

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

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2025-CF-416
	)	
DALTON SMITH,	)	
	)	
Defendant.	)	

MOTION TO QUASH

NOW COMES the CITY OF MATTOON, ILLINOIS, an Illinois Municipal Corporation (hereinafter the "CITY"), by and through its City Attorney, DANIEL C. JONES, of SMITH, PAPPAS, & JONES, LTD., and for its MOTION TO QUASH the SUBPOENA DUCES TECUM delivered to the Mattoon Police Department on November 3, 2025, states as follows:

1. On November 3, 2025, the City of Mattoon Police Department received a document prepared by Defendant's Attorney, Todd Reardon. Said document appears to have been filed with this Court on October 31, 2025, and is incorporated herein by reference.
2. Said document is not directed to any specifically named person, but is entitled "SUBOENA DUCES TECUM," and is directed to "Mattoon Police Department, Attn: Records Custodian."
3. Said document tells the Records Custodian, "YOU ARE COMMANDED TO produce at the Coles County Courthouse, Charleston, Illinois, on November 13, 2025, at 2:00 p.m." and produce certain documents relating to the Mattoon Police Officer who investigated this case.

4. Per judici.com, there is a hearing in this matter set before the Court on November 13, 2025, at 2:00 p.m. “The document is untimely in that it was delivered to the police department less than two weeks prior to the return date. Such a request is patently unreasonable in itself, and this subpoena should be quashed for this reason alone.”

5. The fact that the document is directed to the Records Custodian, and not to a specific officer, indicates that no Officer’s testimony is necessary for any hearing on November 13, 2025, and that the true purpose of this document is to conduct discovery and secure the production of documents. This conclusion is further bolstered by the fact that other Subpoena Duces Tecum was issued the same date, along with a Motion for Discovery.

6. The document, although styled as a Subpoena Duces Tecum, is actually an improper attempt to conduct discovery, and should be quashed.

7. “The documents requested, if any are in possession of the Mattoon Police Department, are totally irrelevant to the case at bar. Defendant has not filed any documents or affidavits showing any such relevance to this case. No testimony has been offered to the court demonstrating any such relevance. This motion should be quashed.”

8. Finally, even if this document is found not to be an improper attempt to conduct discovery, this document fails to meet the requirements of a proper Subpoena Duces Tecum. The Illinois Supreme Court established the criteria necessary to justify a pre-trial subpoena in *People vs. Carey*. Such requirements are:

(1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general “fishing expedition.”

People vs. Carey, 77 Ill.2d at 269, 396 N.E.2d at 21; quoting *United States v. Nixon*, 418 U.S. 683, 699-700 (1974).

9. Here, the Defendant cannot show that any of the *Nixon* factors are present, particularly the second factor – that the documents are not otherwise procurable reasonably in advance of trial by the exercise of due diligence, or the fourth factor – that the application is not intended as a “fishing expedition.” There has been no showing that the documents sought from the Mattoon Police Department, are relevant.

10. The Subpoena at issue is nothing more than an attempt to avoid the Supreme Court Rules, and conduct discovery. It also fails to meet the requirements of a proper Subpoena Duces Tecum. As such, the Subpoena should be quashed.

WHEREFORE, the CITY OF MATTOON, ILLINOIS, an Illinois Municipal Corporation, requests this Court for an Order which:

A. Quashes the aforesaid Subpoena Duces Tecum delivered to the City of Mattoon Police Department in this Cause, and;

B. Grants the CITY and its officers, agents, and representatives such other, further, and different relief as may be equitable and just in the circumstances.

DATED this 7th day of November, 2025.

Respectfully Submitted,

CITY OF MATTOON, ILLINOIS,
A Municipal Corporation,

By: /s/ DANIEL C. JONES #6216310

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CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and says that he electronically filed this document with the Clerk at <https://illinois.tylerhost.net/ofsw eb e-filing system> and sent this document, via email transmission, to all parties, or their attorneys, on the 7th day of November, 2025:

TO: Mr. Todd M. Reardon
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/s/ Daniel C. Jones