No. 131340

IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS Plaintiff- Appellant. WILLIAM P. HEINTZ. Defendant - Appellee.	) On Appeal from the Appellate Court of) Illinois. Third Judicial District) No. 3-23-0161.)) Original Appeal from the) 21st Judicial Circuit Court) Kankakee County. Illinois) No. 20-CF-469.)) Honorable) Kathy S. Bradshaw-Elliot.) Judge Presiding.) Notice of Appeal: 04/05/2023

DEFENDANT-APPELLEE BRIEF, WILLIAM HEINTZ

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c. The Trial Court found that there is some evidence sufficient to support a self-defense instruction

II. TRIAL COURT ERRORED IN REFUSING TO ADMIT EVIDENCE OF DEFENDANT'S ACQUITTAL.

III. THE ERROR IN BARRING EVIDENCE OF THE PRIOR ACQUITTAL AND THE EVIDENCE OF THE VICTIM'S POST CHARGE VIOLENT CONDUCT WAS NOT HARMLESS.

ISSUES PRESENTED FOR REVIEW

I. **THE TRIAL COURT ERRORED IN FAILING TO ADMIT THE RING SURVEILLANCE FOOTAGE AND TESTIMONY REGARDING SUBSEQUENT ATTACKS BY THE VICTIM AGAINST THE DEFENDANT.**

II. **THE TRIAL COURT ERRORED IN REFUSING TO ADMIT EVIDENCE OF DEFENDANT'S ACQUITTAL.**

III. **THE ERROR IN BARRING EVIDENCE OF THE PRIOR ACQUITTAL AND THE EVIDENCE OF THE VICTIM'S POST CHARGE VIOLENT CONDUCT WAS NOT HARMLESS.**

STATEMENT OF FACTS

Pursuant to Supreme Court Rule 341(i) the Defendant deems the State's Statement of facts unsatisfactory in that it includes the State's comments regarding the record and omits important aspects of the trial transcript. As a result, the Defendant submits the following statement of facts:

On August 7, 2020, the Defendant was charged by way of Information with Attempted First-Degree Murder, Aggravated Domestic Battery, Unlawful Restraint and Domestic Battery. (R 7-8).

On April 1, 2021, the Defense disclosed that they would rely on the affirmative defense of self-defense. (C 108). On June 8, 2021, the State filed a Notice of Intent to Use Evidence Pursuant to 725 ILCS 5/115-7.4. (C 118). On July 19, 2021, the Defendant filed a Motion in Limine, seeking to introduce four Ring home surveillance videos purporting to show the victim's violent character pursuant to Illinois Rule of Evidence 404(a)(2). (C 125-6).

On December 8, 2021, the Rule 7.4 Motion and Motions in Limine were called for hearing. (R 52-53). The Court heard the Motion in Limine regarding the Ring surveillance videos. (R 53). The State asserted that the Ring videos were from incidents that occurred months after the charged offense. (R 61). The State also relied upon People v. Evans 2018 IL App (4th) 160686, ¶ 30. (R 61). The Trial Court, in referring to the Evans ruling, indicated

> *"I think I have to rule against you based on this case. Okay. It may be a good appeal issue. I don't know. But I'm going to say based on the Evans case, I am going to deny your first Motion in Limine because the Evans case, which is 2018 Ill App 160686 says that conduct by the victim after the domestic battery does not come in." (R 61-2).*

On March 7, 2022, the Trial Court held the hearing on the Rule 7.4 Motion. (R 78-9). The State sought to introduce testimony from six various dates. (R 80). The State introduced the facts of the alleged incidents by way of proffer. (Id.). The first alleged instance was in February of 2019. (Id.). The State made the representations that the Defendant and Miss Szalaj got in an argument at the Defendant's house and the Defendant pointed a gun at her, hit her while telling her he would shoot her and then hit her in the back of the head with a gun. (R 80-1). The second instance was from July of 2019. (R 81). It was proffered that Miss Szalaj was lying on the bed and the Defendant got on top of her and began punching and slapping her all over her body. (Id.). He then pulled out a loaded gun and he threatened to kill her. (Id.). The alleged third incident was between December 21, 2019, and January 1, 2020. (R 82). There was an argument at the Defendant's house when the Defendant slammed her face into the ground. (Id.). She ran outside and the Defendant tackled her and hit her face into the ground again. (Id.). The fourth incident occurred February 20th. (Id.). It was alleged that the Defendant took Miss Szalaj's phone

and broke it. (Id.). The Defendant slammed Miss Szalaj down into the ground and was sitting on top of her with his knees on her chest and his arms were pushing her face onto the floor. (R 83). She broke a rib. (Id.). The fifth alleged incident occurred in June of 2020. (Id.). It was proffered he spat in her face and slapped her. (Id.). Finally, on July 3, 2020, the Defendant alleged to have said he would kill her, grabbed her, threw her out of the house and slammed her face on the ground several times. (R 84). The prosecution alleged that the facts of the current case were that in August of 2020 Miss Szalaj was dropped off at her house. (Id.). She was outside when the Defendant appeared. (R 85). They began to argue in the house. (Id.). The Defendant grabbed her by the face and ripped her lip causing it to bleed. (Id.). She ran to the bathroom and locked the door. (Id.). The Defendant kicked the bathroom door breaking the frame. (Id.). He grabbed her and pinned her in the tub. (Id.). He put his steel toed boot on her neck. (Id.). She was unable to breath and lost consciousness. (Id.). The Defendant turned the water on her face while holding her down with his boot. (R 85-6). He punched her in the eye. (R 86). He pulled out a pocketknife and while holding her down told her he was going to kill her. (Id.). She put her hand up to protect herself and he cut her thumb. (Id.). He took her phone so she could not call the police. (Id.). A few hours later she was able to contact a work friend via a messaging app and that is how the police were contacted. (Id.).

The Defense did not object to the sixth incident being introduced. (R 91).

The State also sought to introduce through 7.4, "other offenses of domestic violence against Dawn Heintz, to include the following: Instances of abuse during the relationship which lasted from 1996 to divorce in 2007 and 2020 through 2021 Order of Protection." (C 118). The state tendered by way of proffer that Dawn Heintz was the Defendant's wife.

(R 96). They were married from 1996-2007. (Id.). The Defendant head-butted her and broke her nose, placed his hands around her neck and pushed her down the stairs. (R 97). He also pushed and shoved her on several occasions and was verbally abusive. (Id.). In 2004, he threatened her with a gun in the bedroom. (Id.). In 2020, the Defendant began driving by her house and texting her with questions about things he shouldn't know anything about. (R 98). The Defendant's attorney argued that the Dawn Heintz allegations are too remote in time. (R 100). The Defendant's attorney argued that 7.4 allows commission of another offense. (R 101). Threats and profanity are not within the ambit of 7.4. (Id.). The Court disagreed with the Defendant's attorney on that issue. (Id.).

The Trial Judge ruled that the July 3rd, February 2019, July 2019 and February 2020 allegations were allowed to be admitted. (R 107). The December 21, 2019 to January 1, 2020 and June 2020 allegations or incidents were not allowed. (Id.). As to Dawn, the Judge allowed every allegation after 2004. (Id.).

A jury trial commenced on December 12, 2022. (R 149-50). The State and Defense conducted opening statements. (R 223-234). During the Defense's opening statement, the Defendant's attorney mentioned that the victim had the Defendant arrested in Iroquois County for misdemeanor domestic battery. (R 231). The following exchange occurred:

> *Defendant's Attorney: "Incidentally he went to trial on that case in Iroquois County."*
> *The State: "Judge I'm gonna object"*
> *The Court: "Sustained" (R 231).*

The State called Brianna Szalaj. (R 235). She testified her and the Defendant started a relationship in 2017. (R 237). From 2017 to 2019 the relationship started out pretty well, but they ended up arguing a lot. (R 237-8). Between 2017 and 2019 the arguments became physical. (R 240). In February of 2019, they were arguing. (Id.). She got in his e-mail and

saw messages back and forth from his ex-girlfriend. (R 241). She confronted him and he called the cops on her. (Id.). She cannot recall the date but only that it was wintertime. (R 240). She did not recall the Defendant putting his hands on her at that time. (R 241). The cops were called twice. (Id.). No one was arrested. (R 242). After the police left, she was upstairs, and the Defendant was downstairs. (R 242). They got into a second argument where he pulled a Glock on her. (Id.). She jumped off the bed and hid between the bed and wall. (R 243). She did not recall him saying anything, but he did come up and beat her in the back of the head with the gun. (Id.). Not after that incident but after many episodes she got an Order of Protection. (Id.). In the Order of Protection, she indicated that the Defendant had said he was going to shoot her and that is when she tried to hide under the bed. (R 244). She left and went to the Sheriff's Department after he struck her with the gun. (Id.). No one was arrested. (R 246). During the relationship he called her names. (R 246-7). She testified she was isolated from her entire family, and she thought it would not happen again. (R 247). That is why she would keep going back to the Defendant. (Id.).

An incident occurred in July of 2019. (R 248). She does not recall the date. (Id.). She floated down the river with her family. (Id.). She was taking pictures to show the Defendant that she was only with her family. (R 249). The Defendant called her a liar and said other people were there. (Id.). When she got back to the house, he wanted to see her phone and she did not allow it. (Id.). He stood over her and hit her with his fist multiple times all over the body. (R 250). He pulled his gun and pointed it at her. (Id.). He said he was going to kill her. (Id.) He apologized and said if she would have given him her phone it would not have escalated. (Id.). There was another incident at his house in February of 2020. (R 251). She was living with him at the time. (Id.). She was getting ready for work

and they were arguing. (R 252). He wanted the password to her phone, and she would not provide it. (Id.). He shattered her phone. (R 253). She said that he owes her a phone and went into the bedroom to pick up his wallet. (Id.). He chased after her. (Id.). He threw her on the ground and kept screaming to give back the wallet. (Id.). His knees were on her chest and his hand was on her face. (Id.) He was pushing her face into the ground. (Id.). She testified that he broke her ribs. (R 254). The Defense objected and the Court held a sidebar. (Id.). The Court never ruled on the objection. (Id.). She went to work and had a piercing sensation on her side. (R 255). She waited a day or two to go to the doctor. (Id.). Two pictures of her shattered phone were shown to the jury. (R 256).

There was an incident on July 3, 2020. (R 257). They went to a party and were drinking. (R 257-8). They went back to the Defendant's house. (R 258). They argued about his ex. (Id.). He walked her out of the house and locked her out. (R 260). She did not leave, despite having her car keys and car, because all of her stuff including her dog was inside the house. (R 260). She went back in through a basement window. (R 261). She went up to his room because she was mad. (R 262). He told her she was intruding and breaking and entering. (Id.). He got very mad. (Id.). He forcibly moved her from the room upstairs to downstairs. (Id.). She does not remember if she had touched him. (R 262-3). They both ended up in the gun cabinet. (R 263). The glass on the gun cabinet shattered. (Id.). He pushed her outside and slammed her face on the ground. (Id.). She took off, ran to her car and called 911. (Id.). The Defendant came up to the window and was yelling at her. (Id.). He told her to leave and had her dog. (R 264). She left with both dogs. (Id.). During the incident, the Defendant threatened to kill her but did not do anything to indicate he could kill her. (R 265). She does not remember him picking up a gun during this incident. (Id.).

People's Exhibits 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 were shown. (R 265-9). They are pictures of bruises she claims are from this incident. (Id.). People's Group Exhibit "16" is a picture of her replacement phone after it was shattered. (R 269-70). Exhibit "16" shows text from the Defendant reading "Don't you think you are spending too much time at your cousin's?" (R 270). People's Exhibit "17" depicts a text saying 'so did you want to discuss last night?' People's Exhibit "18" is a continuation of the conversation started in Exhibit "17". (R 273). People's Exhibit "19" is a video showing the continuing conversation. (R 274).

After July 3, 2020, they did not have a relationship. (R 274). Miss. Szalaj mentioned the Iroquois County case. (R 274). They were not seeing each other. (R 275).

On August 6, 2020, she was at her cousin's house. (Id.). After eating, her sister dropped her off at home. (Id.). She went in and let the dog outside. (R 276). She realized the Defendant was in her house. (R 277). He wanted her phone. (Id.). She did not plan on meeting him there. (Id.). He had access to the house because her garage door was programmed into her Jeep. (Id.). She told him that she would not provide her phone. (Id.). He grabbed her face. (Id.). He ripped the skin, and she was bleeding all over. (R 278). She took off running up the stairs and into the bathroom. (Id.). The Defendant kicked the door down. (Id.). He threw her into the tub. (R 279). He stepped on her neck with his work boots. (Id.). He poured water on her face. (Id.). While the water was running on her face his foot was on her chest. (R 280). He wanted the password to her phone. (R 281). She freed her arms and turned off the water. (Id.). She could not get out of the tub. (Id.). He stepped on her neck, and she told him she could not breath. (Id.). She blacked out a little bit and does not remember, but said he was beating her in the tub. (Id.). He punched her in the face. (R

282). He brought a knife and threatened to kill her. (Id.). He was running water all over her face. (Id.). He was holding her head with his hand. (R 282). When he flipped the knife open, she told him to just get it over with and put up her hand. (Id.). He cut her thumb. (Id.). This went on for hours. (R 283). She does not remember how long she was in the tub. (Id.). He just stopped. (Id.). After he stopped, he followed her around the house. (Id.). She went to her bedroom, opened the window and screamed for help at around 3:30 a.m. (Id.). He told her they would discuss it later and to go to bed. (R 284). Everywhere she went he was on her heels. (Id.). She went to bed at 4:00 in the morning. (R 285). When she woke up at 7:00 a.m. the Defendant was still there. (Id.). She logged into work through her work computer and messaged a co-worker on her Microsoft team. (Id.). The police showed up. (Id.). She asked a co-worker to have the police do a welfare check. (R 286). When the police showed up, the Defendant was upstairs trying to fix the door. (Id.). She was in the living room. (Id.). When he saw the police, he took off out the garage door. (R 287).

People's Exhibit "21-27" depicts her injuries. (Id.). People's Exhibit "28" shows blood on her pants. (R 290). People's Exhibit "29" is the bathroom after the Defendant tried to fix it. (Id.). People's Exhibit "30" is the bathtub. (R 290). The witness believes they located spots of blood on it. (R 291). People's Exhibit "31" shows blood in the bathroom. (Id.). People's Exhibit "32" and "33" show the bathtub. (Id.). People's Exhibit "34" shows blood. (Id.).

After August 6th, she called the officers again because she found his knife under her bed. (R 292). People's Exhibit "38" is a photo depicting where she found the knife. (Id.). People's Exhibits "39", "40" and "41" are the knife. (R 294). Between the time the officers were initially at her house and when she found the knife she did not touch it. (Id.).

She took pictures at the Sheriff's Department the next day. (R 295). She had a black eye and marks on her neck from the boot. (R 296). She broke her toe. (R 301). Exhibits "42 – 62" further depict her injuries. (R 295-302).

After August 6th, she continued to have contact with the Defendant. (R 302). He mostly contacted her every time it got close to when the trial was supposed to occur. (Id.). She also contacted him. (Id.). He told her she needed to work with him on the trial. (Id.). She met him at his house. (R 303). She stayed a couple of days. (Id.).

The jury left the room and the Defendant's attorney raised the issue that the July 3, 2020, incident resulted in criminal charges in Iroquois County. (R 308). He was acquitted. (Id.). The Defense wanted to be able to bring that out in cross-examination. (Id.). The Judge ruled that "the cases all read it doesn't mean that he's innocent. It just means that he was found not guilty." (R 309).

Miss Szalaj was recalled and subjected to cross-examination. (R 319). She last saw the Defendant on the Tuesday before the trial. (R 320). The Defendant suggested that they go to the Chicago suburbs to look at a car. (Id.). She needed a ride because she does not have a driver's license. (R 321). He picked her up after work. (Id.). Last Monday, the day before December 5th, she spent the night at his house. (R 322). She previously testified that the last time she saw him was last Fall. (Id.). She "embellished, modified, said the truth a different way" to try to not get the Defendant in trouble. (Id.). She has been seeing him since August of 2020. (R 323). She has initiated contact with the Defendant since August of 2020. (R 324). She had an Order of Protection against him. (R 327). She was at the Defendant's house last Winter and ripped a camera off the wall. (R 330). The Defense

asked why she ripped a camera off the wall in February of 2021. (R 331). The State objected. (Id.). There was a sidebar and no ruling on the objection. (Id.).

She opened the Defendant's emails without permission. (R 336). In February of 2019, she filed a police report claiming the Defendant pointed a gun at her. (R 338-9). This was after the Defendant called the police to have her removed from his house. (R 338). She admitted she has said some vulgar terms to the Defendant. (R 341).

She did not go to the police after the July 2019 incident. (R 342). The witness was asked about giving the Defendant a black eye in March of 2019. (R 343). She answered "possibly." (Id.). "Like I said the days – all of this has been a blur for the last years." (Id.). The witness was shown Defendant's Exhibit "E". (R 343). She saw that picture during the trial in Iroquois. (R 344). She gave him the black eye. (Id.). She punched him following an argument. (Id.).

In Spring of 2020 she initiated a complaint against the Defendant at work. (R 346). The witness asserted that the Defendant was stalking her. (R 347). He was placed on paid suspension but eventually restored to his job. (R 348).

On the July 3rd incident she was intoxicated. (R 351). She does not remember punching the Defendant in the face as he was driving home. (R 353). When they got home, he locked her out of the house. (Id.). She went into the house through a basement window. (R 354-5). She knew she was not welcome inside the house. (R 355). She went to his bedroom and confronted him. (R 355-6). He was screaming at her to leave. (R 356). They were both pushing each other. (Id.).

Exhibit "A" is the 911 call made on July 3rd. (R 379). It was published to the jury. (Id.). She admitted to asserting to the 911 operator that he was hurting her dog. (R 382).

She asserted to the 911 operator that he already tried to use a gun on her. (R 384). He did not pull a gun on her. (Id.).

On the night of the charged offenses, Miss Szalaj had texted the Defendant that she was going home. (R 391). They had been texting earlier that evening and he knew where she was. (R 392). That evening when he reached for her phone, she does not remember throwing a beer in his face. (R 393). She does not remember grabbing his phone. (Id.). She denied attacking him. (R 394).

Defendant's Exhibit "G" is a screen shot of a text message from her. (R 397). She does not remember telling him that she will destroy him. (R 399). Defendant's Exhibit "H" is another message. (R 399). The witness did not remember telling Mr. Heintz that she had yet to use her powers and had yet to threaten until now. (Id.). Defendant's Exhibit "J" is another text message. (R 400). The witness once again does not remember sending the message. (Id.).

The State next called Sarah Heusing. (R 409). She is a registered nurse at St. Mary's Emergency Room. (Id.). She was working on August 12, 2020. (R 409-10). She treated Brianna Szalaj that day. (R 410). Szalaj indicated she was involved in a domestic dispute where she was grabbed by the lip and started bleeding. (R 411). She also reported the door was kicked down, she was punched and kicked. (Id.). She had bruising under her eye and reported losing consciousness. (Id.). It happened the week prior. (Id.).

The State next called, Brent Barrie. (R 412). He is a Bourbonnais police officer. (R 413). Brianne Szalaj called the police to report she had located a knife that was involved in the incident. (R 414). She advised that she located the knife in the incident under her bed. (Id.). He took the photos in Exhibit "38-40". (R 415). The knife was on the floor

underneath the bed. (Id.). People's Exhibit "64" is a sealed evidence bag that he sealed. (R 418). The knife was shown to the jury. (Id.). On cross examination the officer indicated the knife was pretty much in plain view. (R 420). The knife did not turn up until six days after the incident. (R 421).

The State called Nancee Brown. (Id.). She is a retired Legal Medical Advocacy Coordinator at the Center for Prevention of Abuse for 30 years. (R 423). She was an advocate that would respond to the Hospital Emergency Department for victims of domestic violence. (Id.). She also worked with the "survivor" through the criminal justice process. (Id.). She has a bachelor's degree in social justice professions. (Id.).

Defendant's Exhibit "L" is Nancee Brown's resume. (Id.). Mrs. Brown had never been called as an expert in regard to the dynamics of domestic violence. (R432). She has had experience with survivors of domestic violence for 30 years. (R 434-5). Over the Defense's objection, the Court qualified her as an expert. (R 446-8). She described the cycle of violence. (R 448-56). She testified that, on average, domestic violence victims return to their abuser seven times. (R 452). On cross-examination the witness admitted she has only testified for the State. (R 456-7).

The State called Ignacio Czako. (R 462). He is a Bourbonnais Police Officer. (R 462-3). He was working on August 7, 2020. (R 463). People's Exhibit "20" are the boots in a bag. (R 464). On cross-examination the witness admitted that if the boots were wet when he picked them up, he probably would have documented it. (Id.).

The State called Brett Bukowski. (R 466). He is a Bourbonnais Police Officer. (R 466). He was working on August 6, 2020. (R 466-7). He received a request for a welfare check at 485 West Bethel Drive in Bourbonnais. (R 467). When he got to the residence

Brianne came running out and saying they needed to help her. (R 468-9). As they were talking to her the back door slammed and Brianne said that was him running out the backdoor. (R 469). The subject was gone. (Id.). Officer Bukowski related to dispatch the vehicle description provided by Brianne. (R 470-1). She was panicked when talking. (Id.). She had a black eye. (Id.). The officer described the photos he took and the injuries he saw. (R 471- 475). On August 12th, he collected a DNA sample from Brianne. (R 476-7). People's Exhibit "65" is the Illinois State Police Biological Standard Kit. (R 479).

The State called Jason Sztuba with the Bourbonnais Police Department. (R 481). On August 6th, he was dispatched for the welfare check. (R 482). When he got there, he searched for a knife that was believed to be outside. (R 483). It was not found. (Id.). The officer conducted a search on the Defendant's Jeep. (R 484). People's Exhibit "66- 69" are photos of the vehicle. (R 485). People's Exhibit "70" is a photo of the ID card for William Heintz. (Id.). People's Exhibit "71 – 76" are pictures of handwritten notes. (R 487-8). People's Exhibit "77" is a photo of binoculars taken from the passenger rear door. (Id.). People's Exhibit "78" is a photo of the driver's door compartment. (Id.). People's Exhibit "79-81" are pictures of knives found in the car. (R 490). People's Exhibit "82" is the evidence envelope containing the handwritten notes. (Id.). Officer Sztuba retained the notes because he thought they might have been written by Mrs. Szalaj. (R 502). The officer testified that a search was conducted pursuant to a Firearms Protection Order. (Id.). A Firearms Protection Order was "a civil order of protection for more severe cases…". (R 502). The Defense objected as to relevance.(R 503). That objection was overruled. (Id.). The officer further describes a Firearms Protection Order and asserts that a firearms disposition was not turned in. (R 503-4). The Firearms Protection Order was executed

because a disposition had not been completed and there was information that the Defendant had firearms. (R 504). During the search, they found ammo, magazines, a Ruger pistol and three rifles in an adjacent building. (R 505).

The officer got a DNA sample from the Defendant. (Id.). People's Exhibit "83" is an ISP Biological Standard Collection Kit. (R 507). Two shirts and a knife were sent to the lab for DNA testing. (R 508-9).

The State called Bourbonnais Police Officer James Cox. (R 540). He pulled over the Defendant's vehicle on August 6th. (R 543-44). He arrested the Defendant. (R 544). He observed red stains on the upper part of his T-shirt and button-up shirt. (R 544-5). The Defendant indicated he did not know what the stains on his clothing were. (R 545). People's Exhibit "84" are the two shirts. (R 547). The Defendant indicated a cell phone was behind the passenger side of the Jeep. (R 546). The officer recovered it from the Jeep. (R 550).

The State called Bill Cheng. (R 566). He is employed at the Illinois State Police Crime Lab. (R 567). The t-shirt and plaid shirt had Brianne Szalaj's DNA on it. (R 579-82). The knife had Brianne's DNA and the Defendant's DNA with a major male contributor and a minor female contributor. (R 582-5). On cross examination the witness indicated he found blood on the outside of the handle of the folding knife. (R 588-90). Blood was not found anywhere else on the knife, including on the blade. (R 591).

The State called Dawn Heintz. (R 593). She was married to the Defendant around 1994. (Id.). She filed for divorce in 2004 and it was finalized in 2007. (R 594). The State asked about an incident where the Defendant pushed her down. (R 595). The witness could not remember the date, but it was in 2004. (Id.). The Defendant shoved her down in the

garage and she had to get stitches on a cut hand. (R 597). She identified the Defendant as "the one right over there kind of glaring at me…." (R 598). There was an objection, and it was sustained. (Id.) The witness got an Emergency Order of Protection. (Id.). He removed their dog from the premises. (R 600). She claimed he kept the dog in a crate in the basement for 13 hours a day after he moved out of the house. (R 601). She confronted him about the dog, and he responded that he did not care. (R 602). From 2004 to 2007, the Defendant would show up at places she was at, shortly after she arrived. (R 603). From 2004 to 2007 the Defendant made threats to her, but she could not recall the year specifically. (R 603). He called her and told her to drop the Order of Protection, or her life would be difficult, and he would make her pay. (R 605). In 2020 she filed another Order of Protection. (R 607). She received a text from "a Google number." (R 608). The State asked about the contents. (R 609). The Defense objected. (Id.). The Judge once again went off the record, had a sidebar, and when the Judge went back on the record there was no ruling on the objection. (Id.). The witness believes the message was from the Defendant because it was similar to messages she got in the past. (R 610). The message asked how she had been. (R 611). The message said "In my opinion, your horses were an instrument for control from your parents. It seemed to work." (R 612). She thought this was from the Defendant because that is how he talks. (R 612). She obtained an Order of Protection. (R 613).

The State rested and admitted their exhibits. (R 629-47). There was a motion for a directed verdict that was denied. (R 647-49).

Prior to the start of the Defendant's case, the State objected to a witness being called from CSL Behring and the State demanded an offer of proof. (R 651). The Defendant's attorney made an offer of proof. (R 651). The State asserted that "Everything that she did

was hearsay, except any conversations that she had with the Defendant." (R 653). The State further asserted that "if she testifies to the fact that she did an investigation, she's now giving her opinion as to the results of that investigation, and everything that she relied on is hearsay." (R 653). The Judge, without hearing the actual testimony, agreed. (R 654). They want to "present that CSL Behring found that he did nothing wrong basically is what you're trying to get in front of the jury. I don't think you can do that." (R 657). The Judge barred her testimony. (Id.).

The Defense called Iroquois County Deputy, Skyler Feller. (R 661-2). He responded to a 911 call on July 3rd. (R 662-3). They met with Brianne down the road from the house. (R 663). Defense Exhibit "F" is a photograph of Brianne's swollen eye taken that evening. (R 664-6).

The Defense called Jeff Wedwick. (R 671). He went with his wife in February of 2019 to Mexico. (R 673). The Defendant and Brianne were there too. (Id.). While in Mexico he observed the Defendant ordering drinks from a female bartender. (R 678). Brianne came up behind the Defendant and just cracked him in the back of the head. (Id.).

Jessica Wedwick was called to testify. (R 686). She recounted the trip to Mexico and Brianne getting intoxicated, mad and talking "crap" about the Defendant, but did not see anything that happened at the bar. (R 686-96).

The Trial Court denied the Defendant's motion to admit the not guilty verdict from Iroquois County. (R 721). The Court then discussed Ring surveillance videos showing subsequent violent acts by Brianne. (R 722). The Defense indicated that the Ring videos are from November of 2020 and February of 2021. (Id.). One video shows Brianne throwing a can of beer in his face and then knocking him to the ground. (Id.). The other

shows her knocking him to the ground, straddling him, hitting him repeatedly with her purse and then punching him. (Id.). The Court indicated it would allow him to testify to those incidents but did not show the clips of the attacks. (R 728). The Court ultimately did not allow any evidence, including testimony, of these incidents to be introduced (R 834).

The Defendant was called to testify. (R 743). After being discharged from the Navy, he married Dawn Stewart. (R 748). The last time he sent her a text was in 2013 to 2015 regarding a mutual friend who died. (Id.). He did not send her the text in 2020. (R 748-9). He did not drive past her house. (R 749). He started working at CSL Behring in 2015. (R 750). He first met Brianne in 2016 from a mutual friend at work. (R 751-2). They started dating in the summer of 2016. (R 752). After he purchased property in Chebanse, Brianne lost custody of her kids and moved into his house. (R 753). He lived with Brianne from March of 2017 to the beginning of 2019. (R 755). After she lost custody of her kids, Brianne became more anxious, unstable and combative. (R 757). In February of 2019, she became very angry and brought up his ex-girlfriend. (R 758). Defendant's Exhibit "K" is a series of text messages between the Defendant and Brianne from around August 5, 2020. (R 759-60). In February of 2019, they were at his house. (R 761). In that incident, Brianne threw a beer in his face. (R 762). He did not point a gun at her or strike her with a gun. (R 762-3). He called the Iroquois County Sheriff and they arrived. (R 763). They came out twice. (R 763). They would not remove Brianne because she claimed residency there. (R 763-4). After that, he asked her to not claim residency there anymore. (R 764). They continued to see each other. (Id.).

On July 3rd, while he was driving, Brianne slapped him. (R 781). When he got to his house, he quickly exited the vehicle, ran into the house and locked the door. (R 782).

He went upstairs to the bedroom. (Id.). She was not in the house. (Id.). While he was changing in his bedroom she suddenly appeared. (Id.). She was yelling. (Id.). He tried to leave. (R 783). He went down the stairs and went to the back door. (Id.). She shoved him into the glass gun cabinet. (Id.). He was laying halfway on the gun cabinet on shards of glass. (R 784). She was on top of him, he gained control over her and tried to push her out the back door. (Id.). While he was trying to gain control over her she was spazzing out and fighting. (Id.). He held the back of her neck to get her out the open door. (R 785). They tripped over the threshold of the door and fell forward. (R 786). He landed on top of her. (Id.). He stood up, called his dog to try to get him back in the house, and went back inside. (Id.). She grabbed his dog and would not allow the dog to go in the house and then she ran to her car. (R 787). On that day, he had two Ring doorbells. (Id.). It was set with low sensitivity so that it only triggered with people at the door rather than everything in the driveway. (R 790-1). He retrieved his ring videos after July 3rd from the timeframe after they fell over the threshold. (R 791). He retrieved three videos. (R 792). He did not alter them. (R 792). Defendant's Exhibits "B", "C" and "D" are ring videos. (R 795-803). He went back outside to retrieve his dog. (R 804). He asked her to release his dog. (Id.). He was not threatening her. (R 805). The only force he used on July 3rd was that which was necessary to get out of the shards of glass and to remove her from the house. (R 806). He anticipated the police coming to his house, so he went on his four-wheeler to his neighbor's house. (R 806-7). He next saw Brianne four days later. (R 807). He got a Notice from the Illinois State Police saying there was an Order of Protection against him. (Id.). He transferred eight or nine guns to a friend. (R 809). He still had four or maybe five guns and some ammunition. (Id.). He did not own the firearms remaining in his possession and that

is why he did not transfer them. (R 810). After July 7th, he continued to see Brianne. (Id.). He was never served with the Order of Protection. (Id.). On August 5th, they were still in a relationship. (R 811). She was supposed to meet up with him after work or in the evening that day. (Id.). Exhibit "K" contains messages between the Defendant and Brianne that day. (R 812). She texted him when she was leaving for home. (R 815). He was out with a friend from work. (Id.). He left and went to her house. (R 816). At that time Brianne was concealing the fact that she was seeing him, so he parked a block over and went through the garage. (818). She was sleeping in the bedroom. (Id.). She got up and went to the couch where they continued to talk. (R 819). They had an agreement where they see each other's passwords on their phones. (Id.). He picked up her phone to look at it, but the password did not work. (R 820-1). He asked her why the password was changed. (R 821). She picked up his phone and threw a beer in his face. (Id.). She ran towards the bathroom with his phone. (Id.). She slammed the door. (Id.). He bumped into the door and the doorjamb popped. (Id.). She got very violent. (Id.). He tried to stop her as she was punching and trying to knee him. (R 822). He never slapped her, kneed her or kicked her. (R 823). While he was trying to restrain her, she fell backwards into the bathtub. (Id.). He never drew a knife. (Id.). He did not cause the cut to her thumb with a knife. (R 824). He restrained her in the tub. (R 825). Once she calmed down, he let her up. (Id.). After that, she attacked him again and he put his knee down on her chest. (Id.). His knee was not on her neck. (Id.). He did not try to hurt her. (R 826). He was yelling at her to stop. (Id.). He did not apply any pressure to her neck. (Id.). He did not say he was going to kill her. (Id.). He was injured after the struggle in the bathroom, but the police never took any photographs. (R 827).

At some point she stopped fighting him and agreed to stop. (Id.). They went to the bedroom, laid down and went to sleep. (R 828). At no point did Brianne open a window and scream. (Id.). When they woke up, Brianne had injuries that he could observe. (R 829). The injuries from the photographs were pictures of the injuries she sustained on July 3rd that were still there on August 7th. (R 831). When they woke up, he still had her phone from earlier. (R 832). When the police arrived, he panicked because there was a No Contact Order from Iroquois County. (Id.). He ran out the door. (Id.). He still had her phone. (R 833).

He next saw Brianne two weeks later. (Id.). She came over to his house unexpectedly. (Id.). Since then, he has seen her almost daily. (Id.).

The Defense attempted to discuss an incident on November 8, 2020. (R 834). The State objected. (Id.). The Court apparently indicated that it wanted a sidebar. (Id.). The basis for the objection and the Court's ruling on the objection are not part of the record because the Court held it as a sidebar. (Id.). The Court clearly sustained the objection but why and how do not appear on the record. (Id.).

Defense Exhibit "G" is a text message from March of 2021 where she told him that she will destroy him. (R 838). Defense Exhibit "H" is another text message from March of 2021 where she said that she has yet to use her powers. (R 840-1). She also indicated that she has all the power. (R 842). Defense Exhibit "I" is another text message where she says "You will learn real quick that I don't play games. I win."(R 842).

He found the notes Brianne wrote in her car. (R 843). He took the notes to discuss with Brianne. (R 844).

The Defendant was subjected to cross-examination. (R 845). He did not break up with her after she had him arrested twice and he lost his job. (R 860-1). He did not transfer firearms pursuant to the Firearm Disposition Record. (R 863). He also missed a whole box of ammunition that was in his car. (R 864). He does not recall her ever having a broken rib. (R 866). People's Exhibit "20" does not only depict old injuries. (R 868-870). When the Defendant told the police that he last saw Brianne's phone on the countertop that was not true. (R 877).

The Defense rested. (R 889). The State had no rebuttal. (Id.). The State and the Defendant made closing arguments. (R 902-39). The Defendant was found not guilty of Attempted First Degree Murder but guilty of Aggravated Domestic Battery, Unlawful Restraint and Domestic Battery. (R 957). The Defendant was sentenced to three years in the Illinois Department of Corrections at 85 percent. (R 1031).

On November 21, 2024, the Third District Appellate Court ruled that the Trial Court errored in refusing to admit evidence of the victim's violent conduct that occurred after the charged incident. The Trial Court also errored in allowing the admission of facts associated with a prior domestic battery incident charged in Iroquois County to be admitted without also allowing the Defense to admit the fact that the Defendant was found not guilty of those charges. People v. Heintz, 2024 IL App (3d) 230161-U.

ARGUMENT

STANDARD OF REVIEW

"A circuit court abuses its discretion when its ruling is 'fanciful, unreasonable or when no reasonable person would adopt the trial court's view.'" People v. Clayborne, 2020 IL App (3d) 170518, ¶ 25 citing, People v. Taylor, 2011 IL 110067, ¶ 27.

"De novo review is completely independent of the Trial Court's decision. De novo consideration means that the reviewing Court performs the same analysis that a Trial Judge would perform." People v. Randall, 2016 IL App (1st) 143371, ¶ 44.

"We ordinarily review a trial court's judgment regarding the admissibility of other-crimes evidence for an abuse of discretion. However, when the question before the reviewing Court is purely a question of law, our review is de novo." People v. Currie, 2022 IL App (4th) 210598, ¶ 61. "De novo review is appropriate, however, when there are no factual or credibility disputes, and the appeal therefore involves a pure question of law." People v. Chapman, 194 Ill. 2d 186, 217 (2000). "To answer the admissibility question here we must interpret the Illinois Rules of Evidence, and our review is *de novo*." People v. Smart, 2025 IL 130127, ¶ 39.

ANALYSIS

I. THE TRIAL COURT ERRORED IN FAILING TO ADMIT THE RING SURVEILLANCE FOOTAGE AND TESTIMONY REGARDING SUBSEQUENT ATTACKS BY THE VICTIM AGAINST THE DEFENDANT.

The State argues that the term prior in Illinois Rule of Evidence 405(b)(2) really means "prior to charged conduct: (States Brief 16). The issue before this court is whether or not the term "prior" refers to before the charged conduct or before the time it is admitted into evidence. The only interpretation that makes sense, and the only interpretation that results in a fair trial, is that the term "prior" refers to conduct prior to the time it is admitted.

a. The standard of review is *de novo* as to the Trial Court barring evidence of the victim's violent conduct.

The State confuses, or at least fails to acknowledge, the appropriate standard of review for this issue. They argue "the evidence of Szalaj's conduct after the charged

offense was inadmissible under the plain language of Rule 405(b)(2), and the Trial Court did not abuse its discretion in barring it." (State's Brief 19).

"When considering the interpretation of the Illinois Rules of Evidence, we employ the *de novo* standard of review." People v. Smith, 2022 IL 127946, ¶ 25. It is certainly true that "'(a)buse of discretion' is a versatile standard of review in that, depending on what the underlying issue is, it can lead to other standards of review." Shulte v. Flowers, 2013 IL App (4th) 120132, ¶ 22.

Here, the State asks this Court to interpret Rule 405. As a result, the standard of review is de novo and not an abuse of discretion.

b. Rule 405 allows for the introduction of all instances of violent conduct by the victim that occurred prior to trial.

The State argues that "(t)he only reasonable interpretation of the word 'prior' within the rule is 'prior to the charged conduct.'" (State's Brief 16). They assert that the rule cannot be read to mean prior to trial because otherwise the word prior is superfluous. (State's Brief 19). The State's argument fails when considering the rules of statutory construction and the language of Rule 405.

"In criminal homicide or battery cases when the accused raises the theory of self-defense and there is conflicting evidence as to whether the alleged victim was the aggressor, proof may also be made of specific instances of the alleged victim's prior violent conduct." IL R EVID Rule 405.

"The same principles of interpretation govern both statutes and the rules of this court." People v. Deroo, 2022 IL 126120, ¶ 19. "The cardinal rule of statutory construction, subordinating all other rules, is to determine and give effect to the intent of the legislature. The most reliable indicator of that intent is the language used in the statute. Whenever

possible, that language should be given its plain and ordinary meaning." People v. Fiveash, 2015 IL 117669, ¶ 11. "The only legitimate function of the courts is to declare and enforce the law as enacted by the legislature, to interpret the language used by the legislature where it requires interpretation, and not to annex new provisions or substitute different ones, or read into a statute exceptions, limitations, or conditions which depart from its plain meaning." Belfield v. Coop, 8 Ill. 2d 293, 307 (1956).

The State's entire argument is based upon the incorrect assertion that if the rule is not read according to the State's interpretation, then the term "prior" becomes superfluous. The rule reads "proof may also be made of specific instances of the alleged victim's prior violent conduct." IL R EVID Rule 405. If the word "prior" is removed then the rule would read "proof may also be made of specific instances of the alleged victim's violent conduct." The meaning of the rule, without prior, is far more confusing. Without the word prior, the rule is unclear whether the violent conduct at issue is only related to the incident at issue or other incidents. In short, the use of the word prior is never superfluous.

Meanwhile, the State's argument requires that this Court add language to the rule. The State wants this Court to add language to the rule to state "proof may also be made of specific instances of the alleged victim's prior to the charged incident violent conduct." The State requests this Court to fix a rule that is not broken by impermissibly inserting unwritten language into the rule. The Defendant asserts that "But Delgrave was not free to rewrite Rule 405(b)(2) to correct a perceived omission." (State's Brief 20). Ironically, the State, in requesting to add the language "prior to the charged incident," is attempting to do the exact thing they accuse the Delgrave court of doing.

Further, we are not dealing with a statute but instead a rule of evidence. The rules of evidence have codified many different common-law evidentiary rulings. People v. Lynch is one of the evidentiary rulings that was codified. 104 Ill. 2d 194, 200 (1984).

People v. Lynch held that "evidence of the victim's propensity for violence tends to support the defendant's version of the facts where there are conflicting accounts of what happened." Id. In addition, "(i)t is consistent with the related rule that a victim's threats against the defendant are admissible even if they were not communicated to the defendant." Id. "Where the victim's propensity for violence is in question, however, the danger of prejudice to the defendant lies in refusing to admit such evidence, while its high degree of relevance and reliability remains constant." Id. at 1021. "We hold that when the theory of self-defense is raised, the victim's aggressive and violent character is relevant to show who was the aggressor, and the defendant may show it by appropriate evidence, regardless of when he learned of it." People v. Lynch, 104 Ill. 2d 194, 200 (1984).

People v. Lynch does not provide any distinction between the alleged Victim's violent conduct before the charged incident and after the charged incident. "(W)e are talking about character evidence. A propensity for aggressiveness or violence is a character trait. One's character is revealed by one's actions, but there is no particular reason why that person's character would be revealed more or less, depending on whether the acts revealing this character took place before or after the charged incident." People v. Degrave, 2023 IL App (1st) 192479, ¶ 81.

The State's desired interpretation of Rule 405 results in valid propensity evidence being excluded from trial for the arbitrary reason that it occurred after the charged

offense. If propensity evidence is appropriate evidence regardless of when the Defendant learned of it, then it is also appropriate evidence if it occurred after the charged offense.

Finally, statutes "must be construed so that absurd consequences may be avoided." Stiska v. City of Chicago, 405 Ill. 374, 382 (1950). The State's interpretation results in the Defendant being barred from showing a victim's violent propensity by after the fact incidents but the State is allowed to show the Defendant's propensity with after the fact incidents. In other words, the State would have more rights in how they can present their case than the Defendant.

The State argues that the results are not absurd because "such a limitation acknowledges that a victim's conduct after a violent attack may be a result of the trauma of the attack itself, rather than a preexisting predisposition to violence." (State's Brief 21). The State makes this assertion without any citation or support. There is nothing in this rule supporting this theory. Allowing the State to present propensity evidence, and then denying the Defendant the right to admit the same propensity evidence, creates a fundamentally unfair and prejudiced rule.

c. The Trial Court found that there is some evidence sufficient to support a self-defense jury instruction

The State argues that "(b)efore a defendant may introduce evidence of a victim's propensity for violence, he must present 'some evidence' that the victim was the initial aggressor and that the Defendant acted in self-defense." (Appellant's Brief 23). The State further argues that "because the defendant- by his own testimony- became the aggressor after Szalaj's retreat and could not establish that he acted in self-defense, the trial court did not err…." (Appellant's Brief 24).

Rule 405 applies when the theory of self-defense was raised. IL R EVID Rule 405. "We agree that it is well settled that a defendant is only entitled to a jury instruction on an affirmative defense if there is some evidence, however slight, in the record to support that defense." People v. Washington, 2012 IL 110283, ¶ 43.

The State's argument is not consistent with the Trial Court's ruling. The Trial Court found the exact opposite of what the State would have this Court believe. The Trial Court admonished the jury as to self-defense. (C 192). Clearly, the Trial Court found some evidence of self-defense at least sufficiently to warrant the jury instruction. This finding makes sense, because there was testimony that Brianne first threw a beer in his face and ran to the bathroom with his phone (R 822). (R 821). Once they were in the bathroom, she got very violent. The Defendant tried to stop her as she was punching and trying to knee him. (R 822). Once the judge finds Self-Defense, Rule 405(b)(2) applies.

II. THE TRIAL COURT ERRORED IN REFUSING TO ADMIT EVIDENCE OF DEFENDANT'S ACQUITTAL.

The Defendant was acquitted at a trial regarding the July 3rd allegations in Iroquois County. (R 308-9). After the State admitted the July 3rd evidence, the Defense sought to admit the fact that he was found not guilty. (R 308-9). The Trial Court barred the introduction of the acquittal in Iroquois. (R 657).

"Due to the inherently high, and often overly persuasive, probative value of such propensity evidence, the need to avoid unfair prejudice by providing a full context for the other-crimes testimony is readily apparent." People v. Ward, 2011 IL 108690, ¶ 46. Furthermore,"(g)iven the real possibility the jury would convict defendant based on his alleged prior bad acts alone, barring the acquittal evidence further enhanced the already high danger of undue prejudice against him." (Id.). "When admitting other-crimes

evidence, we often warn trial courts not to allow a "mini-trial" on the other crime, since that could confuse the jury and waste time. But if a Trial Court is going to admit it, the Trial Court must do so equitably. The Defendant should have been allowed to tell the jury about the acquittal." People v. Rosado, 2017 IL App (1st) 143741, ¶ 36.

People v. Ward establishes that the acquittal should have been allowed to be introduced into evidence. Fundamental fairness requires that, at the very least, the jury should be made aware that the allegations they have heard resulted in an acquittal. The Trial Court's erroneous ruling is further exacerbated by the fact that the jury repeatedly heard during the trial, from both the State and Defense, that the Iroquois County case existed and was charged. The Defense told the Jury during opening statements that the Iroquois County charge existed (R 231). The State elicited the fact that the Defendant had been charged in Iroquois in their direct of Ms. Slajaz (R 274). Ms. Slajaz testified that there was a trial in Iroquois County. (R 344). This is the exact concern addressed in People v. Bedoya: "The jury could have been left with the false impression that those 'offenses' were alive and pending. Fairness required disclosure." 325 Ill. App. 3d 926, 943 (2001). Here, fairness required disclosure, and the Trial Court errored in not allowing that disclosure.

The State's argument is that the acquittal is irrelevant. The State at Trial elicited the fact that during the July 3rd incident Ms. Slajaz called 911. (R 263). The State put before the jury, in their case in chief, the fact that the Iroquois case existed. (R 274). The Judge did not bar the State from eliciting this testimony. The State did not ask the Judge to admonish the jury not to consider it. The judge did not admonish the jury on its own. The State was perfectly fine with introducing the fact that the Iroquois charges existed, it only objected when evidence of the acquittal was mentioned. Regardless of People v. Ward, or

any other case law, the minute the State elicited the testimony that the Iroquois County case existed, the State opened the door for the Defense to introduce the acquittal. The Trial Court cannot bar the Defense from introducing evidence of an acquittal when the state introduced evidence that the case existed.

III. THE ERROR IN BARRING EVIDENCE OF THE PRIOR ACQUITTAL AND THE EVIDENCE OF THE VICTIM'S POST CHARGE VIOLENT CONDUCT WAS NOT HARMLESS.

"(E)videntiary error is harmless 'where there is no *reasonable probability* that the jury would have acquitted the defendant absent the' error." In re E.H., 224 Ill. 2d 172, 180 (2006) citing People v. Nevitt, 135 Ill.2d 423, 447 (1990). "In ascertaining whether an error is harmless, reviewing courts may (1) focus on the error to determine whether it might have contributed to the conviction, (2) examine the other evidence in the case to see if overwhelming evidence supports the conviction, and (3) determine whether the improperly admitted evidence is merely cumulative or duplicates properly admitted evidence." People v. Salamon, 2022 IL 125722, ¶ 121.

"The erroneous admission of other offense evidence 'carries a high risk of prejudice and ordinarily calls for reversal.'" People v. Bedoya, 325 Ill. App. 3d 926, 937 citing People v. Lindgren, 79 Ill.2d at 140. Evidence of propensity "overpersuades the jury, which might convict the defendant only because it feels he or she is a bad person deserving punishment." People v. Lindgren, 79 Ill. 2d 129, 137 (1980). People v. Ward and People v. Rosado both found that the refusal to admit the acquittal was a reversable abuse of discretion. "We hold that barring the admission of the acquittal evidence was an abuse of the Trial Court's discretion." People v. Ward, 2011 IL 108690, ¶ 48.

The Third District appropriately evaluated these factors. "Here, the evidence was not overwhelming where it largely concerned a credibility contest between defendant and Szalaj and their mutual acts of domestic violence." People v. Heintz, 2024 IL App (3d) 230161-U, ¶ 28, appeal allowed 256 N.E.3d 981 (Ill. 2025). "Given the lack of overwhelming evidence, additional evidence of Szalaj's violent character, particularly video evidence, may have impacted the outcome. The evidence was also not cumulative despite the testimony of previous incidents of violence committed by the alleged victim." Id.

The error is not harmless. The Trial Court's rulings resulted in a Trial where the Defendant was barred from give the Jury the complete picture.

CONCLUSION

For the foregoing reasons, the Appellee urges this Court to uphold the 3rd District's Ruling.

Respectfully Submitted,
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Matthew J. Mueller
Attorney for Appellee

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 30 pages.

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IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS	) On Appeal from the Appellate Court of) Illinois, Third Judicial District
Plaintiff- Appelant,	) No. 3-23-0161.)
	) Original Appeal from the) 21st Judicial Circuit Court) Kankakee County, Illinois) No. 20-CF-469.
WILLIAM P. HEINTZ,	)) Honorable) Kathy S. Bradshaw-Elliot,
Defendant-Appelle.	) Judge Presiding.

NOTICE OF FILING

TO: **State's Attorneys Appellate Prosecutor, 628 Columbus St, Ste 300, Ottawa, IL 61350; tarado@ilsaap.org; 3rddistrict@ilsaap.org; lbialon@ilsaap.org**

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PLEASE TAKE NOTICE THAT on 7-30-25, we filed with the Supreme Court of Illinois, Appellee's Brief, copy of which is attached hereto.

Date: 7-30-25

Matthew J. Mueller

CERTIFICATE OF SERVICE

Under the penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. This motion is being electronically filed with the Clerk of the Supreme Court. Upon electronic filing of this motion, the undersigned deposes and states that on July 30, 2025, a copy of the foregoing motion, which complies with the Supreme Court's Electronic Filing User Manual, will be e-served upon the person(s) listed through e-mail service:

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