

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

THE PEOPLE OF THE
STATE OF ILLINOIS,
Plaintiff,

vs.

Case No. 2025CF416

DALTON SMITH,
Defendant.

RESPONSE TO MOTION TO QUASH

NOW COMES, the Defendant, DALTON SMITH, by and through his attorney, TODD M. REARDON, and states as follows:

1. That Defendant has reason to believe the officer involved in the investigation of Defendant in this matter has relevant, disciplinary records that Defendant is entitled to under both *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), and *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), as "[t]hese decisions establish that a defendant is deprived of his constitutional right to due process of law where the prosecution fails to turn over material impeachment evidence to the defense." *People v. Olinger*, 680 N.E.2d 321, 176 Ill.2d 326, 223 Ill.Dec. 588 (Ill. 1997), 601.
2. That Defendant is already aware of disciplinary records relating to an Anthony J. Roley while employed at an Arcola IL Police Department wherein Anthony J. Roley was reprimanded or expected to be reprimanded for:
 - a) concealing, attempting to conceal, removing or destroying defective or incompetent work;
 - b) the falsification of any work related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document;
 - c) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation;
 - d) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures;
 - e) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
 - f) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members;

- g) Any failure or refusal of an employee to properly perform the function and duties of an assigned position; and
- h) Giving false or misleading statements or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(See, Assignment to Administrative Leave and Possible Termination Letter, hereinafter referred to as Exhibit A)

3. That City of Mattoon's basis for Motion to Quash primarily relies on paragraph seven (7) of said Motion, which states: "The document, although styled as a Subpoena Duces Tecum, is actually an improper attempt to conduct discovery"

4. That a Subpoena Duces Tecum is not a discovery tool, but rather a judicial compulsory process protected by the Sixth Amendment of the US Constitution.

5. That "[t]o ensure that justice is done, it is imperative to the function of courts that compulsory process be available for the production of evidence needed either by the prosecution or by the defense." (*United States v. Nixon* (1974), 418 U.S. 683, 709, 94 S.Ct. 3090, 3108, 41 L.Ed.2d.

6. That "[t]he right of an accused to have compulsory process for obtaining witnesses in his favor stands on no lesser footing than the other Sixth Amendment rights that we have previously held applicable to the States." *Washington v. Texas*, 388 U.S. 14, 18 (1967)

7. "This guarantee encompasses the production of documentary evidence by Subpoenas duces tecum." *People ex rel. Fisher v. Carey*, 396 N.E.2d 17, 77 Ill.2d 259, 32 Ill.Dec. 904 (Ill. 1979), 907

8. "The constitutional origin of the subpoena in the sixth amendment and the antiquity of the use of subpoenas. . . persuade us that its use is not dependent upon our discovery rules." *People ex rel. Fisher v. Carey*, 396 N.E.2d 17, 77 Ill.2d 259, 32 Ill.Dec. 904 (Ill. 1979), 266

9. That Defendant is compelling records necessary and pursuant to Defendant's Sixth Amendment Right in securing evidence for Defendant's defense.

10. That non-disclosure of these records would be a violation of Defendant's due process as "the prosecution must disclose evidence that is favorable to the accused and material either to guilt or to punishment. . . [and that] Impeachment evidence may be considered material to guilt." *People v. Harris*, 794 N.E.2d 181, 206 Ill.2d 293, 276 Ill.Dec. 286 (Ill. 2002), 193 (internal citations omitted)

11. That a subpoena duces tecum was also issued to an Arcola Illinois Police Department. (See, subpoena issued to Arcola Police Department, hereinafter referred to as Exhibit B)

12. That in response to this subpoena, Nick Suding of Arcola Illinois Police Department advised that agents of Mattoon Illinois Police Department had also previously sought disciplinary records of Anthony Roley prior to or during the process of hiring said officer. (See, email by Nick Suding, hereinafter referred to as Exhibit C)

13. That the credibility of Anthony Roley is highly relevant in Defendant's case which is further bolstered by the Mattoon Police Department's own investigation for similar records in deciding to hire Anthony Roley.

14. That to date, the Coles County State's Attorney's Office has never turned over Anthony Roley's prior disciplinary records from his employment at Arcola Illinois Police Department.

15. That a Motion for Discovery was filed on behalf of the Defendant on August 11, 2025, suggestive that the Coles County State's Attorney's Office has either not received disciplinary records from Mattoon Illinois Police Department or is not turning these documents over.

Wherefore, The Defendant prays that this Honorable Court will deny the City of Mattoon's Motion to Quash and Strike Subpoena Duces Tecum.

Respectfully submitted,

DALTON SMITH

By: /s/ Todd M. Reardon

Todd M. Reardon, Attorney for the Defendant

Todd M. Reardon #6330701
518 Sixth Street
Charleston, IL 61920
(217) 345-5291
(217) 348-5291
todd.reardon@outlook.com

EXHIBIT A

City of Arcola

114 N. Locust Street
P.O. Box 215

Arcola, Illinois 61910

 COPY

Phone: (217) 268-4966
Fax: (217) 268-4968

January 11, 2023

AJ Roley
via hand delivery



RE: Assignment to Administrative Leave and Possible Termination

Dear Mr. Roley:

The Chief of Police has made a determination that you are placed on administrative leave with pay effective immediately.

The Chairman of the Police Committee has made a preliminary determination that you violated Police Department regulations, including, but not limited to:

340.3.5 PERFORMANCE

- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (i) The falsification of any work related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.



 COPY

(ad) Giving false or misleading statements or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

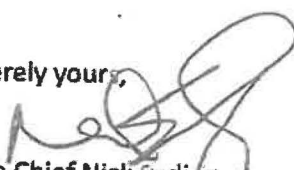
The Police Committee of the City of Arcola will meet next Monday night, January 16, 2023 at 6:30 PM and will likely make a recommendation to the City Council that your employment with the City of Arcola police department be terminated at the Council meeting being held at 7:00 PM, following the Police Committee meeting on January 16, 2023.

Please let me know if you would prefer to have your employment end in your resignation rather than a termination.

At this time, you are to take no other actions as a City employee. You will receive payment through at least January 16, 2023.

During your leave, please return any City property, equipment, or keys to your department as soon as possible.

Sincerely yours,


Police Chief Nick Spading

 1/11/23
Chairman of the Police Committee, Mark Smith

City Administrator, Bill Wagoner 

EXHIBIT B

**IN THE COURT OF THE FIFTH JUDICIAL CIRCUIT
COLES COUNTY, ILLINOIS**

THE PEOPLE OF THE STATE
OF ILLINOIS,
Plaintiff,

vs.

NO. 2025CF416

Dalton Smith,
Defendant.

**SUBPOENA DUCES TECUM
(Records Only)**

To: Custodian of Records
Mattoon Police Department
1710 Wabash Ave, Mattoon, IL 61938

YOU ARE COMMANDED TO come to Court at 2:00 p. m. on the 13th day of November, 2025, at the COLES COUNTY Courthouse, 651 Jackson Avenue, Charleston, Illinois, in Courtroom 1 on behalf of the Defendant, Dalton Smith, AND BRING THE FOLLOWING DOCUMENTS:

1. All records, reports, memoranda, notes or other tangible documentation of the hiring, background check, or other investigatory actions related to the employment of an Anthony J. Roley.
2. All records, reports, memoranda, notes or other tangible documentation of the prior employment of Anthony J. Roley with the Arcola Illinois Police Department.

FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA MAY
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

YOU MAY DELIVER ALL RECORDS CALLED FOR IN THIS SUBPOENA ON OR BEFORE 2:00 p. m. on the 13th day of November, 2025 to: the Coles County Circuit Court Clerk, located at 651 Jackson Avenue, Charleston IL 61920, FOR WHICH YOUR APPEARANCE SHALL BE EXCUSED.

Witness, October 31, 2025
Todd M. Reardon, Attorney at Law
/s/Todd M. Reardon

Todd Reardon #6238998
Attorney for the Defendant
518 Sixth Street, Charleston, Illinois
217-345-5291
217-348-5291 (fax)
toddmreardon@yahoo.com

EXHIBIT C

Re: Subpoena Duces Tecum

From: Nick Suding (nsuding@arcolaillinois.org)

To: toddmreardon@yahoo.com

Date: Thursday, November 13, 2025 at 09:54 AM CST

Mr. Reardon,

Sorry for the late response to the second subpoena. I did not see it and have been out of the office with a family death. Mattoon PD did not request anything be sent to them. They came here with a records release form and viewed the items I sent in the previous subpoena. I do not have anything further to send. I will be out of the office the rest of the week, but should return on Monday.

From: Todd Reardon <toddmreardon@yahoo.com>

Sent: Friday, October 31, 2025 3:16 PM

To: Nick Suding <nsuding@arcolaillinois.org>

Subject: Re: Subpoena Duces Tecum

On Monday, October 20, 2025 at 02:36:02 PM CDT, Nick Suding <nsuding@arcolaillinois.org> wrote:

Todd,

I was looking over this subpoena. It shows a date of 10/25/25, which is a Saturday. Just thought I would let you know.

From: Todd Reardon <toddmreardon@yahoo.com>

Sent: Friday, October 10, 2025 2:36 PM

To: Nick Suding <nsuding@arcolaillinois.org>

Subject: Subpoena Duces Tecum