

No Carbon Required

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

David A. Gagnon
 (Defendant)

M/W/ 04-03-67
 (Date of Birth)

ADDRESS 1016 W. Elder,

McHenry, Illinois

No.

86CF484

FILED
 McHENRY COUNTY, ILLINOIS

MAY 30 1986

CRIMINAL COMPLAINT

Complainant, Deputy Ronald Salgado, McHenry Co Sheriff's Police, on oath charges:

VERNON W. KAYS, JR.
 CLERK OF THE CIRCUIT COURT

That on May 29th, 1986, in McHenry County,

David A. Gagnon

committed the offense of Unlawful Delivery Of Cannabis

in that the said defendant knowingly and unlawfully delivered to John Doe more
 than 30 grams, but not more than 500 grams, of a substance containing
 Cannabis, otherwise than as authorized in the Cannabis Control Act.

in violation of chapter 56½, section 705 (d), paragraph, Illinois Revised Statutes.

BOND: \$

20,000.00

CONTINUED TO:

DATE

June 6, 1986

TIME

9:00 A.M.

McHENRY COUNTY COURT HOUSE
 WOODSTOCK, ILLINOIS

RIGHTS EXPLAINED BY:

DATE

☐ Misdemeanor

#3

☒ Felony

Ronald J. Salgado
 (Complainant)

Deputy Sheriff, McHenry County Sheriff's Police

SWORN TO before me

May 30 1986
Ronald J. Salgado

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

David A. Gagnon M/W/ 04-03-67

1016 W. Elder, McHenry, Illinois

(Defendant)

No.

86 CF484

FILED
McHENRY COUNTY, ILLINOIS

JUN 2 1986

WARRANT OF ARREST

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:

You are hereby commanded to arrest David A. Gagnon

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

and bring said person without unnecessary delay before presiding judge presiding judge
(Judge)
Judge of the Circuit Court of the 19th Judicial Circuit, McHenry County, in the courtroom usually occupied by him in
the McHenry County Courthouse in the City of Woodstock, or if he is absent or unable to act, before the nearest or
most accessible court in said County, to answer a charge made against said person for the offense of Unlawful Delivery Of Cannabis
and hold said person to bail.

The amount of bail is \$ 20,000.00

ISSUED AT WOODSTOCK, McHENRY COUNTY, ILLINOIS, this 30 day of May,
19 86.

RIGHTS EXPLAINED

BY

DATE

Judge

(Signature)

(Title of Office)

State of Illinois

County of Mc Henry

ss.

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with the provisions
of Paragraph 110-9, Chapter 38, Illinois Revised Statutes, defendant released on bail in Sum of \$ _____,
with security: _____

(Description of Security)

(Surety: _____ (Name) _____ (Address))

this _____ day of _____, 19_____, to appear in court on _____, the
_____ day of _____, 19_____, at _____ M o'clock, Central _____ Time
(Standard or Daylight)

FEES: Service and Return \$ _____; Mileage (_____ mi. @ _____ ¢) \$ _____; TOTAL: \$ _____.

(Signature)

(Official Capacity)

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
MC HENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff))
V.) NO. _____
)
Defendant)

AFFIDAVIT OF ASSETS AND LIABILITIES

I, David A. Gagnon defendant in this case, on oath state that I am without adequate assets to retain counsel, and that I make the following statement in support of my request to be represented by court-appointed counsel.

1. Name David A. Gagnon Date of Birth 04/03/67
2. Address 1016 Elder Phone 349-4774
City McHenry State IL
3. Family: Marital Status (Single) (Married) (Divorced) No. of children _____
4. Name & Address of employer _____
Length of employment _____ Occupation BOAT WORK
5. Earnings and sources of income:
\$ 80 per month from employment
\$ 0 per month from pension, trusts, annuity, welfare, Workman's
Compensation, retirement or disability plan, or any similar State, Federal, local, or private benefit plan.
\$ 80 per month from other sources described herein
\$ 80 TOTAL per month from all sources.

FILED
MC HENRY COUNTY, ILLINOIS
JUN 2 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

6. ASSETS:

- a. Home or other dwelling \$ _____ Where situated _____
- b. Other real property \$ _____ Where situated _____
- c. Car (1) \$ 14000 Make HONDA Year 1985 Car (2) \$ _____ Make _____ Year _____
- d. Other personal property (jewelry, household contents, furs, etc.) \$ _____
- e. Bank Accounts \$ 100 f. Cash on Hand \$ 300 311
- g. Other assets \$ _____ Described herein _____
- h. \$ 7700 TOTAL value of assets _____

7. LIABILITIES:

- a. Mortgage on home \$ _____ Monthly payment \$ -0-
- b. Amount owed on car \$ _____ Monthly payment \$ -0-
- c. Personal Debts \$ _____ To whom owed -0-
- d. Other Debts \$ _____ To Whom owed _____
- e. TOTAL liabilities and debts \$ _____ TOTAL monthly payments \$ _____
8. If released on bail, specify amount of security \$ _____ and source of payment of security (defendant's funds, borrowed cash, etc.) _____

I CERTIFY THE FOREGOING IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

David A. Gagnon
Signature of Defendant

I UNDERSTAND THAT THE COURT MAY ORDER ME TO REIMBURSE THE COUNTY OF MC HENRY BY PAYING A REASONABLE SUM TO THE CIRCUIT CLERK FOR SOME OR ALL OF THE COSTS OF A COURT APPOINTED ATTORNEY. Ill.Rev.State. (1983) Ch.38 §113-3.1.

David A. Gagnon
Signature of Defendant

Subscribed and sworn to before me

John J. Puchner, 1986
(Clerk) (Notary) (Judge)

PD Reed
Sgt

10/16/85

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

GEN. NO. 86 CF 484
☐ Jury ☐ Non-Jury

People

vs.

David Logan

Date 6-2-86 Plaintiff's Attorney State Defendant's Attorney Malin

ORDER

This cause coming before the Court on Defendant's Motion to Reduce Bond and the Court being fully advised in the premises:

IT is Hereby Ordered that Bond in the above captioned matter is reduced to \$10,000

FILED
McHENRY COUNTY, ILLINOIS

JUN 02 1986

James W. Taylor Jr.
Clerk of the Circuit Court

Thomas A. Chermak
Judge

FILED
McHENRY COUNTY, ILLINOIS

JUN - 6 1986

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

Kenneth W. Kopye, Jr.
Clerk of the Circuit Court

People

vs.

David Gagnon

No. 86 CF 484
CF 500

APPEARANCE

The undersigned, as

Attorney for David Gagnon

John Prock

Name

Prock, Billy Prock,
McHenry, Ill.

Attorney for

David Gagnon

Address

420 N Front

City

Mt. Airy, Ill

Telephone

385-1313

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

Vs.)

David A. Gagnon)
Defendant)

1016 Elder)

Address)

McHenry)
City) State IL)

No. 86CF 484

FILED
McHENRY COUNTY ILLINOIS

JUN 9 1986

TEN PER CENT CASH DEPOSIT BAIL BOND

The undersigned defendant, being charged with the offense of

Unlawful Delivery of Criminal

VERNON W. KAYS, JR.

CLERK OF THE CIRCUIT COURT

and now being admitted to bail in the sum of \$ 10,000 acknowledges himself to be indebted to THE PEOPLE OF THE STATE OF ILLINOIS in the penal sum of \$ 10,000 to be levied upon his property, of whatever kind and wherever situated, and undertakes the following as conditions of his bail.

- (1) that said defendant shall appear in the Circuit Court of The 19th Judicial Circuit, McHenry County, Illinois at Courtroom No. 20, Branch No. 1, on the day of June, 19 86, and any divisions thereof as required to answer said charge, and appear thereafter as ordered by said court until discharged or until final order of the court;
- (2) that said defendant shall submit himself to the orders and process of said court.
- (3) that said defendant shall not depart this state without leave of Court.
- (4) that said defendant shall report any change of address to the Court.
- (5) that said defendant shall not violate any federal, state or local law.
- (6) that said defendant shall not contact the complainant or any of the state witnesses by telephone or otherwise nor shall the defendant direct any other person to make said contact for him.
- (7) _____
- (8) _____

As security for the compliance with the conditions of bail above set forth, said defendant deposits the sum of \$ 1,000 in cash with the Clerk of this Court, which sum is equal to 10% of the amount of bail set in this cause for the appearance of said defendant, in accordance with the provisions of Paragraph 110-7, Chapter 38, Illinois Revised Statutes.

If said defendant shall comply with the conditions of this bail bond above set forth, it shall upon order of Court be discharged and said defendant shall be entitled to the return of 90% of said deposit, the remaining 10% of said deposit to be retained by the Clerk of this Court as bail bond costs; provided, however, that in the event a judgement is entered against said defendant for a fine and/or court costs, the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of said fine _____ and/or court costs. If said defendant shall fail to comply with said conditions of his bail, his bail shall remain in full force and effect and said defendant shall be liable for forfeiture thereon.

EXECUTED this 06 day of June, 19 86

TAKEN by me this _____ day of _____, 19 _____

David A. Gagnon (seal)

By Ben Esner
Peace Officer or Clerk of Court

APPROVED by me this _____ day of _____, 19 _____

(Judge)

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT

McHenry COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

DAVID A. GAGNON

Defendant

No. 86 CF 484

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

INFORMATION

[Two Counts]

The State's Attorney of said County charges:

Karen M. Taylor
Clerk of the Circuit Court

That on or about May 29, 19 86, in McHenry County,

in the State of Illinois, DAVID A. GAGNON committed the offense of

UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant knowingly and unlawfully delivered to
John Doe more than 30 grams, but not more than 500 grams, of a
substance containing cannabis, otherwise than as authorized
in the Cannabis Control Act,

in violation of Chapter 56½, Section 705, Paragraph (d), Illinois Revised Statutes.

The State's Attorney of said County also charges:

That on or about May 30, 19 86, in McHenry County,
in the State of Illinois, DAVID A. GAGNON committed the offense of

UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant knowingly and unlawfully possessed with
the intent to deliver, more than 30 grams but not more than 500
grams, of a substance containing cannabis, otherwise than as
authorized in the Cannabis Control Act,

PEOPLE OF THE STATE OF ILLINOIS

-VS-

DAVID A. GAGNON

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

No. 86 CF 484
86 CF 500

Kenneth H. Kopy Jr.
Clerk of the Circuit Court

NOTICE OF MOTION

To McHenry County State's Attorney
2200 N. Seminary Avenue
Woodstock, IL 60098

On August 11, 1986, at 9:00 a.m., or as soon thereafter as
counsel may be heard, I shall appear before the Honorable W. Cowlin or any judge sitting in
his stead, in the courtroom usually occupied by him in Court House, 2200 N. Seminary Avenue
(Route 47), Woodstock, Illinois and then and there present the attached Motion
for Substitution of Judge.

Michael J. McNerney
Michael J. McNerney

Name MOHR, REILLY, PRATHER, MCNERNEY & GRAHAM

Attorney for Defendant

Address 138 Cass Street, P.O. Box 703

City Woodstock, IL 60098

Telephone 815/338-0060

Copy received _____, 19____, at _____, ____ m.

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILL.

James M. Kopy Jr.
Clerk of the Circuit Court

PEOPLE OF THE STATE OF ILLINOIS)

-vs-

) No. 86 CF 484
) 86 CF 500
)
)

DAVID A. GAGNON)

MOTION FOR SUBSTITUTION OF JUDGE

Your Petitioner, DAVID A. GAGNON, respectfully represents to this Honorable Court that he is the Defendant in the cause now pending before your Honor, one of the Judges of the Nineteenth Judicial Circuit.

Your Petitioner further represents that he fears that he will not receive a fair and impartial trial in said cause if he is tried before your Honor, because of the prejudice of your Honor against Petitioner, the cause of such prejudice being more fully set out in the affidavit of Petitioner in support of this motion which is attached hereto and incorporated herein.

WHEREFORE, Petitioner respectfully prays this Honorable Court to transfer this motion to the Chief Judge for hearing by a judge not named in this motion, and further prays for an order permitting the requested substitution of judges.)

Michael J. McNerney
Michael J. McNerney

LAW OFFICES

HR, REILLY, PRATHER,
CNERNEY & GRAHAM
420 N. FRONT STREET
CHENRY, ILLINOIS 60050
(815) 385-1313

136 CASS STREET
P.O. BOX 703

ODSTOCK, ILLINOIS 60098
(815) 338-0060

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE

DAVID A. GAGNON v.

No. 86 CF 484
86 CF 500

CHANGE OF VENUE/SUBSTITUTION OF JUDGE

This matter coming to be heard upon motion of Atty., Michael McNerney for ~~Change of Venue~~/Substitution of Judge, pursuant to Chapter 110, Section 2-1001 and Chapter 38, Section 114-5 of the Illinois Revised Statutes, 1981, as amended, and the Court being fully advised in the premises:

FINDS:

- ☒ That the motion for ~~Change of Venue~~/Substitution of Judge should be granted.
- ☐ That the motion for Change of Venue/Substitution of Judge should be denied.

IT IS ORDERED:

- ☒ That the ~~Change of Venue~~/Substitution of Judge is hereby granted.
- ☐ That the Change of Venue/Substitution of Judge is hereby denied.

from Judge Cowlin and that this cause is transferred to Judge Henry L. Cowlin for reassignment.

ENTER:

Henry L. Cowlin
JUDGE

Dated: Aug 11, 1986

FILED
McHENRY COUNTY, ILLINOIS

AUG 11 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Rev. 9/14/82

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE

v.

DAVID A. GAGNON

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)

86 CF 484
500

O R D E R

On the Court's motion;

IT IS ORDERED that the above entitled cause be and the same is
hereby assigned to the Honorable ROLAND A. HERRMANN
Judge of this circuit for all further proceedings, trial and final
disposition.

ENTER:

Henry L. Cowlin

Henry L. Cowlin
Circuit Judge

DATED: August 11, 1986

Distribution to:

FILED
McHENRY COUNTY, ILLINOIS

AUG 11 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

-vs-)

DAVID GARNOW)

No. 86C7484

RECIPROCAL ORDER FOR DISCLOSURE

On motion of accused;

IT IS ORDERED that the State shall disclose to defense counsel the following material and information within its possession or control:

1. The names and last known addresses of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements which the State does not consider substantially verbatim. Any such memoranda which the State does not disclose to defense counsel shall be submitted to the Court for examination in camera and disclosure to defense counsel if found to be substantially verbatim reports.
2. Any written or recorded statements and the substance of any oral statements made by the accused or by a codefendant, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes containing testimony of the accused and relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.
4. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments or comparisons; and oral reports or statements of experts shall be reduced to writing by the said experts.
5. Any books, papers, documents, photographs or tangible objects which the State intends to use as evidence or which were obtained from or belong to the accused.
6. Any record of prior criminal convictions which may be used for impeachment of persons which the State intends to call as witnesses.
7. Any material or information which tends to negate the guilt of the accused as to the offense charged, or would tend to reduce his punishment for it.

FURTHER ORDERED that the State shall comply with this Order on or before August 25, 1986, at a time and place and

in a manner mutually agreeable to itself and defense counsel whereby the material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance with the Order, the State will proceed under SCR 412(e) effective October 1, 1971.

FURTHER ORDERED that if the State discovers, after compliance with this Order, additional material or information subject to disclosure under this Order, it shall promptly disclose such material or information to counsel for accused and also notify the Court of it.

On motion of the State, IT IS ORDERED that defense counsel shall inform the State's Attorney of any defenses which the accused intends to make at a hearing or trial, including affirmative defenses, non-affirmative defenses, alternative and inconsistent defenses.

FURTHER ORDERED that defense counsel shall furnish the State's Attorney with the following material and information within his possession or control or within the possession or control of the accused:

1. The names and last known addresses of persons he intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements and any record or prior criminal convictions of said witnesses known to the accused or his counsel.
2. Any books, documents, photographs or tangible objects he intends to use as evidence or for impeachment.
3. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations, and of scientific tests, experiments or comparisons, except that those portions of reports containing statements made by the accused may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial; oral reports or statements of experts shall be reduced to writing by said experts.

FURTHER ORDERED that defense counsel shall comply with this Order on or before Sept 8, 19 86 at a time and place and in a manner mutually agreeable to defense counsel and the State's Attorney, whereby said material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance defense counsel shall notify the State's Attorney that the material and information may be inspected, obtained, tested, copied or photographed during specified reasonable times and at places reasonably accessible to the State's Attorney.

FURTHER ORDERED that if subsequent to compliance herewith, the accused or his counsel discover additional material or information which is subject to disclosure under this Order, they shall promptly disclose such information or material to the State's Attorney and also notify the Court of it.

FURTHER ORDERED that all motions, waivers and demands shall be made in open court, and above numbered cause(s) set for trial on call to commence on the October 14, 19 86 Jury Trial Calendar beginning 10 AM.

FILED

MCHENNY COUNTY, ILLINOIS

AUG 11 1986

Enter

8/11 VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Calvin C. Hermann Judge