

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff(s),

Case No.: 11CF454

FILED
IN OPEN COURT

AUG 29 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

VS.
Jack Cullough
Defendant(s).

The Defendant is required to be present at all Court appearances.

DEFENDANT PRESENT

Yes

No

JUDGE <i>Haddock 42</i>	COURT REPORTER	STATE'S ATTY. <i>Scarce</i>
DEPUTY CLERK	COPY OF THIS ORDER MAILED TO:	DEPT'S ATTY. <i>Marshall</i>

ORDER FOR CONTINUANCE

This matter coming on to be heard, and the Court finding that it has jurisdiction of the parties, and being fully advised in the premises;

IT IS THEREFORE ORDERED that the above-entitled cause be and hereby is continued until 9/4/12 at 9:00 A.M. Said continuance being on the motion of:

By Agreement Court Defendant State

and that bail has been set in this matter in the amount of \$ 3,000.00 @ 10% and that on the above-captioned date this cause shall be set down for the purposes of:

- | | |
|--|--|
| <input type="checkbox"/> Plea | <input type="checkbox"/> Jury Trial at _____ M on _____ |
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Petition Hearing on DUI |
| <input type="checkbox"/> Preliminary Hearing | <input type="checkbox"/> Petition to Revoke |
| <input type="checkbox"/> Status Review | <input type="checkbox"/> Disposition |
| <input type="checkbox"/> Pre-trial | <input type="checkbox"/> Sentencing |
| <input type="checkbox"/> Hearing on Motions | <input type="checkbox"/> Payment |
| <input type="checkbox"/> Bench Trial | <input checked="" type="checkbox"/> Other <u>Argument and filing</u> |

before the Honorable Judge:

Kurt P. Klein Robbin J. Stuckert Thomas L. Doherty William P. Brady Ronald G. Matekatis
 Other 204

in the Courtroom usually occupied by him/her at:

- DeKalb Municipal Building, 200 South 4th Street, DeKalb, Illinois.
 Sandwich Council Chambers, 128 East Railroad Street, Sandwich, Illinois.
 DeKalb County Courthouse, 133 West State Street, Sycamore, Illinois.

IT IS FURTHER ORDERED that _____

Marshall
DeKalb County State's Attorney

Dated: 8/29/12

ENTER: _____ Judge *Josh*

Defense Attorney

(White - Circuit Clerk; Yellow - PL; Pink - DF Atty.; Goldenrod - DF)

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

People of Illinois
Plaintiff(s),

-vs-

Jack D McCullough
Defendant(s).

d/1/4 JOHN TERRELL

Case No.: 11 CF 454

FILED
IN OPEN COURT

AUG 29 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

ORDER

JUDGE: <u>HALLOCK</u>	COURT REPORTER:	PLAINTIFF ATTY: <u>Escariche / Trevarth</u>
DEPUTY CLERK:	COPY OF ORDER SENT TO:	DEFENDANT ATTY.: <u>McCullough / Carlen</u>

THIS MATTER BEFORE THE COURT FOR RULING ~~ON~~ AND HEARING ON PRETRIAL MOTIONS, HAVING JURISDICTION AND BEING ADVISED IN THE PREMISES ORDERS/FINOS FOR REASONS STATED ON THE RECORD:

1. Defendant's Motion to Bar Stalk from introducing evidence of other bad acts #1 or crimes is GRANTED
2. Defendant's Motion to Bar Evidence of Defendant's prior conviction is granted.
3. Defendant's Motion to Bar introduction of evidence at trial
Paragraph #1 : RESERVED
Paragraphs 2, 3, 4 : Already ruled upon regarding defendant's 1st + 2nd Motions
Paragraph 5 : GRANTED, 6, 7, 8 GRANTED

ENTERED: _____

ATTORNEY DRAFTING ORDER

JUDGE [Signature]

PAGE # 1

(White - Circuit Clerk; Yellow - PL; Pink - DE atty.; goldenrod - DF)

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

People) Case No.: 11CF454
Plaintiff(s),)
)
-vs-)
)
Jack McCullough)
Defendant(s).)

FILED
IN OPEN COURT

AUG 29 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

ORDER

JUDGE: <u>Hallock</u>	COURT REPORTER: <u>SF</u>	PLAINTIFF ATTY.: <u>[Signature]</u>
DEPUTY CLERK:	COPY OF ORDER SENT TO:	DEFENDANT ATTY.: <u>[Signature]</u>

- 4) Defense Motion in Limine # 4, Defense Notice of Defense/Alibi Defense and States Motion to Strike Alibi Defense are hereby reserved for ruling.
- 5) Motion to suppress DVD (Defense Exhibit # 2) and for Counsel to make argument in Open Court on 9/4/12 @ 9:00 AM.
- 6) States Motion regarding statements made prior to subsequent to Polygraph is continued for argument.

DATED: 8/29/12

[Signature]
ATTORNEY DRAFTING ORDER

ENTERED: [Signature]
JUDGE

(PAGE 2)

(White - Circuit Clerk; Yellow - PL; Pink - DF atty.; goldenrod - DF)

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

People of Illinois
Plaintiff(s),

-vs-

Jack D. McElbough
Defendant(s).

Alvin JOHN TESSIER

Case No.: 11 CR 454

FILED
IN OPEN COURT

AUG 29 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

ORDER

JUDGE: <u>Hawock</u>	COURT REPORTER:	PLAINTIFF ATTY.: <u>Escobedo / Newarth</u>
DEPUTY CLERK:	COPY OF ORDER SENT TO:	DEFENDANT ATTY.: <u>McElbough / Carlson</u>

7. STATE'S MOTION TO ADMIT STATEMENT OF ELEEN TESSIER AS STATEMENT AGAINST INTEREST IS GRANTED.
8. STATE'S MOTION TO ADMIT CONDUCT OTHER THAN THAT CHARGED IN THE INDICTMENT IS GRANTED (Pam Long).
9. STATE'S MOTION IN LIMINE FOR USE / TESTIMONY OF POLYGRAPH EXAMINATIONS IS GRANTED.

DATED: August 29, 2012

ENTERED: [Signature]
JUDGE

ATTORNEY DRAFTING ORDER

PAGE 3

(White - Circuit Clerk; Yellow = PL; Pink - DF atty.; goldenrod - DF)

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

People

Plaintiff(s),

Case No.: 11CF454

-vs-
Jack Cullong

Defendant(s).

FILED
IN OPEN COURT

AUG 29 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

ORDER

JUDGE: Hallock	COURT REPORTER:	PLAINTIFF ATTY: [Signature]
DEPUTY CLERK:	COPY OF ORDER SENT TO:	DEFENDANT ATTY: [Signature]

- 10.) States Motion in Remine, reserved as to ¶ #1
#2 & #3 now irrelevant due to waiver
of jury.
- 11.) Motion for Evidence Deposition ~~granted~~
Continued generally
- 12.) Defendants Motion for more particulars is
denied. Court finds State answer full of particular
satisfactorily
- 13.) Defense Motion for Supp. Discovery filed 8/4/12 is
granted as to #6 - #12 to best of States
availability. Defense permitted to photograph area.

DATED: 8/29/12

[Signature]
ATTORNEY DRAFTING ORDER

ENTERED: [Signature]
JUDGE

(PAGE 4)

5. That the State objects to this request by the Defense for the following reasons:

A. Even if the witnesses that the Defense has listed in their Notice of Defense were alive and available to testify, their testimony would be inadmissible hearsay because they would be testifying only as to what the *Defendant* told them.

- A Witnesses' testimony is only admissible as to their own direct, independent knowledge.
- Therefore, any Defense alibi witness would only be allowed to testify to direct knowledge of the Defendant's whereabouts, not the Defendant's hearsay statements as to where he told them he was.
- A hearsay statement is neither critical nor even necessary to a defendant's defense where the defendant is the declarant of the statement and is available to testify on his own behalf. People v. Barnwell, 285 Ill.App.3d 981.
- Furthermore, the FBI Report which references Colonel Liberwitz and John Froom resulted from a telephonic interview conducted by an FBI Agent with Jon Oswald. Therefore, any testimony that could have been provided by Oswald regarding what the Defendant told Liberwitz or John Froom as to his whereabouts would be Double Hearsay.

C. The FBI Reports are Inadmissible as Police Reports are Inadmissible Hearsay under any circumstance.

- While it is true that police reports may be used for impeachment or refreshing a witness' recollection, it is well-settled that police reports

are inadmissible hearsay not subject to any recognized exception to the hearsay rule. People v. Williams, 240 Ill.App.3d 505.

- In fact, the Courts have held that it is Reversible Error for police reports to be offered substantively. People v. Williams, 240 Ill.App.3d 505. See also People v. Banasik, 93 Ill.App.3d 612.

D. An ‘Administrative’ Police Report regarding a phone record is inadmissible hearsay.

E. The Defendant must provide the State with One Alibi Defense and not several alibi alternatives.

F. Rule 803(8) Excludes Police Reports as being admitted under a Public Records Exception.

G. Rule 803(16) Does not permit Police Reports older than 20 years to be admitted under an Ancient Documents Exception.

H. The Doctrine of Forfeiture by Wrongdoing is being inappropriately applied by the Defense.

- The Defense is attempting to use a Doctrine, which historically has always been used against the Defendant.
- The Courts have held that only conduct through which a defendant seeks to undermine the judicial process or destroy the integrity of the criminal trial system qualifies as conduct for forfeiture by wrongdoing. Furthermore, intent is required and more specifically intent to impede the process of the trial or keep the witness away. People v. Stechly, 225 Ill.2d 246.

- Therefore, if the Court were to allow the Defense to apply this Doctrine to Conduct of the State, they would have to be able to prove that the State intentionally behaved in a manner to impede the process of the trial or keep a witness away.

I. Rule 413(d) does not permit the Defendant to use the Constitution as a Shield, allowing him to present an Alibi Defense without testifying unless he in fact has witnesses who will testify to their own personal, direct knowledge of the Defendant's whereabouts on December 3, 1957.

6. If the Court is inclined to allow these FBI Reports to be used as evidence, the Reports must be entered in their entirety.

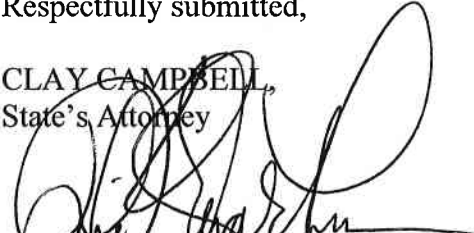
B. Additionally, other Police Reports would have to be admitted both substantively and for impeachment purposes.

WHEREFORE, the People respectfully pray that this Honorable Court strike the Defense's Notice of Defense, or any other remedy this Honorable Court deems appropriate.

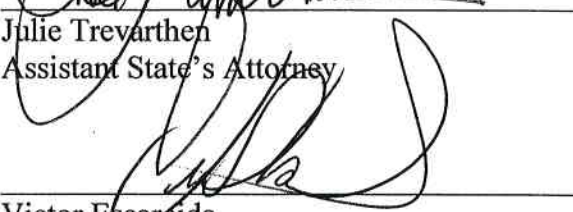
Respectfully submitted,

CLAY CAMPBELL,
State's Attorney

BY:



Julie Trevarthen
Assistant State's Attorney



Victor Escarcida
Assistant State's Attorney

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS
Plaintiff(s),
vs.
JACK MCCULLOUGH
Defendant(s).

CASE NO.: 11CF454

FILED

AUG 28 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

SUBPOENA / SUBPOENA DUCES TECUM

Subpoena Directed To:
Name: FBI
Address: 2111 W. Roosevelt Rd.
City/State/Zip: Chicago, IL 60608

Attorney Name: Robert Carlson, Asst. Public Defender
Attorney No.: 00393746
Address: 133 W. State Street
City/State/Zip: Sycamore, IL 60178
Telephone: 815-899-0760

YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR before the 16th Judicial Circuit Court, DeKalb County, at the:
 DeKalb County Courthouse, 133 West State St., Sycamore, IL.
 DeKalb Municipal Building, 200 South 4th St., DeKalb, IL.
 Council Chambers, 128 East Railroad St., Sandwich, IL.
 _____,
in Room 204 on 9/10-14/12, at the hour of 10 A.M. and then and there testify, and speak the truth concerning those things of which you may have knowledge, concerning the above-captioned cause now pending on behalf of Plaintiff(s) or Defendant(s).

NOTICE TO WITNESS
The attorney who has requested this Subpoena is listed herein. Any questions regarding your knowledge of the subject matter or testimony in the case at hand should be directed to him/her.

NOTICE
Supreme Court Rule 204(c) requires the Clerk to issue Subpoenas on request, except Subpoenas for discovery depositions of non-party PHYSICIANS which require an ORDER OF COURT. It also requires that the original (WHITE COPY) be filed with the Clerk after service has been made, with proper return thereon.

WITNESS, MAUREEN A. JOSH, Clerk of the Circuit Court, at her office in DeKalb County, Illinois. DATED: 8/8/12

Maureen A. Josh
Clerk of the Circuit Court
(SEAL)

SUBPOENA DUCES TECUM
If box is checked, you are commanded to produce at the same time and place aforesaid, the following documents or tangible things which may constitute evidence relating to the said cause and which are listed below or on the attached list:

Please call 815-899-0760 for the specific date and time that you will be needed to testify.

PROOF OF SERVICE
I certify that on 8/8, 2012, I served this writ on the within named FBI - Doug Hyde by leaving a copy with him/her personally and informing him/her of its contents. *Accepted by mail*

Fees - Service and Return.....: \$ _____
Miles.....: \$ _____
Total.....: \$ _____

By *Cristal Handall*
Deputy Sheriff *Investigator* of DeKalb County
Public Defender

YOUR FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

CASE NO.: 11CF454

PEOPLE OF THE STATE OF ILLINOIS
Plaintiff(s),
vs.
JACK McCULLOUGH
Defendant(s).

FILED

AUG 28 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

SUBPOENA / SUBPOENA DUCES TECUM

Subpoena Directed To:
Name: Diane Benson
Address: 1817 Somonauk St.
City/State/Zip: Sycamore, IL

Attorney Name: Robert Carlson, Asst. Public Defender
Attorney No.: 00393746
Address: 133 W. State St.
City/State/Zip: Sycamore, IL
Telephone: 815-899-0760

YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR before the 16th Judicial Circuit Court, DeKalb County, at the:

- [x] DeKalb County Courthouse, 133 West State St., Sycamore, IL.
[] DeKalb Municipal Building, 200 South 4th St., DeKalb, IL.
[] Council Chambers, 128 East Railroad St., Sandwich, IL.
[] _____, _____, at the hour of 10 A. M. and then and there testify, and speak the truth concerning those things of which you may have knowledge, concerning the above-captioned cause now pending on behalf of [] Plaintiff(s) or [x] Defendant(s).

[] SUBPOENA DUCES TECUM
If box is checked, you are commanded to produce at the same time and place aforesaid, the following documents or tangible things which may constitute evidence relating to the said cause and which are listed below or on the attached list:

*Please Call 815-899-0760 for the exact date and time that you will be needed to testify.

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NOTICE TO WITNESS

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WITNESS, MAUREEN A. JOSH, Clerk of the Circuit Court, at her office in DeKalb County, Illinois. DATED: 8/10/12

Maureen A. Josh
Clerk of the Circuit Court
(SEAL)

PROOF OF SERVICE

I certify that on 8/10, 2012, I served this writ on the within named _____ by leaving a copy with him/her personally and informing him/her of its contents.

Fees - Service and Return.....: \$
Miles.....: \$
Total.....: \$

By _____
Deputy Sheriff _____ of DeKalb County
Public Defender

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)
 Plaintiff(s),)
 vs.)
 JACK MCCULLOUGH)
 Defendant(s).)

CASE NO.: 11CF454

FILED

AUG 28 2012

Maureen A. Josh
 Clerk of the Circuit Court
 DeKalb County, Illinois

SUBPOENA / SUBPOENA DUCES TECUM

Subpoena Directed To:

Name: Kish Hospital Records
 Address: One Kish Hospital Dr.
 City/State/Zip: DeKalb, IL

Attorney Name: Robert Carlson, Asst. Public Defender
 Attorney No.: 00393746
 Address: 133 W. State St.
 City/State/Zip: Sycamore, IL
 Telephone: 815-899-0760

YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR before the 16th Judicial Circuit Court, DeKalb County, at the:

- DeKalb County Courthouse, 133 West State St., Sycamore, IL.
 - DeKalb Municipal Building, 200 South 4th St., DeKalb, IL.
 - Council Chambers, 128 East Railroad St., Sandwich, IL.
 - _____, _____, _____
- in Room 204 on 8/29/12, at the hour of 11 A.M. and then and there testify, and speak the truth concerning those things of which you may have knowledge, concerning the above-captioned cause now pending on behalf of Plaintiff(s) or Defendant(s).

NOTICE TO WITNESS

The attorney who has requested this Subpoena is listed herein. Any questions regarding your knowledge of the subject matter or testimony in the case at hand should be directed to him/her.

NOTICE

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WITNESS, MAUREEN A. JOSH, Clerk of the Circuit Court, at her office in DeKalb County, Illinois. DATED: 8/21/12

Maureen A. Josh
 Clerk of the Circuit Court
 (SEAL)

APS

PROOF OF SERVICE

I certify that on 8/21, 2012, I served this writ on the within named Laura - med Records by leaving a copy with him/her personally and informing him/her of its contents. *Accepted by Josh*

Fees - Service and Return..... \$ _____
 Miles..... \$ _____
 Total..... \$ _____

By *Captal Annally*
 Deputy Sheriff *Annally* of DeKalb County
Rubie Ogden

YOUR FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

PEOPLE OF STATE OF ILLINOIS
Plaintiff(s),
vs.
JACK MCCULLOUGH
Defendant(s).

CASE NO.: 11CF454

FILED

AUG 28 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

SUBPOENA / SUBPOENA DUCES TECUM

Subpoena Directed To:

Name: Stephanie Roberts
Address: One ^{Hospital} Kish Dr.
City/State/Zip: DeKalb, IL

Attorney Name: Robert Carlson, Asst. Public Defende
Attorney No.: 00393746
Address: 133 W. State St.
City/State/Zip: Sycamore, IL
Telephone: 815-899-0760

YOU ARE HEREBY SUMMONED AND COMMANDED
TO APPEAR before the 16th Judicial Circuit Court, DeKalb
County, at the:

- DeKalb County Courthouse, 133 West State St.,
Sycamore, IL.
- DeKalb Municipal Building, 200 South 4th St., DeKalb, IL.
- Council Chambers, 128 East Railroad St., Sandwich, IL.

in Room 204 on 9/10-14/12, at the hour of
10 A. M. and then and there testify, and speak the truth
concerning those things of which you may have knowledge,
concerning the above-captioned cause now pending on behalf of
Plaintiff(s) or Defendant(s).

SUBPOENA DUCES TECUM

If box is checked, you are commanded to produce at the same time
and place aforesaid, the following documents or tangible things
which may constitute evidence relating to the said cause and which
are listed below or on the attached list:

Please call 815-899-0760 for the exact day
and time that you will be needed to testify.

**YOUR FAILURE TO COMPLY WITH THIS
SUBPOENA MAY SUBJECT YOU TO PUNISHMENT
FOR CONTEMPT OF COURT.**

NOTICE TO WITNESS

The attorney who has requested this Subpoena is listed herein. Any
questions regarding your knowledge of the subject matter or
testimony in the case at hand should be directed to him/her.

NOTICE

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on request, except Subpoenas for discovery depositions of non-
party PHYSICIANS which require an ORDER OF COURT. It also
requires that the original (WHITE COPY) be filed with the Clerk
after service has been made, with proper return thereon.

WITNESS, MAUREEN A. JOSH, Clerk of the Circuit Court, at
her office in DeKalb County, Illinois. DATED: 8/28/12

Maureen A. Josh

Clerk of the Circuit Court
(SEAL)

PROOF OF SERVICE

I certify that on 8/28, 2012, I served this writ
on the within named *Stephanie Roberts* by
leaving a copy with him/her personally and informing him/her of
its contents. *Accepted by Fax*

Fees - Service and Return.....: \$ _____
Miles.....: \$ _____
Total.....: \$ _____

By *Capt. D. Hanalle*
Deputy Sheriff *Investigator* of DeKalb County
Public Report

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff(s),

Case No.:

11CF454

FILED
IN OPEN COURT

AUG 24 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

Jack McCullough
Defendant(s).

The Defendant is required to be present at all Court appearances.

DEFENDANT PRESENT

JUDGE	COURT REPORTER	STATE'S ATTY.	Yes	No
<i>Hallock</i>		<i>Mark Sparda</i>		
DEPUTY CLERK	COPY OF THIS ORDER MAILED TO:	DEFT'S ATTY.		
		<i>McCullough Carlson</i>		

ORDER FOR CONTINUANCE

This matter coming on to be heard, and the Court finding that it has jurisdiction of the parties, and being fully advised in the premises;

IT IS THEREFORE ORDERED that the above-entitled cause be and hereby is continued until 8/29/12 at 11:00 A.M. Said continuance being on the motion of:

By Agreement Court Defendant State

and that bail has been set in this matter in the amount of \$ 3,000,000 10% and that on the above-captioned date this car shall be set down for the purposes of:

- | | |
|--|---|
| <input type="checkbox"/> Plea | <input type="checkbox"/> Jury Trial at _____ M on _____ |
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Petition Hearing on DUI |
| <input type="checkbox"/> Preliminary Hearing | <input type="checkbox"/> Petition to Revoke |
| <input type="checkbox"/> Status Review | <input type="checkbox"/> Disposition |
| <input type="checkbox"/> Pre-trial | <input type="checkbox"/> Sentencing |
| <input type="checkbox"/> Hearing on Motions | <input type="checkbox"/> Payment |
| <input type="checkbox"/> Bench Trial | <input checked="" type="checkbox"/> Other <i>Hearing on Motions in Limine</i> |

before the Honorable Judge:

Kurt P. Klein Robbin J. Stuckert Thomas L. Doherty William P. Brady Ronald G. Matekaitis

Other 204 Judge Hallock

in the Courtroom usually occupied by him/her at:

- DeKalb Municipal Building, 200 South 4th Street, DeKalb, Illinois.
 Sandwich Council Chambers, 128 East Railroad Street, Sandwich, Illinois.
 DeKalb County Courthouse, 133 West State Street, Sycamore, Illinois.

IT IS FURTHER ORDERED that _____

Mark Sparda
DeKalb County State's Attorney

Dated: 8/24/12

ENTER: _____

Judge *[Signature]*

State of Illinois)
County of DeKalb)

#01826891

MAURICE J. JOSH
CIRCUIT CLERK
15TH JUDICIAL CIRCUIT

2012 AUG 24 AM 9:50

FILED
DEKALB COUNTY, IL.

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

People of the State of Illinois,)
Plaintiff,)
vs)
Jack McCullough,)
Defendant)

General No. 11 CF 454

MOTION FOR MORE PARTICULARITY

NOW COMES the Defendant, Jack McCullough, by his attorney, Thomas O. McCulloch and the DeKalb County Public Defender's Office and, in partial response to the People's Answers to the Defendant's Motion for Bill of Particulars, states as follows:

1. That the Defendant has moved for information relating to the three charges that have been filed against the Defendant, namely, murder, kidnapping, and abduction of an infant;
2. That the State has been ordered to comply with the Defendant's request.
3. That the State has intentionally omitted any mention, in their initial answer, of the offense of murder;
4. That the State has declared that the offense occurred "between the late afternoon hours and 9:00 PM on December 3, 1957;"
5. That, as indicated in the discovery, the acts complained of occurred, if at all, at or about 7:00 PM.
6. That the Indictment states "that the Defendant unlawfully killed Maria Ridulph by means by which human nature may be overcome and death thereby occasioned, in the peace of the people, with implied malice aforethought....;"
7. That the Defendant moved, as a result, for a Bill of Particulars describing the acts complained of, which request was ultimately granted, and the State ordered to answer.
8. That the answer provided is insufficient in manner and form as below described:
 - a. That the State refers the Defendant to various documents including an inquest and pathologist report and dental records instead of answering the Defendant's Motion and the Court Order.
 - b. That the Defendant is entitled to a pleading upon which to prepare a defense as well as the underlying discovery documents.
 - c. That the problem, in terms of request and answer, is exemplified by the State's recitation of the verdict that "the deceased Maria Ridulph" came to her death by unknown means at a place or places and time unknown...."

- d. That it was exactly the unknown means and unknown places and unknown times that the Defendant was trying to avoid by filing his Motion for a Bill of Particulars..
9. That the State characterizes the Defendant's Motion as an attempt to force the prosecution to prove specific details; in fact, as a matter of pleading and pleading sufficiency, a Defendant is entitled to a charge that contains both a mens reus and an actus reus; at best, the allegation of implied malice goes to a mental state, and, yet, there has been no criminal act or acts alleged.
 10. When an indictment fails to specify the particulars of the charged offense sufficiently to enable the defendant to prepare a defense, the trial court may require the State to furnish a bill of particulars. 725 ILCS 5/111-6 (West 1998). The purpose of a bill of particulars is to give the defendant notice of the charge and to inform the defendant of the particular transactions in question, thus enabling preparation of a defense. *Kliner*, 185 Ill.2d at 137-38, 235 Ill.Dec. 667, 705 N.E.2d 850. *People v. Woodrum* 223 Ill.2d 286, 301, 860 N.E.2d 259, 270-271, 307 Ill.Dec. 605, 616 - 617 (Ill.,2006).
 11. The State has referred the Court to People v. Huggy, 19 Ill App 3d 247, 311 N.E. 2d 355 (First Dist, 1974) for the proposition that Direct testimony is not required to prove the means that caused the death of the murder victim; a reading of that case, however , shows how distinguishable it is from the present case.
 12. As the Appellate Court in Huggy noted and found: "In this record there was evidence which proved that after 4:55 P.M. on May 9, 1969, Grace Troia, defendant's 'girlfriend,' was with him; that at about 11:00, his automobile was seen erratically being driven away from the place where her dead body was found; that a short time later, defendant told three persons he had shot his 'girlfriend,' at the same time, surrendering a gun wrapped in a towel; and on the floor of his automobile was found a .38 caliber spent bullet."
 13. The fact in Huggy is that the Defendant was charged with Murder by shooting his girlfriend; that the Indictment clearly informed him of the acts complained of; that the Defendant chose to defend himself based on the defense of voluntary intoxication. Clearly, this is distinctly different from the case before this Court.
 14. That, to permit the State to proceed with the disclosures complained of, and the current form of the Indictment, operates to deny the Defendant Due Process of law guaranteed to him by the State and Federal Constitutions as well as the effective assistance of counsel guaranteed by the Sixth Amendment and applied to the State through the Fourteenth Amendment.

WHEREFORE, for the above and foregoing reasons, and such other and further reasons as this Court deems just and appropriate, the Defendant renews his request for an Order upon the State to provide the details originally requested in His Motion for Bill of Particulars, and for such other and further relief as may be necessary and proper.

Respectfully Submitted,


Thomas O. McCulloch

FILED
 DEKALB COUNTY, ILL.
 2017 JUN 24 AM 9:50
 CLARENCE JOSH
 CLERK
 JUDICIAL CIRCUIT

Thomas O. McCulloch
DeKalb County Public Defender Office
133 West State Street
Sycamore, IL
815 899 0760

FILED
DEKALB COUNTY, IL.
2012 AUG 24 AM 9:50
HAUREEN JOSE
CIRCUIT CLERK
1ST JUDICIAL CIRCUIT

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

01826891

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
) Plaintiff,)
)
) vs.)
)
JACK MCCULLOUGH,)
)
) Defendant.)

General Number: 11 CF 454

HAUNREEN JOSH
CIRCUIT CLERK
16TH JUDICIAL CIRCUIT

2012 AUG 24 AM 9:50

FILED
DEKALB COUNTY, IL.

MOTION FOR SUPPLEMENTAL DISCOVERY

NOW COMES the Defendant, JACK MCCULLOUGH, by his Attorney, Thomas O. McCulloch and the DeKalb County Public Defender's Office, moving this Honorable Court for the entry of an Order upon the State requiring them to supplement their Answer to Discovery previously filed as follows:

1. That the State has recently disclosed the existence of an informant whom they have stated an intention to call at trial.
2. That, the substance of the claimed conversation with the Defendant is alleged to have occurred within the confines of the DeKalb County Jail.
3. That the informant states, in general, that the conversation occurred, but the initial contact between the Informant and the State neglects to mention a basic foundation for the admissibility of a conversation; for example, time, place, and persons present.
4. That the Defendant believes that there could be any number of fellow inmates present at any time of such a conversation.
5. That the State should be required to identify, with particularity, a date of such a conversation so that the Defendant may attempt to locate others who might have been present; further, that the Defendant should be permitted entry into any such space for the purposes of photographing the area and measuring the space where such a conversation is alleged to have occurred

People v. McCullough
11 CF 454
Motion f/ Supplemental Discovery

6. That the State has named their informant as Kirk Swaggerty, K-72152, currently housed in the Illinois Department of Corrections.
7. That The Defendant requests that all consideration requested by the informant, regardless of case, be made known to the Defendant, and that the Defendant be provided with all copies of correspondence and communication by and between the informant and his counsel and the State, including recorded conversations memorialized on DVD discs referred to in Discovery (SAO-4170).
8. That the Defendant requests that all communication by the State to their informant, regardless of case, and his counsel be memorialized in writing and provided to the Defendant.
9. That the Defendant be provided with any charge considerations, sentence considerations, placement considerations, promises of consideration relative to placement and treatment in IDOC as they apply to their informant.
10. That the State has not tendered copies of criminal history of their informant run under various systems; that the State be required to produce copies of all convictions available to the State suitable for impeachment at trial.
11. That the State produce any and all records of the informant's discipline or institutional adjustment for the Defendant's inspection and evaluation prior to the start of trial.
12. That the State provide copies of any and all parole records, if any exist, relating to their informant.

Wherefore, the Defendant prays for the entry of an Order upon the State and their agents to supplement their Disclosures previously filed, and to accord the Defendant an Evidentiary Hearing as to the sufficiency of the State's Supplemental Answers, and for such other and further relief as may be necessary and proper.

Thomas O. McCulloch
 Thomas O. McCulloch
 CLERK OF COURT
 JUDICIAL CIRCUIT
 MAUREEN JOSEPH
 CLERK OF COURT
 JUDICIAL CIRCUIT
 2012 AUG 24 AM 9:50
 DEKALB COUNTY, IL
 FILED

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)
 Plaintiff(s),)
 VS.)
)
JACK D. McEllough)
 Defendant(s).)
A/K/A JOHN TESSIER)

Case No.: 11 of 454

FILED
IN OPEN COURT

AUG 21 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

in custody

The Defendant is required to be present at all Court appearances. **DEFENDANT PRESENT** Yes No

JUDGE <u>HALLOCK</u>	COURT REPORTER	STATE'S ATTY. <u>Espartero / Frawley</u>
DEPUTY CLERK	COPY OF THIS ORDER MAILED TO:	DEFT'S ATTY. <u>McEllough / Carlson</u>

ORDER FOR CONTINUANCE

This matter coming on to be heard, and the Court finding that it has jurisdiction of the parties, and being fully advised in the premises;

IT IS THEREFORE ORDERED that the above-entitled cause be and hereby is continued until 8/24/12 at 3:30 P.M. Said continuance being on the motion of:

By Agreement Court Defendant State
 and that bail has been set in this matter in the amount of \$ 3,000,000 (10⁶) and that on the above-captioned date this cause shall be set down for the purposes of:

- | | |
|---|---|
| <input type="checkbox"/> Plea | <input type="checkbox"/> Jury Trial at _____ M on _____ |
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Petition Hearing on DUI |
| <input type="checkbox"/> Preliminary Hearing | <input type="checkbox"/> Petition to Revoke |
| <input checked="" type="checkbox"/> Status Review | <input type="checkbox"/> Disposition |
| <input type="checkbox"/> Pre-trial | <input type="checkbox"/> Sentencing |
| <input type="checkbox"/> Hearing on Motions | <input type="checkbox"/> Payment |
| <input type="checkbox"/> Bench Trial | <input type="checkbox"/> Other _____ |

before the Honorable Judge:

- Kurt P. Klein Robbin J. Stuckert Thomas L. Doherty William P. Brady Ronald G. Matekaitis
 Other HALLOCK

in the Courtroom usually occupied by him/her at:

- DeKalb Municipal Building, 200 South 4th Street, DeKalb, Illinois.
 Sandwich Council Chambers, 128 East Railroad Street, Sandwich, Illinois.
 DeKalb County Courthouse, 133 West State Street, Sycamore, Illinois.

IT IS FURTHER ORDERED that defense files affirmative defense. State files answer to defendant's motion for Bill of Particulars, paragraphs five and six

DeKalb County State's Attorney

Dated: 8/21/12

Defense Attorney

ENTER: _____ Judge

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
)
PLAINTIFF,)
)
v.)
)
JACK D. MCCULLOUGH,)
a/k/a John Tessier)
)
DEFENDANT.)

GEN NO: 11 CF 454

FILED
IN OPEN COURT

AUG 21 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

PEOPLE'S ANSWER TO DEFENDANT'S MOTION FOR BILL OF PARTICULARS-PARAGRAPHS FIVE AND SIX

NOW COME THE PEOPLE OF THE STATE OF ILLINOIS, by Clay Campbell, State's Attorney, by and through his Assistant, Victor S. Escarcida and hereby answer the Defendant's Motion for Bill of Particulars, specifically Defendant's paragraphs five and six as follows:

1. The People previously disclosed discovery pages SAO-480 through SAO-496 which contains the verdict of jury at the coroner's inquest dated June 3, 1958. Included in the coroner's inquest is the pathologist's report as well as the dentist's report on his examination of the victim's teeth and dental records.
2. Said verdict was that the victim Maria Ridulph's body "was found near United States Highway, Route No. 20 between Woodbine and Stockton, Illinois in the County of Jo Daviess and State of Illinois and that the deceased Maria Ridulph came to her death by unknown means as a result of foul play at a place or places and time unknown and inflicted by a person or persons unknown to this jury at this time."
3. "Direct testimony is not required to prove the means that caused the death of murder victim, as the means and manner of death may be inferred from the circumstances proved." People v. Huggy, 19 Ill.App.3d 247, 311 N.E.2d 355 (1974).
4. The defendant's paragraphs five and six is an inappropriate attempt by the defense to force the prosecution to prove specific details regarding the murder and limit the evidence at trial and this information is not necessary for the defendant to prepare his defense. The People have already provided an answer to his motion as it relates to paragraphs one

through four and this information in conjunction with the discovery tendered has sufficiently informed the defendant of the nature of the charges against him.

5. As previously stated, the information previously disclosed to the defendant is sufficient to allow him to prepare his defense and he will not be denied protections provided by both the Constitutions of the State of Illinois and the United State's of America.

Respectfully Submitted,

Clay Campbell
State's Attorney

By: 
Victor S. Escarcida

State of Illinois)
)
County of DeKalb)

#01826891

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

People of the State of Illinois,)
)
Plaintiff,)
)
vs)
)
Jack McCullough,)
)
Defendant)

General No. 11 CF 454

MAUREEN JOSH
CIRCUIT CLERK
16TH JUDICIAL CIRCUIT

2012 AUG 21 AM 11:18

FILED
DEKALB COUNTY, IL.

NOTICE OF DEFENSE

NOW COMES the Defendant, Jack McCullough, by his attorney, Thomas O. McCulloch and the DeKalb County Public Defenders Office and, in partial response to the People's Omnibus Discovery Motion, states as follows:

1. That, with respect to defenses that the Defendant intends to rely upon, the Defendant states that he will rely on his presumption of innocence and the State's inability to prove guilt beyond a reasonable doubt with relevant and material evidence.

Notice of Affirmative Defense: In accordance with Supreme Court Rule 413 the Defendant informs the State that he may rely on the defense of alibi.

- a.) Place: As reflected in the attached reports, the Defendant was in Chicago and Rockford
- b.) Witnesses: all witnesses that the Defendant intends to rely upon have been disclosed and are contained in the various reports tendered by the State to the Defendant during discovery; as nearly as can be determined, all individuals are deceased or otherwise unavailable, but records of their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements, have been tendered to the Defendant during Discovery and are adopted and incorporated herein by reference or attachment. No known records of prior criminal convictions as they relate to these witnesses are known to the Defendant.
- c.) Specifically:
 - a. Staff Sergeant Jon Oswart, Rockford, IL; SAO- 3075, 76, 77
 - b. Colonel Liberwitz, USAFR, SAO 3076
 - c. Tech Sergeant John Froom, SAO 3076-77
 - d. Ralph Tessier, 227 Center Cross Street, Sycamore, IL, SAO - 3070
 - e. Eileen Tessier, 227 Center Cross Street, Sycamore, IL, SAO - 3071

- f. Dan Schaefer, General Manager, Sycamore-Ogle Telephone Co, Sycamore, IL SAO-3154
- d.) The Applicable Law: The Defendant relies on the Illinois Rules of Evidence, Rule 102, Rule 803(8), Rule 803(16), and, indirectly, the concept of Forfeiture by Wrongdoing, and Supreme Court Rule 413(d).
- a. Rule 102 provides, in part, that “These rules shall be construed to secure fairness...to the end that the truth may be ascertained and proceedings justly determined.”
 - b. Rule 803(8) provides for the admissibility of public records and reports, including matters observed by police officers and other law enforcement personnel, unless “the sources of information or other circumstances indicate lack of trustworthiness.”
 - c. Rule 803(16) provides for the admissibility of “Statements in a document in existence 20 years or more the authenticity of which is established.”
 - d. The legal concept of Forfeiture by Wrongdoing, in its simplest form, is usually used to deny the Defendant the use of otherwise admissible hearsay based on the premise that the Defendant’s wrongdoing caused the witness to be unavailable, and that, therefore, he should not be allowed to gain by his own wrongdoing. As applied to this case, however, it is the State’s neglect that caused the passage of 55 years of time, leading to the death of then-living witnesses that could have been called to testify as to the Defendant’s whereabouts on 3 December 1957. The State should not be permitted to gain an advantage, or the Defendant to suffer a disadvantage, by the passage of time solely attributable to the State.
 - e. Supreme Court Rule 413(d), as it relates to the Defendants obligation to Disclose Information to the Prosecution, specifically states that, as to the Defenses a Defendant intends to make at a hearing or trial, such disclosure is “Subject to constitutional limitations;” accordingly, the State’s motions that seem to require the Defendant to testify in order to raise an alibi or introduce character evidence, should be stricken and held for naught.

Request under Rule 412(a): In view of the above disclosure, the Defendant requests the names and addresses of any rebuttal witnesses, and a specific statement as to the substance of the testimony such witnesses will give in the trial of this cause, as well as any additional disclosure required under Rule 412(A) (i), (iii), and (vi).

2019 AUG 21 AM 11:18
 MAURICE H. JOHNS
 CLERK OF COURT
 DEKALB COUNTY, IL.
 FILED


Thomas O. McCulloch

Thomas O. McCulloch
DeKalb County Public Defenders Office
133 West State Street
Sycamore, IL 60178
815-899-0760

FILED
DEKALB COUNTY, IL.
2012 AUG 21 AM 11:18
MAUREEN JOSH
CIRCUIT CLERK
18TH JUDICIAL CIRCUIT

Former Employment	ROBERT SHACK, 222 State Sycamore, Illinois
Occupation	Stock clerk
Citizenship	Irish, entered U. S. 1944 or 1945 with mother
Arrests	Admits none
Education	3 years high school

The following information was received by SA JOHN W. ROBERTS, Jr. on December 10, 1957:

Staff Sergeant JON OSWALD, Rockford, Illinois, advised telephonically that CHERRY had been sent to Chicago on December 2, 1957, for a physical examination, being rejected at that time because of a spot on his lung. He stated that CHERRY had been requested to stay over in Chicago for a re-examination, which re-examination was afforded him on the morning of December 3, 1957. He was again rejected for the same reason.

5/30-3076

OSWALD stated that CHERRY told him that he was given a train ticket to Rockford, Illinois by the Air Force. OSWALD stated that this is a highly irregular procedure and that he telephonically contacted Chicago to verify this story, at which time he learned that the train ticket had been furnished by the Army Reserve Unit located at 615 West VanBuren, and no verification of the information could be obtained at the time of calling. OSWALD stated that in his opinion, irregardless of who issues the train ticket, it would have been highly irregular that a ticket to Rockford would have been issued when CHERRY's home is in Sycamore and papers reflecting CHERRY's home would have been in front of the person issuing the ticket.

OSWALD stated that CHERRY had told him that after his rejection he had visited some burlesque shows in Chicago some time between 12 noon and 5:15 p.m. However, the names of these places visited were not mentioned. CHERRY further stated that he took the 5:15 p.m. train, which according to OSWALD would have arrived in Rockford, Illinois, at approximately 6:45 p.m.

OSWALD stated that CHERRY apparently proceeded to the Post Office where he personally contacted Colonel FNU LIBERWITZ, Air Force Reserve Commander, at approximately 7:15 or 7:30 p.m. It is noted that LIBERWITZ is reportedly the co-owner of the Liberwitz Brothers Machine or Manufacturing Company in Rockford.

CHERRY reportedly told LIBERWITZ that he had been directed by the office in Chicago to report to the Recruiting Office in Rockford, Illinois, which story LIBERWITZ found difficult to believe inasmuch as it is known that the Recruiting Office is not open in the evening. OSWALD stated that LIBERWITZ expressed the opinion that CHERRY gave the appearance of being a "narcotic", and told LIBERWITZ that he had been rejected because he was unstable.

According to information, LIBERWITZ directed CHERRY to the 3rd floor recruiting office where CHERRY contacted Technical Sergeant JOHN FROMM. FROMM, according to OSWALD, stated that during his conversation with CHERRY, CHERRY appeared bewildered and looked and acted like a "lost sheep". FROMM also stated that CHERRY said to him that he was going to contact his father in Sycamore and have his father come and get him.

On December 4, 1957, OSWALD stated that CHERRY returned to the Recruiting Office in Rockford, and during the course of their conversation, CHERRY mentioned that it was a good thing he was not in Sycamore last night because of the disappearance of the girl. According to OSWALD, no details of the disappearance were discussed except that CHERRY mentioned searching parties had been all over the area looking for her. CHERRY further mentioned that he would not be considered a suspect because his girlfriend's father was a Deputy Sheriff. OSWALD stated that his conversation with CHERRY was interrupted by a phone call from his landlady, Mrs. GRIMES, and that during the conversation with her he mentioned her name. At the conclusion of the conversation, CHERRY asked something to the effect, "Is she related to the GRIMES girls?", whereupon OSWALD said he had no idea and asked for details, at which time CHERRY appeared well read on the GRIMES case in Chicago. During the course of their conversation, OSWALD stated that CHERRY showed him a "little black book" which contained the names and addresses of girls in Sycamore, as well as their bust and hip measurements.

OSWALD stated that he had not seen CHERRY on the night of December 3 and his first contact with him was on the morning of December 4, at which time CHERRY was wearing an odd colored, flashy shirt (apparently conventional type, not slipon) with a string necktie. The color of his slacks was unrecalled. He was wearing a brown jacket made of a fuzzy material and no hat. OSWALD said he noticed a slight cut across the upper lip of CHERRY but added the cut appeared to be fresh and could have been done while shaving.

No further investigation is being conducted regarding the above suspect, in view of the above information.

8 - 300 - 120

SUSPECT - JOHN SAMUEL CHERRY, aka. John Samuel Tessier

On December 6, 1957, Deputy Sheriff GEORGE GOULD, DeKalb County Sheriff's Office, Sycamore, Illinois, DeKalb, advised SA JEROME F. NOLAN that he had just received an anonymous telephone call from a woman who refused to identify herself, but stated that a boy named TRESCHNER, age about 20, blond hair, lived in the neighborhood of the victim. Deputy Sheriff GOULD stated that there was no further conversation nor information supplied by this woman.

On December 10, 1957, Deputy Sheriff GOULD was re-contacted by SA DAVID L. BURTON and he advised at this time that the TRESCHNER previously reported to SA NOLAN was in fact a TESSIER family who reside at 227 Center Cross in Sycamore. He stated he did not have any reason to suspect any member of the TESSIER family as possibly being involved in the disappearance of the victim other than the fact that the oldest TESSIER boy is named JOHN and he meets the general description of the Unknown Subject. He also stated he has never heard of any member of the TESSIER family being involved in criminal action.

On December 8, 1957, Mr. RALPH TESSIER, 227 Center Cross Street, Sycamore, Illinois, advised SAs FRANK L. MELLOTT and DAVID L. BURTON that he had discussed with his wife, ELLEN, the fact that their son JOHN TESSIER might fall under suspicion inasmuch as he is approximately 5' 8" tall, 19 years of age, has blond hair, and his first name is JOHN. He stated that his son was in Rockford, Illinois, at the Air Force recruiting office on the evening of December 3, 1957, and that he placed a collect call from Rockford to the TESSIER home at about 7:10 p.m. on that evening. He further stated that his son had been in Chicago, Illinois, on the Monday preceding December 3, 1957; after being rejected for induction into the Air Force because of a spot on his lung he had returned to Rockford on December 3, 1957.

7 8782 - 120

500 3071

Mrs. ELLEN TESSIER, 227 Center Cross, was also interviewed on December 8, 1957, by SAs MELLOTT and BURTON and she stated that her son, JOHN TESSIER, had been in Rockford, Illinois, on the evening of December 3, 1957. She advised that her husband, ALFIE, had gone to Rockford and picked up their son at approximately 8:00 p.m. that evening after he, JOHN, had called collect at about 7:10 p.m. to advise them that he was in Rockford and was ready to come home. She stated that JOHN had attempted to enlist in the Air Force but had been rejected because of a spot on his lung. She also stated that she had discussed with her husband the possibility that a question as to their son's whereabouts on the night of December 3, 1957, might arise due to the similar nature of his description and the description of the Unknown Subject which she had read in the newspapers.

SAO-3154

CG 7-806

of the unknown subject and was further suspected because of his eagerness to assist in the search for the missing girl on the night of December 3, 1957. SA DAVID L. BURTON assisted in this interview.

The recorded reactions on the polygraph charts did not reflect evidence of guilty knowledge or implication by TESSIER in this matter. It is believed that he was a proper subject for such a test and would have reacted significantly if he had been involved.

ADMINISTRATIVE

RE SUSPECT JOHN SAMUEL TESSIER,
aka John Samuel Cherry

Mr. DAN SCHAEFER, general manager, Sycamore-Ogle Telephone Company, Sycamore, Illinois, on December 9, 1957, informed SA DAVID L. BURTON that his company records reflected a collect call was placed on telephone number 2-9297, Rockford, Illinois, on December 3, 1957, to number 3257, Sycamore, Illinois, at approximately 6:57 p.m. on that date. This latter number is listed to one RALPH E. TESSIER and according to his records, the call was made by one JOHN S. TASSIER. Mr. SCHAEFER was of the opinion that the spelling of the name TASSIER was merely a spelling error on the part of the operator who handled the call. He also stated that this call lasted until 6:59 p.m. and that it was accepted by the TESSIER family in Sycamore.

LEADS

CG will complete and report investigation conducted re the additional suspects.

REFERENCE

Reports of SA SOL E. DENNIS at Chicago dated 12/11/57 and 12/17/57;

Report of SA RAYMOND A. DRISCOLL at Chicago dated 12/13/57.

7 - 8782 - 121

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff)
vs.)
JACK MCCULLOUGH)
Defendant)

No. 11 CF 454

FILED
DEKALB COUNTY, IL.
2012 AUG 20 AM 10:45
MAUREEN JOSH
CIRCUIT CLERK
16TH JUDICIAL CIRCUIT

SUBPOENA - GENERAL

To: DAVE FREDRICK, 903 E CENTER STEET, MONTECELLO, IL 61856

YOU ARE COMMANDED to appear to testify before the
Honorable Presiding Judge

in DEKALB COUNTY COURTHOUSE, 133 W. STATE ST., SYCAMORE, IL

SEPTEMBER 10, 2012 THROUGH SEPTEMBER 21, 2012 at 10:00 AM

On behalf of the People of the State of Illinois.

This case may be continued from the above scheduled court date. You are responsible for knowing and attending the next court date. You may be held in contempt for failure to appear on that next court date. To obtain the next continuance court date call the State's Attorney's Office or the Circuit Clerk.

**UPON RECEIPT OF THIS SUBPOENA PLEASE CONTACT ASSISTANT STATE'S ATTORNEY
VICTOR ESCARCIDA AT 815-895-7164**

**YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU
TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

WITNESS, July 20, 2012

(Seal of Court)

Maureen A. Josh
Clerk of the Circuit Court

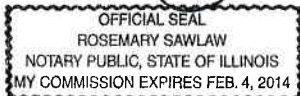
By: *Michelle Cople*
Deputy

I served the subpoena by (handing) (certified mail) a copy to Dave Fredrick
on August 12, 2012. I paid the witness \$70 for witness and mileage fees.

Lo Kpenson #27

Signed and sworn to before me

August 13, 2012.
Rosemary Sawlaw
(Notary Public)



Name: Assistant State's Attorney VICTOR ESCARCIDA */do
Attorney for: Plaintiff
Address: 200 N. Main St.
City: Sycamore, IL 60178
Telephone: (815) 895-7164

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff(s),)
)
VS.)
)
Jack D. McCallough)
Defendant(s).)
A/K/A JOHN LESSER)

Case No.: 11 CR 454

FILED
IN OPEN COURT

AUG 17 2012

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

~~in~~ **in CUSTODY**

The Defendant is required to be present at all Court appearances.		DEFENDANT PRESENT	Yes	No
JUDGE	<u>Hallock</u>	COURT REPORTER		
DEPUTY CLERK		COPY OF THIS ORDER MAILED TO:		
		STATE'S ATTY. <u>ESCARONA</u>	<input checked="" type="checkbox"/>	
		DEFT'S ATTY. <u>McCallough</u>		

ORDER FOR CONTINUANCE

This matter coming on to be heard, and the Court finding that it has jurisdiction of the parties, and being fully advised in the premises;

IT IS THEREFORE ORDERED that the above-entitled cause be and hereby is continued until 8/21/12 at 2:30 P.M. Said continuance being on the motion of:

By Agreement Court Defendant State

and that bail has been set in this matter in the amount of \$ 3,000,000.00 and that on the above-captioned date this cause shall be set down for the purposes of:

- | | |
|--|--|
| <input type="checkbox"/> Plea | <input type="checkbox"/> Jury Trial at _____ .M on _____ |
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Petition Hearing on DUI |
| <input type="checkbox"/> Preliminary Hearing | <input type="checkbox"/> Petition to Revoke |
| <input type="checkbox"/> Status Review | <input type="checkbox"/> Disposition |
| <input type="checkbox"/> Pre-trial | <input type="checkbox"/> Sentencing |
| <input checked="" type="checkbox"/> Hearing on Motions | <input type="checkbox"/> Payment |
| <input type="checkbox"/> Bench Trial | <input type="checkbox"/> Other _____ |

before the Honorable Judge:

- Kurt P. Klein Robbin J. Stuckert Thomas L. Doherty William P. Brady Ronald G. Matekaitis
 Other HALLOCK

in the Courtroom usually occupied by him/her at:

- DeKalb Municipal Building, 200 South 4th Street, DeKalb, Illinois. **DEFENSE SHALL FILE ANSWER TO STATE'S MOTION TO COMPEL ALBI ON 8/21/12**
 Sandwich Council Chambers, 128 East Railroad Street, Sandwich, Illinois.
 DeKalb County Courthouse, 133 West State Street, Sycamore, Illinois.

IT IS FURTHER ORDERED that COURT FINDS THE STATE HAS SUFFICIENTLY ANSWERED DEFENDANT'S MOTION FOR BILL OF PARTICULARS (PARAGRAPHS 1-4). STATE ORDERED TO ANSWER DEFENDANT'S PARAGRAPH 5+6

DeKalb County State's Attorney _____
Defense Attorney _____

Dated: 8/17/12
ENTER: _____
Judge [Signature]