q. I'd also like to direct your attention to
17 Exhibit Number 10. Do you see Exhibit Number 10?

18 A. Yes.

19 Q. And have you had a chance to compare the
20 signature of Kathleen Agney in Exhibit Number 10 to the
21 other signatures that are reflected in Exhibits 1
22 through 9?

23 A. Yes.

24 Q. And by yes, you'd had a chance to compare

1 them; correct?

2 A. Correct.

3 Q. And they give the appearance of being the same
4 signature of Kathleen Agney's last name, correct?

5 A. Yes.

6 Q. I forgot to ask you a couple of questions
7 about the exhibits, in particular, the dates of each
8 exhibit. So Exhibit Number 1 is dated on March 23,
9 2019, is that correct?

10 A. Yes.

11 Q. And Exhibit Number 2 is dated on March 28th of
12 2019, correct?

13 A. Yes.

14 Q. And Exhibit Number 3 is dated March 30th of
15 2019, correct?

16 A. Yes.

17 Q. And Exhibit Number 4 is dated on April 2nd of
18 2019, correct?

19 A. Yes.

20 Q. And Exhibit Number 5 is dated April 29th of
21 2019, correct?

22 A. Yes.

23 Q. And Exhibit Number 6 is dated May 19th of
24 2019, correct?

1 A. Yes.

2 Q. And Exhibit Number 7 is May 23rd of 2019,
3 correct?

4 A. Yes.

5 Q. And Exhibit Number 8 is June 17th of 2019,
6 correct?

7 A. Yes.

8 Q. And Exhibit Number 9 is June 24th of 2019,
9 correct?

10 A. Yes.

11 Q. And each of those Exhibits 1 through 9 would
12 have been executed in the Stewardson facility, is that
13 correct?

14 A. Yes.

15 Q. And we know that because the machine records
16 the location and the date, correct?

17 A. Correct.

18 Q. And the Knapp Oil facility that these were
19 created at, they're in Shelby County, Illinois?

20 A. Yes, sir.

21 Q. Had you done any investigation to ascertain
22 whether or not Kathleen Agney had any authority to sign
23 each of those documents?

24 A. No.

1 Q. You did not?

2 A. Correct.

3 MR. HANLON: I have no more questions for this
4 particular witness.

5 THE COURT: Thank you. Mr. Finks?

6 MR. FINKS: Thank you, Judge.

7 CROSS EXAMINATION

8 BY MR. FINKS:

9 Q. What -- pursuant to people who first contacted
10 you with their complaint, who were they by name?

11 A. What were their names?

12 Q. Yes.

13 A. Ronald Blythe, John Beldon, and Ervin Mueller.

14 Q. Okay. And you went there, and then you must
15 have received these documents from them?

16 A. I didn't initially receive the gas receipts,
17 no.

18 Q. Okay. How did you get copies of the gas
19 receipts?

20 A. I did not receive them.

21 Q. Oh. So you -- this would be the first time
22 you've seen them?

23 A. No.

24 Q. When did you first see the gas receipts?

1 A. I did see a few of them the first day.

2 Q. Okay. Did you take them as possible evidence?

3 A. No.

4 Q. Why not?

5 A. Because at the time, they were more concerned
6 about -- they explained thousands of dollars of missing
7 equipment.

8 Q. Which you agree has nothing to do with my
9 client, correct?

10 A. Correct.

11 Q. Okay. Just wanted to clarify.

12 Now to be fair, each exhibit you've mentioned,
13 you've indicated that there appears the words or
14 initials K. Agney. Would that be true?

15 A. Yes.

16 Q. Okay. Now to be completely fair and honest
17 and completely forthcoming, there's other information
18 in that same box on these exhibits; correct?

19 A. Yes.

20 Q. All right. Do you see on several of the
21 exhibits the letters TLA?

22 A. Yes.

23 Q. Did you investigate what that was?

24 A. No.

1 Q. Do you know, sitting there today, what that
2 is?

3 A. I can only make assumptions.

4 Q. Okay. Who did you -- regarding the complaint
5 made, who did you interview as part of the
6 investigation?

7 A. Her husband, Troy Agney.

8 Q. Okay. And, TLA, does that match the name Troy
9 L. Agney?

10 A. Yes.

11 Q. Okay. And was he the police -- I'm sorry --
12 the fire department chief during this period of time?

13 A. I don't know how long his -- his entire time
14 was, but at some point, yes, he was chief.

15 Q. Okay. And so as you sit there today, I
16 believe you candidly said that you have no information
17 to suggest that my client had no authority to sign
18 those credit card slips. Would that be correct?

19 A. I don't know if she had.

20 Q. That's my point.

21 A. Right.

22 Q. You don't have any information suggesting that
23 she didn't have authority?

24 A. Correct.

1 Q. Okay. And Troy L. Agney is her husband, is
2 that right?

3 A. Yes.

4 Q. Okay. Now you don't purport, I suppose, to be
5 a handwriting analysis expert?

6 A. No.

7 Q. Other than talking to the people who
8 complained and to Troy L. Agney, what other
9 investigation did you do, sir?

10 A. That's the majority of what I've done with
11 this investigation.

12 Q. Okay. And, in fact, that's everything you've
13 done in this investigation to date.

14 A. Yes.

15 Q. All right. You have not -- therefore, I think
16 it's fair to say, you have not interviewed any of the
17 members of the fire protection district board of
18 trustees who were in place during these months in 2019,
19 would that be correct?

20 A. Yes.

21 Q. Okay. Are you -- have you gathered any other
22 records or documents or other materials from the fire
23 protection district regarding this matter, other than
24 the credit card slips you have testified hereto?

1 A. No. Only -- this -- nothing pertaining to the
2 gasoline.

3 Q. Okay.

4 Sir, you mentioned you spoke to Troy Agney; is
5 that correct?

6 A. Yes.

7 Q. And I believe your interview with him was
8 concerning these other allegations regarding equipment,
9 isn't that correct?

10 A. Yes.

11 Q. Okay. The monies that are represented by the
12 exhibits, all of those monies were paid to the proper
13 convenience store service station; correct?

14 A. Yes.

15 Q. Do you know what the claims analysis or claims
16 presentation procedure was for the board of trustees
17 for that period in the spring of 2019?

18 A. No.

19 Q. So as far as -- as far as you know, the board
20 of trustees reviewed monthly claims and bills and paid
21 these.

22 A. Yes.

23 Q. This particular credit card slip is a standard
24 pre-printed slip provided by the service station,

1 correct?

2 A. Yes.

3 Q. And they do all of the entries on the credit
4 card slip, other than having someone sign; correct?

5 A. Yes.

6 Q. Are there any -- is there any video or
7 eyewitnesses that watched my client sign any of those
8 credit card slips that you've testified to?

9 A. I didn't gather any.

10 Q. Okay. So, to your knowledge, there isn't any?

11 A. Correct.

12 Q. And would you agree with me that anyone can
13 sign anyone else's name and it might not necessarily be
14 that person?

15 A. Yes.

16 Q. Okay. And that's not an uncommon event in
17 life, would you agree?

18 A. Yeah.

19 Q. Okay. Have you attempted to interview my
20 client about these allegations?

21 A. I have not.

22 Q. So just to summarize then. Your investigation
23 started with the call from these individuals
24 complaining of a possible -- I believe you said the

1 word was theft, right?

2 A. Yes.

3 Q. Okay. And you visited them -- or you met with
4 them on more than one occasion.

5 A. Yes.

6 Q. I assume they provided you these credit card
7 slips or did you get them from some other source?

8 A. No, they did. Like, so they -- they showed me
9 a couple. And then I believe it ended up being the
10 undersheriff, at a later time, collected these samples.

11 Q. And did he get them directly from those
12 individuals?

13 A. I don't know who he got them from.

14 Q. Okay. Or from the fire protection district
15 versus the service station?

16 A. I can't answer that.

17 Q. Okay. And then once you collected those, that
18 was -- I don't want to be unfair -- but once you
19 collected those, you interviewed Troy Agney, but it was
20 about a different matter; correct?

21 A. Right. I didn't collect these.

22 Q. Oh, but your department did?

23 A. Yes. Unknown -- I don't know when.

24 Q. Okay. Your department collected these credit

1 card tickets. And as far as your investigation is
2 concerned, that was the end of your investigation?

3 A. Yes.

4 Q. Okay.

5 MR. FINKS: Judge, I don't think I have any further
6 questions for today's hearing. Thank you.

7 THE COURT: Thank you. Mr. Hanlon?

8 MR. HANLON: Quickly.

9 REDIRECT EXAMINATION

10 BY MR. HANLON:

11 Q. With respect to the slips identified in
12 Exhibits 1 through 9, are those capable of defrauding
13 another?

14 MR. FINKS: Objection. That's a -- that's a legal
15 conclusion.

16 THE COURT: Sustained.

17 Q. [By Mr. Hanlon] With respect to the slips --
18 strike that.

19 With respect to those particular slips, the
20 process was this clerk zips it through the machine and
21 prepares the form, and then the person standing before
22 them signs it; correct?

23 A. Yes.

24 Q. And that person standing before them signs with

1 the appearance of authority, correct?

2 A. Yes.

3 Q. And was Kathleen Agney, the defendant in this
4 case, ever employed by the Stewardson Fire Department?

5 A. I don't know.

6 Q. Do you have anything that would lead you to
7 believe that she was not?

8 A. No.

9 MR. HANLON: I have no further questions for the
10 witness.

11 THE COURT: Thank you. You may step down.

12 (Witness excused.)

13 THE COURT: Next witness.

14 MR. HANLON: We'll call Sheriff Brian McReynolds,
15 please.

16 THE COURT: Can you raise your right hand for me?

17 (Witness sworn.)

18 BRIAN McREYNOLDS

19 called as a witness on behalf of the People, being
20 first duly sworn, was examined and testified as
21 follows:

22 THE COURT: Thank you. You may have a seat. Watch
23 your step as you step up.

24 Your witness.

1 DIRECT EXAMINATION

2 BY MR. HANLON:

3 Q. Sheriff, to be clear, you're the sheriff of
4 Shelby County, Illinois; is that correct?

5 A. That's correct.

6 Q. And, Deputy Woods, he is employed by you; is
7 that correct?

8 A. That is correct.

9 Q. So with respect to -- excuse me.

10 MR. HANLON: I'm sorry. Judge, just for clarity
11 for the record, could the witness state their name and
12 title for the record?

13 THE WITNESS: Brian McReynolds, Sheriff for Shelby
14 County.

15 Q. Thank you. There's a series of exhibits that
16 are before you. Would you kindly look at Exhibits 1
17 through 10, please.

18 A. Yes.

19 MR. FINKS: I'm sorry, Judge. Did he say 10?

20 THE COURT: (Nodding.)

21 MR. FINKS: Thank you.

22 THE COURT: I'm sorry. For the record, yes. I
23 just nodded my head.

24 A. I have reviewed those.

1 Q. And are Exhibits 1 through 9 documents that
2 were collected by the sheriff's department?

3 A. Yes. These were obtained by Undersheriff Dave
4 Pruitt, who was involved in the investigation at that
5 time.

6 Q. And with respect to those documents, Exhibits
7 1 through 9, can you tell me who provided those to the
8 sheriff's department?

9 A. That would have been Fire Chief Ron Bly from
10 the Stewardson Fire Department.

11 Q. Are you familiar with the process that is used
12 to obtain gas through that charging process?

13 A. Yes, I am.

14 Q. So unlike a -- an electronic card, there's an
15 account that the Stewardson Fire Department had with
16 the Knapp Oil Company; correct?

17 A. Correct.

18 Q. And at the time that these particular slips
19 were put through, there wasn't any kind of electronic
20 verification on them; correct?

21 A. Correct. It was a manual machine.

22 Q. A manual machine. And at the point in time
23 that these charges were created, Kathleen Agney was not
24 a fireman at the Stewardson Fire Department; correct?

1 A. According to Chief Ron Bly, no.

2 Q. Thank you. And you learned that as part of
3 your investigation, correct?

4 A. Correct.

5 Q. Okay. And you also obtained the minutes of
6 various meetings as part of the sheriff's department's
7 investigation, correct?

8 A. Undersheriff Pruitt did, yes.

9 Q. Okay. But the sheriff's department has those
10 minutes; and in those minutes there's nothing that
11 reflects that Ms. Agney, the defendant in this case,
12 was ever authorized to charge gasoline for the
13 Stewardson Fire Department; correct?

14 A. Not that I'm aware of.

15 Q. With respect to your discussions with Mr. Bly,
16 did he ever articulate that Kathleen Agney had no
17 authority to charge gasoline per the fire department?

18 A. His words to me were not that he was aware of.

19 Q. So there's no documents that reflect that
20 authority?

21 A. Correct, no --

22 Q. And no one knows of her having any authority,
23 correct?

24 A. Correct.

1 Q. That was a unit of government, the fire
2 protection district; correct?

3 A. Correct.

4 Q. With respect to Exhibits 1 through 9, they
5 purport to be charges to the Stewardson Fire and
6 Ambulance District; correct?

7 A. Correct.

8 Q. And that's what makes these documents false,
9 is that correct?

10 A. Correct.

11 Q. And who was obligated to pay for that gasoline
12 as a material element of that document, correct?

13 A. The Stewardson Fire and Ambulance District
14 would ultimately pay the bill.

15 Q. So the answer would be correct.

16 A. Correct.

17 Q. Have you had an opportunity to compare the
18 last name signature Agney that is shown on People's
19 Exhibit Number 10 to Exhibits 1 through 9?

20 A. I have.

21 Q. And what is your lay opinion with respect to
22 that?

23 A. Again, I'm not a handwriting expert, but just
24 from my opinion, they appear to be the same

1 handwriting.

2 Q. And on or about September 7th of 2022, was
3 Troy Agney interviewed by the sheriff's department?

4 A. I would have to look at the case notes of what
5 date that was, but I believe that probably would -- I
6 know both Sergeant Wood talked to him at some point and
7 Undersheriff Dave Pruitt had also spoken to him.

8 Q. And I'm particularly interested in the -- the
9 information that was obtained from Mr. Agney with
10 respect to the charges for K. Agney that's shown on
11 Exhibits 1 through 9. And did Mr. Troy Agney
12 articulate whose signatures those were?

13 A. I would have to look at the case notes because
14 I was not involved.

15 Q. Is -- if I presented to you the original
16 report before your supplement to it, would that refresh
17 your recollection?

18 A. It would.

19 MR. HANLON: May I approach the witness, Your
20 Honor?

21 THE COURT: Any objection?

22 MR. FINKS: No.

23 THE COURT: You may.

24 Q. [By Mr. Hanlon] For the purpose of refreshing

1 your recollection, would you kindly look at that
2 document?

3 I believe it's towards the bottom of either
4 page 8 or page 9.

5 A. Okay. I've located that.

6 Q. And so the signatures that there was a
7 discussion which Troy Agney was asked about these
8 various charges for gasoline, is that correct?

9 A. Yes.

10 Q. Okay. Without absolutely reading the
11 report -- it's important that you not read it, but just
12 to testify about it -- did Mr. Agney -- Troy Agney --
13 did he identify whose signature it was on those other
14 ones that were under K. Agney?

15 Let me rephrase the question. Isn't it true
16 that he articulated that K. Agney was his wife?

17 A. That is correct.

18 Q. Thank you.

19 MR. HANLON: May I retrieve the exhibit?

20 THE COURT: You may.

21 Q. [By Mr. Hanlon] So this process of how these
22 -- this charge takes place. Once that signature is on
23 there and they leave the facility -- the Knapp Oil
24 location there in Stewardson -- they have possession of

1 the gasoline; correct?

2 A. Correct.

3 Q. So at that point in time, if the -- strike
4 that.

5 Is it false to say that the charges shown on
6 Exhibits 1 through 9 were those of the Stewardson Fire
7 Department?

8 Isn't that correct?

9 A. They appear to be, yes. They were marked at
10 the top as Stewardson Fire and Ambulance.

11 Q. Right. So they're -- and, in fact, those
12 charges allowed the defendant to leave with that
13 gasoline; correct?

14 A. Correct.

15 Q. And in your investigation, did anything ever
16 come to light that she did not actually leave with that
17 gasoline?

18 MR. FINKS: I'm sorry, I didn't hear that question.
19 Didn't actually what?

20 Q. [By Mr. Hanlon] Did not actually leave with
21 that gasoline from the gas station.

22 A. No. We have no information to believe that
23 the gasoline would have remained at the gas station,
24 no.

1 Q. Does -- it's charged by pumping it out,
2 correct?

3 A. Correct.

4 Q. And it has to go into something, right?

5 A. Correct.

6 Q. And it has to go into something that took
7 unleaded fuel --

8 A. Right --

9 Q. Right? And was sufficient in size based upon
10 the gallons that were set forth in the slips, correct?

11 A. Correct.

12 Q. So with respect to the slips, let's just take
13 a look real quick at Exhibit Number 1. Do you have
14 Exhibit Number 1 in front of you?

15 A. Yes, I do.

16 Q. Okay. So the first slip is for \$50 at a price
17 of \$2.52 a gallon, right?

18 A. Correct.

19 Q. So if I do my math right, that's something,
20 like, in excess of 20 gallons of gasoline; correct?

21 A. I would agree with that.

22 Q. And so if we look at Exhibit Number 2, which
23 is the center slip dated 3-28-2019. Do you see that?

24 A. Yes, I do.

1 Q. Okay. And it shows that it's purchasing
2 another \$50 even of gasoline, being 18.52 gallons at
3 \$2.69.9 cents per gallon. Do you see that?

4 A. Yes, I do.

5 Q. And then Exhibit Number 3, they have another
6 16.6 gallons of unleaded gasoline; correct?

7 A. Correct.

8 Q. And that's for a total of \$45 even, correct?

9 A. Correct.

10 Q. Then on Exhibit Number 4, there's another
11 18-plus gallons of unleaded gasoline; correct?

12 A. Yes, there is.

13 Q. And Exhibit Number 5, there's another 17.86
14 gallons of unleaded gasoline; correct?

15 A. Correct.

16 Q. And in Exhibit Number 6, there's another 18
17 gallons of unleaded gasoline; correct?

18 A. Correct.

19 Q. And in Exhibit Number 7, there's another 18.56
20 gallons of unleaded gasoline; correct?

21 A. Correct.

22 Q. And in Exhibit Number 8, in the center of the
23 page, there's another 19.238 gallons of unleaded
24 gasoline; correct?

1 A. Correct.

2 Q. And Exhibit Number 9 -- the exhibit at the top
3 of the page -- June 24, 2019, for \$50. It shows 20.8
4 gallons of unleaded gasoline; is that correct?

5 A. Correct.

6 Q. And on each of these slips, there's little
7 boxes to check no -- no lead. Do you see that?

8 A. I do.

9 Q. And on each of these exhibits, they're marked
10 as no lead; correct?

11 A. Correct.

12 Q. And in your investigation, did you come to
13 learn what kind of fuel the fire department's trucks
14 take at the Stewardson Fire Department?

15 A. Chief Bly advised that all of their
16 apparatuses, all of their vehicles are diesel.

17 Q. They're all diesel?

18 A. Correct.

19 Q. And with respect to -- they have a generator,
20 right?

21 A. Correct.

22 Q. And they have one other small piece of
23 equipment, correct?

24 A. I believe a lawn mower for the fire

1 department.

2 Q. Okay. And -- so a lawn mower and a generator.
3 And each of those would have a capacity of less than
4 five gallons, correct?

5 A. I believe they're both small tanks, yes.

6 Q. And these charges came to light after they had
7 been paid by the Stewardson Fire Department, correct?

8 A. That is correct.

9 MR. HANLON: One moment, Your Honor.

10 Nothing else for the witness, Your Honor.

11 THE COURT: Mr. Finks?

12 MR. FINKS: Thank you.

13 CROSS EXAMINATION

14 BY MR. FINKS:

15 Q. The testimony regarding the interview of Troy
16 Agney and in reference to her -- Kathleen Agney's
17 signature. Was Troy Agney shown the various credit
18 card slips that are the subject of this case to see
19 what he thought about those signatures?

20 A. I'm unable to answer that question.

21 Q. When was he interviewed -- when was he
22 interviewed in the testimony you gave earlier?

23 A. I'd have to refer to the report. I believe it
24 was April of '22, it seems like, if I recall.

1 Q. Was he interviewed and asked -- well, let me
2 back up.

3 A. Okay.

4 Q. Those credit card slips, they contained other
5 entries in the box for a signature such as TLA;
6 correct?

7 A. Some of those do, correct.

8 Q. Yeah. And what is TLA?

9 A. And, again, I -- I can only assume it's
10 initials.

11 Q. For whom?

12 A. I assume -- I don't know what Troy's middle
13 initial is, but I --

14 MR. HANLON: Objection. Calls for speculation,
15 Judge.

16 THE COURT: Overruled.

17 Q. [By Mr. Finks] Please answer. Who are those
18 for?

19 A. And I can only assume they would be Troy
20 Agney's initials, but I don't know that for a fact.
21 Yeah.

22 Q. Okay. And was Troy Agney the chief of that
23 fire district department during these relevant times we
24 talked about?

1 A. He was.

2 Q. All right. The -- what minutes or committee
3 or board minutes have you reviewed, you mentioned
4 earlier?

5 A. There's some that were attached to the
6 original report that Dave Pruitt had obtained or tried
7 to obtain some of the minutes from the board.

8 Q. Do you know what the dates of those minutes
9 were or the dates of the meetings?

10 A. I do not.

11 Q. Okay. Now the board of trustees in 2019, were
12 any of them interviewed?

13 MR. HANLON: Objection. Beyond the scope, Judge.

14 THE WITNESS: Yeah, I don't know.

15 THE COURT: Overruled.

16 Q. [By Mr. Finks] Were any of the 2019 board of
17 trustees interviewed to see if they had given any
18 authority?

19 A. I'd have to refer to Dave Pruitt's
20 supplemental report, but not that I'm aware of.

21 Q. Okay. Were any of the members of the actual
22 fire department personnel in the spring of 2019, were
23 they interviewed in the investigation to see what they
24 knew about the authority for others to make charges

1 within the department? Others, either the chief or
2 themselves or close family?

3 A. I cannot answer that.

4 Q. Okay. And, of course, four years and two
5 months later, I assume it's fair to say we do not have
6 any store video that would have captured these
7 transactions.

8 A. Correct.

9 Q. Was -- were any of the store personnel who
10 would have been on duty when these transactions were
11 made, were any of them interviewed?

12 A. I don't believe so; but, again, I'm --

13 Q. Okay. And is it fair to say that on these
14 various credit card slips, there's no indication of
15 what vehicle or vehicle ID or plate number was involved
16 in the transaction? Is that fair to say?

17 A. There is not. That information is not
18 contained within there.

19 Q. Okay.

20 Pardon me if I asked this a minute ago and I
21 apologize. In the interview of Troy Agney, was he
22 interviewed about giving authority to his wife to make
23 transactions that might be for the benefit of the
24 department?

1 MR. HANLON: Objection. Calls for a legal
2 conclusion.

3 THE COURT: Actually, Mr. Finks, can you say that
4 question again?

5 MR. FINKS: Sure. I was asking whether Troy Agney
6 was ever interviewed to ask whether he, as the chief,
7 or other personnel of the department had given
8 authority on any of these transactions to Kathleen
9 Agney -- to Kathleen Agney to make these transactions.

10 THE COURT: Objection is overruled. He can answer
11 if he knows.

12 A. I do not know the answer to that question.

13 Q. Okay. Are you familiar with the phrase
14 M-A-B-S, possibly referring to a mutual aid?

15 A. I am. MABAS.

16 Q. MABAS. Okay. And what is the full title of
17 that M-A-B-S?

18 A. Mutual Aid Box Alarm System.

19 Q. Okay. Now in addition to some of the
20 transactions having TLA -- per TLA would absolutely be
21 accurate. I believe they say per TLA in the box where
22 there's also the initial K and the last name Agney.

23 A. I don't know if I can see. It says per, but I
24 can --

1 Q. It's a photo copy, a little hard to read.

2 A. Right. Right.

3 Q. It looks that way.

4 A. It could be, yeah.

5 Q. And in the other boxes does -- in some of the
6 other boxes, does the phrase M-A-B-S refer?

7 A. It does. In some of them.

8 Q. Okay. And there is -- do you happen to know
9 at this point in time, was there a mutual aid agreement
10 between the Stewardson/Strasburg Fire Department and
11 other departments?

12 A. I believe there was. I actually talked to
13 MABAS about these dates.

14 Q. Okay. Are you -- in your investigation, did
15 you become acquainted with the procedure used by the
16 board of trustees in the spring of 2019 for the review
17 and approval of claims?

18 A. No, I was not.

19 Q. Okay. So it's fair to say -- we have no
20 evidence to suggest that the 2019 board of trustees --
21 we have nothing to suggest that they did not approve or
22 that they were not aware of these transactions. Do we
23 have anything to suggest that they were not aware of
24 these transactions?

1 A. I have nothing on that, no.

2 Q. Okay. And so we have nothing to show --
3 strike that.

4 So it's possible that these tickets would have
5 been sent by the store to the board for their monthly
6 meeting for approval by the board. Would that be the
7 normal procedure?

8 A. What I was informed by, again, current Chief
9 Bly, is that a carbon copy gets taken by the fire
10 department personnel back to the department. And at
11 the end of the month, a monthly billing will also come
12 in where those would be reconciled together.

13 Q. Okay. And the monthly billing from the
14 company might very well have another copy of that.

15 A. It could, yeah.

16 Q. And so what we do know is the 2019 board of
17 trustees -- assuming fairly that they reviewed
18 claims --

19 MR. HANLON: Objection. Assumes facts not in
20 evidence.

21 THE COURT: Finish your question.

22 Q. [By Mr. Finks] The 2019 board of trustees did
23 pay these claims, correct?

24 MR. HANLON: Objection. No foundation, Judge.

1 MR. FINKS: It's a preliminary hearing.

2 THE COURT: Overruled.

3 Q. [By Mr. Finks] These transactions were paid by
4 the 2019 board of trustees.

5 A. To the best of my knowledge.

6 MR. FINKS: Nothing further, Judge. Thank you.

7 THE COURT: Back to you, Mr. Hanlon.

8 REDIRECT EXAMINATION

9 BY MR. HANLON:

10 Q. With respect to the review by the Stewardson
11 Fire Department Board of Trustees -- do you know who
12 I'm talking about when I say that?

13 A. I don't know who they are.

14 Q. The fire and ambulance service?

15 A. Sure.

16 Q. The people who -- so with respect to -- you
17 don't know if their process was simply to add up the --
18 the account and pay it, or if each and every individual
19 charge was being looked at; correct?

20 A. Correct. I do not know the process.

21 Q. And you had an opportunity to look at the
22 detail of the minutes of the various meetings that were
23 in connection with a lot of these charges, is that
24 correct?

1 A. I had saw them that -- when Undersheriff
2 Pruitt attached some of them.

3 Q. And would scant be an appropriate term to
4 describe those minutes?

5 A. Yes.

6 MR. HANLON: No further questions, Judge.

7 THE COURT: Thank you. You may step down.

8 (Witness excused.)

9 THE COURT: Next witness.

10 MR. HANLON: No more witnesses, Your Honor.

11 THE COURT: Argument.

12 MR. HANLON: Your Honor, the statute calls for --
13 sets forth that criminal forgery is a person who
14 commits forgery with the intent to defraud when he or
15 she, (a), knowingly makes a false document; or that --
16 and that it is -- or that it is capable of defrauding
17 another. In this particular case, the defendant was
18 clearly identified to sign these documents. They had
19 the appearance of and were capable of defrauding
20 another because they were charged -- charges to the
21 Stewardson Fire Department for unleaded gasoline, which
22 wouldn't benefit any of the equipment owned or used by
23 the Stewardson Fire Department.

24 The -- there are no records showing that the

1 defendant had any authority to act on behalf of the
2 unit of government. Units of government have to act
3 through the processes. In the absence of any authority
4 being documented, there is no authority. By which --
5 I'm sorry. That the person obtained property, which is
6 under subsection (c) of the code.

7 And in this case it's clearly shown that the
8 defendant has obtained property; i.e. the gasoline --
9 unleaded gasoline that was pumped at the time of the
10 purchases. And that the term "document" meets the
11 statutory definition as including, quote, any record in
12 this particular case.

13 And that for the purposes of section of false
14 document is defined as a document that is false that
15 includes, but not limited to, a document whose contents
16 are false in some material way. We heard from the
17 witness testimony that the documents were false because
18 they identified the obligor was the Stewardson Fire
19 Department as -- or, I'm sorry -- Stewardson Fire and
20 Ambulance. And that because they were false in that
21 way, and they -- and that meets the definition. But,
22 moreover, it meets the definition because they purport
23 to be made by the defendant under the authority that
24 the defendant did not have. Sufficient evidence,

1 meaning the standards for a preliminary hearing, to
2 move forward with the charges.

3 THE COURT: Mr. Finks.

4 MR. FINKS: Thank you, Judge.

5 Judge, as the Court is well aware, the State
6 has to present some evidence on every element of the
7 crime. What we know here right now is that this is not
8 a false document. It's the document it purports to be.
9 She didn't modify it, she didn't draft it, she didn't
10 create it. It's not a false document. Now they may
11 claim that somehow she doesn't have authority, but the
12 problem is the testimony here actually establishes that
13 it's a much greater likelihood that she did have
14 authority. They didn't even ask the right people about
15 whether she had authority to do this.

16 Number two, we don't even know if it was
17 Kathleen Agney. K. Agney. Well, okay. As we well
18 know, that could be anybody. And there's very -- these
19 folks are looking for forgery everywhere they can find
20 it, in every document they can, and so they ought to
21 understand that someone who puts K. Agney on something
22 may not in fact be K. Agney. Troy Agney wasn't shown
23 the slips to make the match --

24 MR. HANLON: Objection. Assumes facts not in

1 evidence. That's not what the witness testified to.

2 THE COURT: Time-out. It's his argument.

3 Thank you for your objection. It's overruled.
4 Go ahead.

5 MR. FINKS: There's no testimony to suggest that he
6 got -- was shown the slips that are the subject of this
7 and that he matched the signature. And most telling,
8 TLA is on these slips. The evidence is actually more
9 likely that she had the authority of her husband, the
10 chief, to make a purchase. And there's no evidence to
11 suggest that the purchase wasn't for something
12 appropriate or that it wasn't some reimbursement to her
13 for volunteer work done by her. They've got to
14 establish at this preliminary hearing some reason to
15 believe that, number one, someone was defrauded. Well,
16 the claims process -- we may fairly assume, or at least
17 there's no evidence to the contrary and it's their
18 burden -- the claims process was followed. They paid
19 the claims. The store was paid. And the board of
20 trustees of 2019 paid the claim. Everything on the
21 surface appears normal and appropriate. And they don't
22 have anything to suggest that it was somehow a personal
23 benefit that she was not otherwise entitled to. Had
24 they asked Troy L. Agney, Did you give the authority as

1 police -- or as fire chief to your wife to make the
2 purchase? And if he had said, yes, and then had he
3 explained -- been given the chance to explain that, we
4 might not even have to be here because it may very well
5 have been because she had done volunteer work. As the
6 Court is well aware in these rural areas, these rural
7 boards, trustees, fire departments are all volunteer
8 and you can't find enough volunteers. And we operate
9 under the authority to say to another person, "Go do
10 this for us." If I'm on a little league board and I
11 need some baseballs and I can't go sign the slip, I
12 could send my cohort to Ace Hardware, buy a box of
13 balls and tell them to sign per TOF. And nothing about
14 any of these transactions raises the specter that
15 they're trying to make from this. And so I think in
16 terms of a false document, no. Someone defrauded? No
17 evidence of that. Did they ask the right people of
18 2019, who might have knowledge about this? No. Did
19 they do anything other than collect the slips and
20 collect some records? And the answer appears to be no.
21 So they may have their suspicions. And if they can do
22 further investigation to show that Ms. Agney -- if
23 there's in fact evidence that it's Kathleen Agney, my
24 client here and not just someone putting K. Agney -- if

1 they can show that she pocketed that gasoline in her
2 car and did not have a valid purpose then maybe they'd
3 have a case for theft. I think that's at least
4 possible, but they've got much more to do. And so it's
5 not our burden to make that case for them. But we just
6 think it's unjust to have my client continue to have to
7 suffer under this prosecution and now have to face a
8 jury trial when it's clear that on the face of what
9 we've been presented here today, we at most have a --
10 some more questions to be asked to clarify what was
11 done and why. And maybe they've got enough for an
12 internal policy change with the board of trustees of
13 the fire protection district so that there is a greater
14 and more precise trail and documentation justification
15 so that not everybody in every volunteer department
16 isn't subject to this kind of prosecution simply
17 because they didn't do -- they, meaning the
18 investigators and the prosecution -- didn't do enough
19 to establish that there's a reasonable belief of fraud
20 or criminal activity. So we ask Your Honor that a
21 finding of no probable cause be made today. I thought
22 it was most telling when one of the witnesses said he
23 had no evidence that there was no authority. And we
24 didn't ask the right people whether they had authority

1 or not -- or she had authority or not. Again, if they
2 want to investigate further and bring it back as a
3 possible theft because she got this -- she got the
4 money, but she converted it into something -- or got
5 the gas and converted to her personal use, it was not
6 compensation for her volunteer work, then maybe there's
7 a case to be had. Thank you, Judge.

8 THE COURT: Last word, Mr. Hanlon.

9 MR. HANLON: Yes, Judge. My learned colleague
10 co-mingles a couple of concepts. Volunteer and being
11 paid. Volunteer and receiving goods. Noticeably the
12 timing between several of these purchases were no more
13 than two days apart. For instance in Exhibit Number 2,
14 the date is March 28, 2019. The next purchase is
15 March 30th of 2019. The next purchase is April 2nd of
16 2019. Those are each two days apart.

17 The charging to any forgery -- I'm sorry --
18 any forgery entails the deception. My learned
19 colleague seeks to advance what is in essence a
20 defense, which is different than the standard which is
21 applicable in today's proceeding. He suggests that we
22 place on a full and complete trial. Rather, and we're
23 here to demonstrate that we, you know, meet the
24 standard for preliminary hearing. In the standard for

1 preliminary hearing, we've established that the
2 document was false because it's charged unleaded
3 gasoline to a fire protection district. The fire
4 protection district owns no unleaded vehicles with the
5 exception of two small volume -- a generator and a lawn
6 mower -- both of which could have not have the capacity
7 of what was pumped into these different vehicles at the
8 time. That demonstrates that the Stewardson Fire
9 Department did not receive the benefit of that
10 gasoline. That -- that the defendant who was asked
11 without objection who signed the names on these various
12 capacities, and each one was Kathleen Agney. And so if
13 you look at the definition underneath the statute for
14 what constitutes a false document, it talks about the
15 capability of defrauding another. Well, in this
16 particular case, the defrauding actually occurred
17 because the Stewardson Fire Department paid for
18 unleaded gasoline that it didn't receive the benefit
19 of, and therefore it meets the definition of a false
20 document in that context. It also meets the definition
21 of a false document because it purports to have the
22 authority of Kathleen Agney. Now, interesting, my
23 learned colleague points to initials of TLA in
24 connection with that. He wants the Court to take

1 belief that somehow that means that Troy Agney had the
2 capability of authorizing the defendant in making those
3 purchases, but Dillon's Rule makes it clear that the
4 authority to someone is vested, you know, within the
5 statutes for the position. There's nothing that allows
6 a chief of the fire protection district to delegate and
7 to grant authority unilaterally to go, you know,
8 purchase things and place gasoline in their own
9 vehicles. And so that's another thing that makes the
10 absence of authority applicable in this particular case
11 because the records that are available to the sheriff's
12 department -- those minutes that were asked of
13 Mr. Woods and the Sheriff McReynolds -- were that you
14 have some scant minutes. Nothing authorizing the
15 defendant in writing in a proper motion before a public
16 body.

17 The State doesn't have to exhaust every
18 defense that my learned colleague wishes to dream up.
19 Rather we have met the standard; we've shown each of
20 the elements in its application to the charges that are
21 present in this case, Judge. Thank you.

22 MR. FINKS: Your Honor, may I ask for one sentence?

23 MR. HANLON: I'd object, Judge.

24 THE COURT: I'll allow it.

1 MR. FINKS: If they'd interviewed Troy Agney or the
2 2019 board of trustees on the issue of authority, we
3 would have a different matter. If she got authority
4 from either one of those sources.

5 THE COURT: There's the one sentence, Mr. Finks.

6 MR. FINKS: That was two, you're right. If she got
7 authority from either one then she's an innocent --

8 MR. HANLON: Objection.

9 THE COURT: The Court has considered the testimony
10 of the witnesses presented. The Court has also had an
11 opportunity -- I guess you're moving to admit these
12 exhibits?

13 MR. HANLON: Yes, Your Honor.

14 THE COURT: Exhibits 1 through 10. Any objection
15 for purposes of preliminary hearing, Mr. Finks?

16 MR. FINKS: No, Your Honor.

17 THE COURT: Exhibits 1 through 10 will be admitted
18 without objection. Are those different than those --

19 MR. HANLON: No, they're all the same, Judge --

20 THE COURT: -- that the witness went over?

21 MR. HANLON: Yes.

22 THE COURT: All right. The index is just the
23 demonstrative, but it can go with it.

24 I've had an opportunity to review those and

1 took notes carefully as they were testified to.

2 The definition -- well, I've also had an
3 opportunity to review 720 ILCS 5/17-3 subsection (a)
4 with its subparts, subsection (b) is blank, subsection
5 (c), and subsection (c-5) containing definition.

6 This Court's also had an opportunity to review
7 issues in forgery cases as contained within the
8 Illinois Pattern Criminal Jury Instructions.

9 Based on that review and the information
10 contained or provided by witness testimony and
11 contained within the exhibit, the Court finds that
12 there is no probable cause as to all nine counts. Case
13 dismissed.

14 MR. FINKS: I believe that's all I have, Judge.
15 Thank you.

16 (End of proceedings.)

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IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, Jaclyn K. Getz, CSR#084004781, an Official Court Reporter for the Circuit Court of Shelby County, Fourth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed the same by Computer Aided Transcription, which I hereby certify to be a true and accurate transcript of the proceedings had before Circuit Judge Amanda Ade-Harlow.



Official Court Reporter

DATED this 23rd day of June, 2023.