NO. 123370
IN THE
SUPREME COURT OF ILLINOIS

KENIN L. EDWARDS,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
HONORABLE MICHAEL L. ATTERBERRY and HONORABLE SCOTT J. BUTLER, Judges of the Eighth Judicial Circuit,	)	Schuyler County Circuit Court Case No. 16CV9
	)	
Respondents	)	
	)	
PEOPLE OF THE STATE OF ILLINOIS	)	

PETITIONER'S REPLY BRIEF IN SUPPORT OF HIS PETITION FOR WRIT OF PROHIBITION

DANIEL G. O'DAY, ESQ.
CUSACK, GILFILLAN & O'DAY, LLC
415 Hamilton Boulevard
Peoria, IL 61602
Phone: (309) 637-5282
ARDC: 6181202
E-mail: doday@cgolawfirm.com

E-FILED
7/19/2018 12:20 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

ORAL ARGUMENT REQUESTED

Points and Authorities

ARGUMENT

I. Respondents' efforts to divine legislative intent should be rejected.

As a preliminary matter, respondents commence their brief by purporting to identify the legislative intent of the Timber Buyers Licensing Act. See Resp. Br. at 3 (captioned "STATEMENT OF FACTS").[1] However, these "facts" bear no citation to authority and are not otherwise supported by the record. Accordingly, respondents' efforts to divine the General Assembly's intent should be disregarded. See *Vancura v. Katris*, 238 Ill. 2d 352, 370 (2010) (holding both argument and citation to relevant authority are required to avoid forfeiture); see also *People v. Lucas*, 231 Ill. 2d 169, 175 (2008) ("[t]he doctrine of forfeiture applies to the State as well as to the defendant").

In any event, respondents are misguided. The plain language of the Timber Buyers Licensing Act makes clear that its intent was not to protect landowners from timber buyers. Rather, the plainly apparent intent was to generate tax revenue ("harvest fees") for the State of Illinois. See 225 ILCS 735/9a (requiring payment of 4 percent purchase price to IDNR in timber buying transactions); 225 ILCS 735/11(e) and 11(f) (describing § 9a payment as a "harvest

---

[1] References herein to the Respondents' Brief will be abbreviated as "Resp. Br." References herein to the exhibits attached to the Petitioner's Motion for Supervisory Order and for Leave to File Complaint for Writ of Prohibition will be abbreviated as "Ex."

fee"); see also *Land v. Board of Education of City of Chicago*, 202 Ill. 2d 414, 421-422 (2002) (best evidence of legislative intent is plain language of statute). Indeed, how does this tax or harvest fee benefit landowners ("timber growers") specifically, as opposed to benefitting Illinois residents generally? Quite the opposite: the tax or harvest fee is actually taken from the landowner's share of the transaction. See 225 ILCS 735/9a (timber buyer shall "deduct from the payment to the timber grower an amount which equals 4% of the purchase price"). Accordingly, to the extent that this court desires to determine the legislative intent of the Timber Buyers Licensing Act, it should be viewed as revenue-generating.

II. There is no statutory crime at issue in the Schuyler County case.

A. The state never pled respondents' newly argued theory that Petitioner violated Section 11(a) of the Timber Buyers Licensing Act.

On page 8 of Respondents' Brief, Respondents contend that caselaw approves of criminal prosecutions based on purely regulatory violations. However, in the cases cited, the prosecutions were based on statutory violations, not purely regulatory violations. Statutes were recognized in each case. In *United States v. Grimaud*, 220 U.S. 506 (1911), there was a statute alleged in the charge that criminalized regulatory violations. See *United States v. Grimaud*, 170 F. 205, 206, 212-213 (S.D. Cal. 1909), rev'd, 220 U.S. 506 (1911). In *People v. Gurell*, 98 Ill.

2d 194 208-209 (1983), a penal statue was alleged to have been violated, which spelled out the elements of an offense, one element of which was regulatory. In *People v. Fearon*, 85 Ill. App. 3d 1087, 1088 (1st Dist. 1980), a penal statute, in section 5 of the Bingo License and Tax Act, contained a *mens rea* of "willfully violated a rule." A violation of the penal statute was alleged and served as the basis of prosecution. The cases cited by the state thusly affirm that only a violation of a penal statute can serve as the basis for a criminal prosecution.

Respondents attempt to paint a simple picture of this case, as if it hinges solely on whether *any* Illinois criminal statute could potentially be involved. This misses the point. Courts and defendants need not pore over the entirety of the Illinois Compiled Statutes to ascertain what may or may not apply to every criminal case. Such a state of affairs would exponentially multiply the resources necessary for courts and defendants to adjudicate cases. Instead, the Code of Criminal Procedure requires the state to specify which criminal statute it is alleging that a defendant violated in each charging instrument. See 725 ILCS 5/111-3(a); see also *People v. Shelton*, 401 Ill. App. 3d 564, 575 (1st Dist. 2010) ("Judges are not like pigs hunting for truffles buried in briefs."). Accordingly, it is not up to a defendant to guess what the state's position may be; it is up to the state to plead it. See 725 ILCS 5/111-3(a). Here, the state failed to do so. The state (and respondents) cannot now point to Section 11(a).

Here, the state never pled Section 11(a), which respondents now suggest in their brief is the operative statute. Respondents' argument that, supposedly, Section 11(a) was the intent all along and that the citation to Section 10 was merely "mistaken" (see Resp. Br. at 11) does not appear anywhere in the record. Such an argument is also not supported by the Administrative Office of Courts' classification of Section 11(a) as "inactive" in its offense code table. See Ex. 3 attached to Ex. AC. Although respondents characterize the AOIC's classification as "irrelevant," the Illinois Constitution disagrees. Article VI, Section 16 of the Illinois Constitution of 1970 provides in pertinent part:

> General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties.

(Emphasis added.) In other words, the AOIC's classification is entirely relevant, as the AOIC serves the critical role of assisting the Chief Justice of this court with his duties to provide general administrative and supervisory authority over all courts.

Further, while respondents contend that the issue of "mistaken statutory citation" has somehow been forfeited by petitioner (Resp. Br. at 11), respondents are hoist with their own petard. Indeed, the first time anyone has claimed that the citation to Section 10 was "mistaken" was in respondents' brief before this

court. Neither respondents nor the state ever claimed the citation was "mistaken" during the proceedings below. Accordingly, it is respondents who have waived and forfeited this issue, by raising it for the first time in their brief. See *Lucas*, 231 Ill. 2d at 175 (applying forfeiture doctrine to the state as well as defendants).

In the end, this court (and petitioner) is left solely with the question of whether the authorities alleged in the charging instrument are sufficient to vest jurisdiction in the circuit court and comport with the constitutional requirement of justiciability. The authorities specified in the amended information are: 225 ILCS 735/10, 17 Ill. Admin. Code 1535.1(b), and 17 Ill. Admin. Code 1535.60(a). See Ex. H. Plainly, these authorities are not sufficient. Section 10 (225 ILCS 735/10) appears to be merely an enabling statute, enabling the Illinois Department of Natural Resources to adopt regulations to carry out the statute. Clearly Section 10 is directed toward the IDNR—not the petitioner. The petitioner has neither the authority nor the obligation to promulgate regulations. In any event, Section 10 is plainly not penal in nature. Further, 17 Ill. Admin. Code 1535.1(b) and 1535.60(a) are mere regulations—not statutes. Citing purportedly penal regulations alone cannot give rise to a criminal prosecution, as discussed above and as further discussed in petitioner's initial brief. Accord,

State of South Dakota v. National Bank of South Dakota, 219 F. Supp. 842, 849-50 (D.S.D. 1963).

Interestingly, respondents chide petitioner for discussing in a footnote a possible separation of powers issue with Section 10. See Resp. Br. at 9-10. However, this footnote was merely anticipating a possible contention by respondents that Section 10 was the criminal statutory basis to charge petitioner. In addition to the problems with relying on Section 10 that are described above, there would also be a separation of powers concern, which petitioner elaborated on in the at-issue footnote. However, this concern is moot at the present time, because respondents have not contended that Section 10 forms the criminal statutory basis of the charges, such that respondents have forfeited any such contention. See *Lucas*, 231 Ill. 2d at 175 (applying forfeiture doctrine to state). Thus, the issue of whether Section 10 is violative of the separation of powers clause for, e.g., being applied to agents rather than licensees, need not be addressed any further at this time.

B. Respondents fail to address the issue of whether a regulation alone in a charging instrument can invoke jurisdiction in a criminal case.

Curiously, respondents make no effort to analyze the pertinent issue in this case: whether a regulation, as alleged in the at-issue charging instrument, can alone have penal effect. Respondents are perhaps tacitly contending the issue

is moot, without making any argument as to how it should be resolved if it is not moot. Accordingly, respondents have forfeited any contention that a regulation alone may have penal effect. See *Lucas*, 231 Ill. 2d at 175 (applying forfeiture doctrine to state).

C. The state failed to strictly comply with the applicable pleading requirements, and its failure to cite a statute is jurisdictional.

Respondents cite *People v. Gilmore*, 63 Ill. 2d 23 (1976), for the proposition that failure to state an offense is not jurisdictional. However, *Gilmore* dealt with a challenge to a charging instrument for the first time on appeal. See *id.* at 28. Indeed, two years after deciding *Gilmore*, this court decided *People v. Strait*, 72 Ill. 2d 503 (1978), and explicitly found *Gilmore* inapposite where a pre-trial (and post-trial) motion had been filed attacking the sufficiency of the charge. *Id.* at 507. Similarly, respondents' citations to *People v. Pujoue*, 61 Ill. 2d 335 (1975), *People v. Edmonds*, 325 Ill. App. 3d 439 (1st Dist. 2001), and *People v. Witt*, 227 Ill. App. 3d 936 (1st Dist. 1992), are equally unavailing, since *Edmonds* and *Pujoue* both involved challenges raised for the first time on appeal and *Witt* involved an *ex post facto* clause challenge. Such circumstances are highly distinguishable from the present case. See especially *Pujoue*, 61 Ill. 2d at 339 ("While we do not approve of any failure to comply strictly with the explicitly stated requirements of section 111-3 of the Code of Criminal Procedure, the sufficiency of a complaint attacked for the first time on appeal must be determined by a different

standard * * * ."); *People v. Strait*, 72 Ill. 2d 503, 506-507 (1978) (finding *Pujoue* analysis inapplicable to case where pre-trial challenge to charging instrument occurred).

Here, Petitioner raised the issues of failure to state an offense and lack of jurisdiction numerous times before respondents in Schuyler County. See, e.g., Ex. D at 2; Ex. E at 3-6, 9-15; Ex. I; Ex. J at 4-6, 11-18; Ex. L; Ex. M at 7-8; Ex. N at 1-3; Ex. P; Ex. Q; Ex. S. Accordingly, the standard is not whether the charge was sufficient to enable petitioner to prepare a defense. "If * * * the information or indictment is attacked before trial, as in this case, the information must strictly comply with the pleading requirements of the Code of Criminal Procedure of 1963." *People v. Thingvold*, 145 Ill. 2d 441, 448 (1991) (emphasis added). Here, there was no strict compliance. The state has not pled a statute, other than Section 10, which is not relevant and thus should be disregarded.

The state's failure to plead a statute defining an offense together with its factual elements is jurisdictional, as discussed in petitioner's initial brief. See Petitioner's Brief at 29-32. Respondents make no effort to distinguish the authorities cited therein. Thus, any future distinguishing efforts by respondents should be deemed forfeited. See *Lucas*, 231 Ill. 2d at 175 (applying forfeiture doctrine to state).

Respondents are contending that subject-matter jurisdiction in a criminal case does not depend on whether petitioner is accused of an "offense" (as the Criminal Code and Code of Criminal Procedure each require, e.g., 720 ILCS 5/1-5). Specifically, respondents contend that "the only consideration is whether the alleged claim falls within the general class of cases that the court has the * * * power to hear and determine," citing *In re Luis R.*, 239 Ill. 2d 295 (2010). Resp. Br. at 12 (ellipses added by respondents to eliminate the word "inherent" for unknown reasons). Even assuming, only *arguendo*, the applicability of this general test here, it actually cuts in favor of petitioner. In other words, the general class of cases at issue here are those alleging regulatory violations—and no penal statute—as a purported criminal offense. However, as discussed above, regulatory violations are not crimes or offenses. A statute is required in order to create a crime or offense. Here, no statute was pled.

D. Even if Section 11(a) were charged, it is not applicable to the facts alleged here.

Even if respondents (and the state) could get away with their eleventh-hour citation to Section 11(a) of the Timber Buyers Licensing Act, that section is wholly inapplicable here. This further supports petitioner's argument that the failure to cite a penal statute is jurisdictional, since as further discussed below, this case and petitioner's defense would have been substantially different if the state had accused him of violating Section 11(a).

First, Section 11(a) does not define an "offense" but merely defines a punishment. Section 11(a) provides in its entirety as follows:

> Except as otherwise provided in this Section any person in violation of any of the provisions of this Act, or administrative rules thereunder, shall be guilty of a Class A misdemeanor.

225 ILCS 735/11(a). Thus, even if the state had cited Section 11(a) in its charging instrument, this would not be sufficient to cite a statutory "offense," since Section 11(a) merely defines a punishment, which is not part of the "offense." See *People v. Wolohans Lumber Co.*, 263 Ill. App. 3d 344, 346-47 (3d Dist. 1994).

Second, conduct here is alleged to have violated 17 Ill. Admin. Code 1535.1(b). However, this regulation was directed toward licensees—not agents of licensees—as further discussed below. And, here, the state has accused petitioner of performing acts as an agent of a licensee—not as a licensee himself. See Ex. H.

Although the state has engaged in considerable efforts to point to Section 10 as purported rulemaking authority for 17 Ill. Admin. Code 1535.1, the state has been pointing in the wrong direction. In fact, Section 3 of the Timber Buyers Licensing Act provides in pertinent part as follows:

> Every person before engaging in the business of timber buyer shall obtain a license for such purpose from the Department. Application for such license shall be filed with the Department and shall set forth the name of the applicant, its principal officers if the applicant is a corporation or the partners if the applicant is a partnership, the location of any principal office or place of business of the applicant, the counties in this State in which the applicant proposes to engage

> in the business of timber buyer and such additional information as the Department by regulation may require.

225 ILCS 735/3 (emphases added). Additionally, 17 Ill. Admin. Code 1535.1 provides as follows:

> a) All timber buyers, as defined by the Illinois Timber Buyers Licensing Act [225 ILCS 735/2] , shall obtain a license from the Department before engaging in the business of timber buying. Application for such license shall be filed on forms provided by the Department and shall contain the following minimum information:
>
> 1) Name of applicant;
> 2) Principal officers if applicant is a corporation or the partners if applicant is a partnership;
> 3) Location of the principal office or place of business of the applicant;
> 4) The counties in which the applicant proposes to engage in the business of timber buyer;
> 5) The names and addresses of any persons authorized to purchase timber in the name of the licensed buyer;
> 6) Type and amount of bond; and
> 7) Any other information as required by the Department.
>
> b) Only persons listed with the Department as authorized buyers may represent the licensee. Authorized buyers shall designate in all contractual arrangements that the licensee is the timber buyer. Failure to comply with this provision shall constitute "buying timber without a timber buyer's license". Authorized buyers may only be listed on one license. To be eligible to hold a timber buyer's license, the applicant must be at least 18 years of age.

17 Ill. Admin. Code 1535.1.

It is readily apparent from the foregoing that Section 1535.1 was promulgated in response to the grant of authority in 225 ILCS 735/3, in order to compel timber buyer license applicants to provide "such additional information

as the Department by regulation may require," including the license-applicant's name, principal officers, locations, agents, and more. But the court need not take petitioner's word for it. The IDNR itself supported this interpretation when it promulgated Section 1535.1. See Ex. AB (92 Ill. Reg. 8499-8502 wherein IDNR states, *inter alia*, that "Section 1535.1 is being added to outline the Timber Buyer's License application procedures."); see also Ex. 1 attached to Ex. AC (27 Ill. Reg. 1000, wherein IDNR describes ambit of amendment as merely affecting "Illinois licensed timber buyers (both residents and non-residents)").[2]

Here, petitioner was not accused of being a timber buyer, holding a timber buyer's license, or applying for a timber buyer's license at any time relevant to the charges in Schuyler County. In the amended information, it appears that the state accused petitioner of acting on behalf of one licensee at a time when a different licensee had already disclosed petitioner to the IDNR as his agent. See Ex. H. Rather than commencing regulatory or other proceedings against either relevant licensee on this issue, the state decided to commence criminal proceedings against petitioner.

---

[2] Section 11(a) was enacted prior to the addition of Section 1535.1, in that Section 11(a) existed in its present state when Section 11 was amended to, *inter alia*, include sub-section (a-5) in Public Act 92-805 (eff. Aug. 21, 2002).

Now, for the first time, respondents (and not the state[3]) are contending that Section 11(a) was the thrust of the charges all along. Even assuming, only *arguendo*, that such a position may be taken at this point and with the facts alleged, Section 11(a) is wholly inapplicable, because 17 Ill. Admin. Code 1535.1 was clearly adopted within the parameters of 225 ILCS 735/3, and this section bears its own penalty clause within Section 11(a-5) of the Timber Buyers Licensing Act:

> Any person convicted of violating Section 3 of this Act shall be guilty of a Class A misdemeanor and fined at least $500 for a first offense and guilty of a Class 4 felony and fined at least $1,000 for a second or subsequent offense.

225 ILCS 735/11(a-5). In other words, the conduct alleged in the charges may have been able to invoke, for a licensee or license applicant, Sections 3 and 11(a-5) of the statute and Section 1535.1 of the regulation. However, here, neither such statute was invoked, and in any event no then-licensee or applicant was charged with violating such statutes.

---

[3] Previously, in the proceedings in Schuyler County, now-counsel for the respondents appeared to intervene on behalf of the Illinois Attorney General, to defend the constitutionality of the Timber Buyers Licensing Act pursuant to Illinois Supreme Court Rule 19. It appears that counsel has now abandoned his representation of the state and is instead representing the same judge (the Honorable Scott J. Butler) before whom he previously appeared as an adversary in this case. Counsel raises on page 14 of Respondents' Brief the very issue he appeared to address before Judge Butler: the requirement of a *mens rea* element in criminal charges (although petitioner did and does dispute the *mens rea* element that the state's/respondents' counsel desires to apply).

Respondents cannot now escape the state's self-imposed quandary by pointing now to Section 11(a), which generically provides: "Except as otherwise provided in this Section any person in violation of any of the provisions of this Act, or administrative rules thereunder, shall be guilty of a Class A misdemeanor." 225 ILCS 735/11(a) (emphasis added). This is because Section 11(a) specifically excludes matters "otherwise provided in this Section," which would include Section 11(a-5), which provides the penalty clause for Section 3, which is the enabling legislation for 17 Ill. Admin. Code 1535.1.

In other words, respondents cannot escape the IDNR-stated and General Assembly-provided purposes of Section 3 and Section 1535.1: to address application procedures and requirements for timber buyers licenses. Respondents and the state cannot now invoke Section 1535.1 (or Section 11(a)) in a vacuum, devoid of all of the above-described clearly evident legislative and regulatory intent. If the legislature or IDNR now wants to regulate agents directly, additional legislative or regulatory authority intending such purpose would be required. Finally, if respondents as sitting circuit judges in this case believed Section 11(a) should have been or was charged, there were plenty of opportunities to say so as both respondents considered arguments that the information was not based on a penal statute. Here, the state is taking a position

about Section 11(a) applying which was not taken by the circuit judges (respondents) who presided over the case.

III. Prohibition is warranted.

A. Petitioner lacks any other adequate remedy, and in any event this court has discretion to hear the merits of this case.

Respondents claim that petitioner has an adequate remedy outside of this proceeding. Resp. Br. at 6-7. However, respondents rely upon a lot of "what ifs" and uncertainties in making this assertion. They assert, for instance, that petitioner's business may not be hampered because there is a possibility that his post-trial motion may succeed and because there is a possibility that he may not receive a jail sentence. Resp. Br. at 6-7. They also assert that petitioner may be able to obtain a stay of any sentence during appeal under Supreme Court Rule 609. Resp. Br. at 7. They rebuke petitioner for being concerned about the potential to lose his now-obtained timber buyer's license[4]—the crux of his business and livelihood—which is issued by the IDNR. Resp. Br. at 6. However, all of these circumstances show that the ordinary post-trial and appellate process are inadequate, when the case could be resolved simply and expeditiously on jurisdictional grounds by the issuance of a writ or order of prohibition. Indeed,

---

[4] Respondents properly recognize that petitioner obtained a timber buyer's license after the alleged transactions at issue in the Schuyler County case. See Resp. Br. at 6, n.3.

petitioner represents to this court that the IDNR has already initiated proceedings against his license based upon the jury verdict in Schuyler County and has continued to pursue those proceedings, despite this court's order staying any further action in the Schuyler County case. As set forth in paragraph 11 of petitioner's motion for supervisory order, 17 Ill. Admin. Code 1535.60(a) provides that license suspension or revocation procedures may occur upon a "finding of guilt by a court of law." Even under respondents' theory that petitioner could seek a stay under Supreme Court Rule 609 if this case proceeds through the ordinary appeals process, such a stay would only apply to any sentence or condition of imprisonment. The rule does not provide for a stay of any "finding of guilt by a court of law" pending appeal.

To borrow this court's analysis in *Zaabel v. Konetski*, 209 Ill. 2d 127 (2004) (cited by respondents), it is obvious here that petitioner "would be irremediably harmed if he were required to press his claim that the circuit court lacks subject matter jurisdiction within the normal appellate process." *Id.* at 132. In any event, this court would have discretion to consider this action even if no irremediable harm were apparent. *Moore v. Strayhorn*, 114 Ill. 2d 538, 540 (1986) (exercising discretion to hear original action for mandamus, prohibition, or supervisory order even where ordinary appellate process found adequate); *Zaabel*, 209 Ill. 2d at 132 (exercising discretion to hear complaint for prohibition where the court

considered it "important to the administration of justice to provide guidance regarding the issue [petitioner] raise[d]"). The supposedly contrary case cited by respondents, *Hughes v. Kiley*, 67 Ill. 2d 261 (1977), is wholly inapposite in that it concerns a petition for writ of habeas corpus alleging a due process violation in the way a prosecutor allegedly spoke to a grand jury. See *id.* at 266.

Here, the issue is whether there is subject-matter jurisdiction in a case alleging solely a regulation violation as a crime. The resolution of this issue is important to the administration of justice. If the case against petitioner is allowed to continue, Illinois agencies will surely amplify their efforts to persuade prosecutors to charge regulatory "crimes" in criminal courts, rather than independently initiating administrative proceedings to resolve such issues. This court can intervene and declare that an allegation of a statutory violation is necessary to commence a criminal prosecution. Such a declaration would be in lockstep with the jurisdiction and justiciability provisions of the Illinois Constitution, the Criminal Code, and the Code of Criminal Procedure and would guard against unnecessary dissipation of scarce judicial resources.

CONCLUSION

WHEREFORE, for the foregoing reasons, Petitioner KENIN L. EDWARDS respectfully requests that this Honorable Court grant his petition for writ of prohibition and grant such other, further relief as the Court deems just and appropriate.

Respectfully submitted,

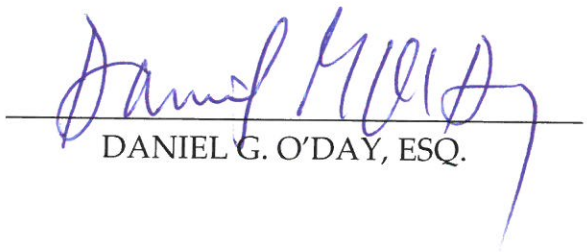
KENIN L. EDWARDS, Petitioner,

By: _____
DANIEL G. O'DAY, ESQ.

DANIEL G. O'DAY, ESQ.
CUSACK, GILFILLAN & O'DAY, LLC
415 Hamilton Boulevard
Peoria, IL 61602
Phone: (309) 637-5282
ARDC: 6181202
E-mail: doday@cgolawfirm.com

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 or words contained in 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 18 pages.



DANIEL G. O'DAY, ESQ.

PROOF OF SERVICE

The undersigned, DANIEL G. O'DAY, counsel for Petitioner, under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matter the undersigned certifies as aforesaid that he verily believes the same to be true, as follows: the foregoing Petitioner's Reply Brief in Support of His Petition for Writ of Prohibition was electronically filed with the Clerk of the Supreme Court of Illinois and was transmitted by e-mail on the 13th day of July 2018, to the following persons and parties at the following e-mail addresses:

HONORABLE MICHAEL L. ATTERBERRY
Circuit Judge of the Eighth Judicial Circuit
102 South Seventh Street
Petersburg, Illinois 62675
m.atterberry@co.menard.il.us

HONORABLE SCOTT J. BUTLER
Circuit Judge of the Eighth Judicial Circuit
127 S. Congress
P.O. Box 295
Rushville, Illinois 62681
butlera@schuylercounty.org

HONORABLE DANIEL B. LEWIN, ESQ.
Illinois Attorney General's Office, Criminal Division
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601
Eserve.crminalappeals@atg.state.il.us and dlewin@atg.state.il.us

E-FILED
7/19/2018 12:20 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

HONORABLE RAMON M. ESCAPA
Schuyler County State's Attorney
127 S. Congress
P.O. Box 295
Rushville, Illinois 62681
rescapa@statesattorney.schuyler.il.us

STATE'S ATTORNEY'S APPELLATE PROSECUTOR, FOURTH DISTRICT
725 South Second Street
Springfield, Illinois 62704
4thdistrict@ilsaap.org

Additionally, upon the Petitioner's Reply Brief in Support of His Petition for Writ of Prohibition acceptance by the Court's electronic filing system, the undersigned will mail an original and thirteen copies of the Reply Brief to the Clerk of the Supreme Court of Illinois, 200 East Capitol Avenue, Springfield, Illinois 62701.

Respectfully submitted,

KENIN L. EDWARDS, Petitioner,

By: _____
DANIEL G. O'DAY, ESQ.

DANIEL G. O'DAY, ESQ.
CUSACK, GILFILLAN & O'DAY, LLC
415 Hamilton Boulevard
Peoria, IL 61602
Phone: (309) 637-5282
ARDC: 6181202
E-mail: doday@cgolawfirm.com

E-FILED
7/19/2018 12:20 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK