



3. Have you received any special training for the position of assistant state's attorney for the Madison County State's Attorney's office? If so, state:

- (a) the nature and substance of the training you received;
- (b) the inclusive dates of the period during which you received training;
- (c) the name and address of each and any specialized school you attended to receive such training;
- (d) the dates of attendance at each such specialized school;
- (e) the nature and substance of the training offered at each such specialized school;
- (f) the degree or certificate, if any, that you received from each such specialized school.

**ANSWER:** Defendant objects to this interrogatory as overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection and subject thereto, yes. CLE and work related trainings, including: *Trial Advocacy-National Advocacy Center*, *Advanced Trial Advocacy-Illinois Appellate Prosecutor*, *Trial School-Missouri Office of Prosecution Services*, *Protecting Children Online-National Center for Missing and Exploited Children*, *Crimes Against Children-Dallas Police Department*, *Prosecuting Child Abuse Cases-National Advocacy Center*, *Reconstruction of Injuries in Child Abuse Investigations-John Reid & Associates*, *Computer-Facilitated Crimes Against Children-John Reid & Associates*, *Anatomy of Criminal Sexual Assault-Illinois State Bar Association*, *What Criminal Court Judges Want You to Know-NBI, Inc.*

4. State what investigation you made into the facts of 2008 CF 1496, including whether you interviewed witnesses on the scene and reviewed the detectives' street files and files.

**ANSWER:** Defendant did not investigate the case identified in this interrogatory as he is not a detective or law enforcement officer. Defendant did review the reports provided to the State Attorney's Office by detectives for the Madison County Sheriff's Office and speak to detectives for the Madison County Sheriff's Office.

5. State what investigation you made into the facts of 2009 CF 1688, including al [*sic*] facts to support the claim that plaintiff had committed a forcible felony while out on bond.

**ANSWER:** Defendant spoke to detectives for the Madison County Sheriff's Office and reviewed evidence linking Plaintiff to online blogs discussing the victim in Case No. 08 CF 1496 that had been posted after charges were filed in Case No. 08 CF 1496. Defendant also reviewed applicable Illinois statutes and corresponding annotations regarding cyberstalking and victim harassment.

6. State what investigation you made regarding the plaintiff, including complaints made by a representative from Lawyergossip.com and regarding other alleged victims.

**ANSWER:** Defendant objects to this interrogatory as overly broad, vague and confusing. Subject to and without waiving, Defendant did not perform investigative work as he is not a detective or law enforcement officer. Defendant was contacted by an individual associated with Lawyergossip.com and did speak to an alleged victim of Plaintiff.

7. State whether you reported to and/or were supervised by Defendants, Assistant State's Attorney's Chapman and Former Madison County State's Attorney William Mudge or any other individuals. For each supervisor you reported to, state the following:

- (a) The actions you were able take without first seeking approval from your supervisor;
- (b) The actions you first needed approval from a supervisor and state the name, address, job title, duties of that supervisor.

**ANSWER:** Defendant has never been supervised by Amy Chapman. Defendant's supervisor was Thomas Gibbons and prior to that Former Madison County State's Attorney William Mudge. There were no specific actions that Defendant performed that required express approval.

8. State what administrative steps you took to revoke the bond of the plaintiff in 2008 CF 1496 and state all facts in support of your decision to move to revoke the bond.

**ANSWER:** Defendant filed a Verified Application for Revocation of Bail which requested that Plaintiff's bond be revoked or modified based on probable cause that Plaintiff had violated the terms of his bond by harassing a witness and cyber-stalking.

9. Did you have a conversation with Justin Kuehn or any of the plaintiff's defense lawyers advising them that there were other alleged victims, including a woman from Wisconsin? If so, state the following:

- (a) who participated in each such conversation or communication (each individual's name, address, phone number, employer, and badge number, if applicable);
- (b) the verbatim substance of the conversation or communication;
- (c) the date and time of day of each such conversation or communication;
- (d) whether the conversation or communication was oral or written, and if written, the name and address of the present custodian of such written conversation or communication.

**ANSWER:** Defendant had oral conversations with Justin Kuehn while Mr. Kuehn was Plaintiff's attorney of record. Defendant does not recall the dates or times of those conversations. Defendant did not recall mentioning that there was potentially a prior victim.

10. Did you have a conversation with Mike Mettes or any of the plaintiff's defense lawyers advising them that snuff films were found on the computers seized from the plaintiff's apartment. If so, state the following:

- (a) who participated in each such conversation or communication (each individual's name, address, phone number, employer, and badge number, if applicable);
- (b) the verbatim substance of the conversation or communication;
- (c) the date and time of day of each such conversation or communication;
- (d) whether the conversation or communication was oral or written, and if written, the name and address of the present custodian of such written conversation or communication.

**ANSWER:** Defendant never stated to Mike Mettes or Scott Rosenblum that "snuff films" were found on Plaintiff's computer. Defendant did have oral conversations with Mike Mettes

and Scott Rosenblum when they became counsel of record for Plaintiff. Defendant did mention to them the results of a forensic analysis of Plaintiff's computer regarding google searches that were found. Defendant does not recall the dates or times of these conversations.

11. Did you have a conversation with Mike Mettes or any of Plaintiff's defense lawyers regarding Lawyergossip.com or plaintiff's presence on the Internet. If so, state the following:

- (a) who participated in each such conversation or communication (each individual's name, address, phone number, employer, and badge number, if applicable);
- (b) the verbatim substance of the conversation or communication;
- (c) the date and time of day of each such conversation or communication;
- (d) whether the conversation or communication was oral or written, and if written, the name and address of the present custodian of such written conversation or communication.

**ANSWER:** Defendant did have an oral conversation with Mike Mettes regarding a prior conversation he had with a woman who runs Lawyergossip.com. Defendant does not recall the date or time of that conversation or the verbatim substance.

12. State why the photographs of the plaintiff's vehicle was not turned over to plaintiff's defense attorneys in 2008 CF 1497 until after the trial began and state the date and time you first became aware of the existence of the aforesaid photographs.

**ANSWER:** All photographs in the State's possession were turned over in discovery upon receipt. The specific photographs described in this interrogatory were first received by the State during trial and were turned over upon receipt.

13. State if you interviewed the witnesses at the scene of the alleged crime in 2008 CF 1496. If so state the following:

- (a) who participated in each such conversation or communication (each individual's name, address, phone number, employer, and badge number, if applicable);
- (b) the verbatim substance of the conversation or communication;

- (c) the date and time of day of each such conversation or communication;
- (d) whether the conversation or communication was oral or written, and if written, the name and address of the present custodian of such written conversation or communication.

If not, explain why not.

**ANSWER:** Defendant did not interview any witnesses at the scene as he is not a detective or law enforcement officer. Defendant spoke to all witnesses who testified prior to the trial in preparation for the trial. Those communications were oral. Defendant does not recall the dates or times of these conversations or the verbatim substance at this time.

14. State whether you had probable cause to prosecute plaintiff in 2008. If the answer is in the affirmative, state the following:

- (a) The facts and circumstances that were known to you to reasonably support a belief that the plaintiff had committed, was committing, or was about to commit a crime;
- (b) The date and time on which you had knowledge of the aforesaid facts and circumstances in your answer to paragraph 19(a);
- (c) The crime that plaintiff allegedly had committed, was committing, or was about to commit;
- (d) The source of your knowledge, including the names and addresses of all witnesses;
- (e) How your acquired this knowledge.

**ANSWER:** Yes. Upon review of the evidence in the case file, Defendant concluded that probable cause existed. Defendant also learned of the facts and circumstances that supported his belief that probable cause existed by speaking to Detectives Marconi and Vucich.

15. State whether you had probable cause to prosecute plaintiff in 2009. If the answer is in the affirmative, state the following:

- (a) The facts and circumstances that were known to you to reasonably support a belief that the plaintiff had committed, was committing, or was about to commit a crime;

- (b) The date and time on which you had knowledge of the aforesaid facts and circumstances in your answer to paragraph 19(a);
- (c) The crime that plaintiff allegedly had committed, was committing, or was about to commit;
- (d) The source of your knowledge, including the names and addresses of all witnesses;
- (e) How your acquired this knowledge.

**ANSWER:** Yes. Plaintiff was charged with harassment of a witness and cyberstalking based upon (1) the forensic evidence linking him to an internet blog and detailed messages to the victim from Case No. 08 CF 1496; (2) review of the Illinois Cyberstalking and Harassment of Witness statutes and corresponding annotations; and (3) discussions with the victim in Case No. 08 CF 1496 regarding the fact that she felt afraid, harassed and threatened upon reviewing said messages.

16. State whether you had knowledge that there was probable cause to arrest or prosecute plaintiff for any crime: If the answer is in the affirmative, state the following:

- (a) The facts and circumstances that were known to you to reasonably support a belief that the plaintiff had committed, was committing, or was about to commit a crime;
- (b) The date and time on which you had knowledge of the aforesaid facts and circumstances in your answer to paragraph 19(a);
- (c) The crime that plaintiff allegedly had committed, was committing, or was about to commit;
- (d) The source of your knowledge, including the names and addresses of all witnesses;
- (e) How your acquired this knowledge.

**ANSWER:** See answers to Interrogatories 14 and 15.

17. State whether you spoke with the complaining witness and any other witnesses before you prosecuted plaintiff in 2008 and 2009. If the answer is in the affirmative, state the following:

- (a) The name and address of all witnesses and complaining witness;
- (b) The date and time of the communication;
- (c) The substance of the communication;
- (d) Whether the communication was written;
- (e) The names and addresses of all individuals present for the communication.

**ANSWER:** Defendant spoke to Detectives Vucich and Marconi prior to filing charges. After filing charges but before trial, Defendant spoke to the following witnesses: Officer Brain McKendry, Sargent Goeken, Detective William Marconi, Detective David Vucich, Deputy Mudd, Detective Tom Cromer, Brian Hapack, Jay Winters, Jennifer Cash, Donald Granda, Krysten Rife, Marlin Mitchell, Melissa Bright, Bradley Bierman, Amy Cessna, Daniel Christian, Amy Frey, Nejuan Harris, Megan Schepker, Holly Scoggins, Dianna Counts and Amanda Stockwell. These conversations were all oral, either in person or by telephone. They were not recorded. Defendant cannot recall specific dates or times of any of the conversations.

18. State the name of the complaining witness in 2009 F 1688, Third Judicial Circuit, Madison County, and the substance of the complainant witness' complaining statement before plaintiff was arrested in 2009. For each statement made by the complaining witness, state the following:

- (a) The name and address of all witnesses and complaining witness;
- (b) The date and time of the communication;
- (c) The substance of the communication;
- (d) Whether the communication was written?
- (e) The names and addresses of all individuals present for the communication.

**ANSWER:** Dianna Counts was the victim. See Ms. Count's statement, which Defendants have previously produced.



19. State all facts to support your contention that the element of force was established or met in the alleged crime of sexual assault or any crime in 2008 CF 1496.

**ANSWER:** Defendant objects to this interrogatory on the basis that it seeks a narrative response better suited for a deposition. Without waiving said objection and subject thereto, the victim's statement and demeanor, her physical injuries, the inconsistencies in the statement of Plaintiff, the 911 call from the victim, and the fact that the victim's saliva was found over a large area of Plaintiff's pants.

20. State all facts to support the elements of the alleged crimes in 2008 CF 1496.

**ANSWER:** See answer to Interrogatory 14, as well as the transcript of trial proceedings that includes evidence presented by the State that support the elements of the crime.

21. State all facts to support the elements of the alleged crimes in 2009 CF 1688.

**ANSWER:** See Defendant's answer to Interrogatory 15 above.

22. Has your employer ever distributed to you, or required the reading of, any materials concerning the law of arrest, prosecution, and/or the constitutional rights of citizens? If yes, state:

- (a) the title, author, and publication date of each such piece of material;
- (b) the date when such materials was given to you to read;
- (c) whether or not you actually read each such piece of material.

**ANSWER:** Defendant reviews case law updates as well as recent Supreme court and appellate court opinions on a variety of criminal law topics that various attorneys in the State's Attorneys office share with one another. Defendant does not recall specific information regarding titles, authors or publications.

23. Have you ever been, or are you currently, the subject of or the defendant in any inquiry, complaint, disciplinary action, or other administrative action or lawsuit, either civil or criminal? If so, please set forth:

- (a) the name and address of each complainant/plaintiff;
- (b) the name and address of each defendant;
- (c) the nature of the cause of action;
- (d) the date on which the action was instituted;
- (e) the case number;
- (f) the name and address of the attorney for each party;
- (g) the date of trial and final disposition of the matter;
- (h) the final disposition of the matter;
- (i) the department, administrative body, or court where such action was or is now pending.

**ANSWER:** Defendant objects to this request on the basis that is neither relevant or likely to lead to the discovery of relevant admissible evidence in this action. Without waiving the foregoing, Defendant had one ARDC complaint filed against him that the ARDC dismissed.

24. Did you make any oral or written report, statement, or memorandum to anyone of the details of the incident involving plaintiff in 2008 and in 2009? If yes, state:

- (a) the date, time and place you made each such report;
- (b) the name and address of every person to whom you made such a report;
- (c) the nature and substance of each such report;
- (d) the name and address of the present custodian of each such report.

**ANSWER:** No.

25. Please state whether or not you have had any conversations or communications, other than privileged communications with your attorney(s), regarding the subject incident(s) with

anyone in Madison County State's Attorney's Office, or anyone outside of the department, subsequent to the subject incident, and if so, further forth:

- (a) who participated in each such conversation or communication (each individual's name, address, phone number, employer, and badge number, if applicable);
- (b) the verbatim substance of the conversation or communication;
- (c) the date and time of day of each such conversation or communication;
- (d) whether the conversation or communication was oral or written, and if written, the name and address of the present custodian of such written conversation or communication.

**ANSWER:** Defendant objects to this interrogatory as overly broad and unduly burdensome.

Without waiving the foregoing objection, Defendant had multiple conversations with various attorneys in the office regarding the facts of the case as well as various legal issues.

26. Please state whether you have ever pleaded guilty or been convicted of any, misdemeanor, or ordinance violation. If so, please further state as to each:

- (a) the city and state where convicted;
- (b) the date of conviction or guilty plea;
- (c) the offense of which you were convicted or to which you pleaded guilty;
- (d) the name, address, and cause number of the court involved
- (e) the name used by you at the time of the conviction or guilty plea;
- (f) the punishment imposed and the date of the imposition of sentence, if sentence was imposed.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

27. Please state the name, business address, telephone number, and qualifications for each and every person whom you or your attorney expect to call as an expert witness at the trial of this matter and state the general nature of the subject matter on which each expert is expected to testify.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

28. At the time of the incident(s) alleged in plaintiff's complaint, was there in effect one or more policies of insurance by or through which you, Madison County, the Madison County State's Attorney's Office, and/or its prosecutors and employees were insured in any manner or to any extent, whether primary or excess coverage, with respect to any of the claims, cause of action, injuries, or damages alleged or claimed against you in said complaint? If so, please set forth:

- (a) the total number of such policies;
- (b) the name and address of the company issuing each policy; (c) the policy number of each such policy;
- (d) the effective dates of the policy;
- (e) the exact identity of each names insured as set forth on each such policy;
- (f) the limits of bodily injury and liability coverage for each policy; and
- (g) the substance of any disclaimer contained in each such policy.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

29. State why the charges in 2009 CF 1688 were nolle prossed against the plaintiff.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

30. State why the charges in 2009 CF 1688 were not dismissed until on, about, or after the date that Former Madison County State Attorney William Mudge left office.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

31. State whether you had any conversations with Mike Mettes or any other individuals regarding delaying the nolle prosequi of all charges in 2009 CF 1688 until, about, or after the date that Former Madison County State Attorney William Mudge left office. If so, state the following:

- (a) who participated in each such conversation or communication (each individual's name, address, phone number, employer, and badge number, if applicable);
- (b) the verbatim substance of the conversation or communication;
- (c) the date and time of day each such conversation or communication;
- (d) whether the conversation or communication was oral or written, and if written, the name and address of the present custodian of such written conversation or communication.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

32. State whether the complaining witness in 2008 CF 1496 or 2009 CF 1688 was consulted before the charges were nolle prosequi in 2009 CF 1688. If so, state the following:

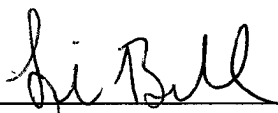
- (a) whether the complaining witness objected to the nolle prosequi;
- (b) the complaining witness' reasons for then objections;
- (c) why you nolle prossed the charges over the complaining witness' objection.

If not, state why the complaining witness was not consulted with.

**ANSWER:** Defendant objects to this interrogatory on the basis that it is in excess of the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1).

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By:  \_\_\_\_\_

Tom H. Luetkemeyer  
Leigh C. Bonsall  
Hinshaw & Culbertson LLP  
222 N. LaSalle, Suite 300  
Chicago, IL 60601  
312-704-3000

John Gilbert  
Hinshaw & Culbertson LLP  
101 West Vandalia Street, Suit 200  
Edwardsville, IL 62025

**Verification**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that I have read the foregoing Interrogatories and that to the best of my knowledge, information and belief, the answers to the Interrogatories are true and correct.

By: 

Chris Hoell