

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

KEVIN LINK)	
)	
Plaintiff,)	
)	19-SC-1895
v.)	
)	
JUDY WHITAKER, and)	
CITY OF GRANITE CITY,)	
)	
Defendant.)	

**DEFENDANTS' COMBINED MOTION TO DISMISS
PURSUANT TO 735 ILCS 5/2-619.1**

Comes now Defendants, JUDY WHITAKER and CITY OF GRANITE CITY, a municipal corporation, by and through their attorneys of the law firm of Unsell, Schattnik, & Phillips, P.C., and for Defendant's Combined Motion to Dismiss pursuant to 735 ILCS 5/2-619.1 states as follows:

FACTUAL BACKGROUND

1. On June 7, 2019, Plaintiff Kevin Link filed this instant small claims matter seeking compensation for "unjust arrest" and "refusal to return \$600.00 my son paid to bail me out."

2. Plaintiff's suit named Judy Whitaker and the City of Granite City as defendants.

3. Judy Whitaker is the City Clerk for the City of Granite City.

4. On or about June 7, 2016, a Granite City Police officer issued a citation to Plaintiff Kevin Link alleging illegal occupancy at 2506 Iowa Street, Granite City, Illinois in

violation of City of Granite City Municipal Code 15.08.100. See Plaintiff's Exhibit K-1.

5. On or about July 13, 2016, Plaintiff filed a Pro Se Motion seeking the Court reschedule the July 14, 2016 appearance date. See certified copy of Motion attached as Exhibit 1. On July 14, 2016, presiding Judge Slemmer entered an Order resetting Plaintiff's appearance date to August 25, 2016. See certified copy of Order of July 14, 2016 attached at Exhibit 2.

6. On August 25, 2016, Plaintiff did not appear at Circuit Court on the scheduled hearing date. Judge Smith issued a Failure-to-Appear warrant for Plaintiff setting the warrant bond at \$5,000.00. See certified copy of Order of August 25, 2016 attached as Exhibit 3.

7. On or about June 12, 2017, Plaintiff was arrested by the Granite City Police on the outstanding Failure-to-Appear warrant issued on August 25, 2016. Plaintiff was released after a bond of \$580 was paid. See Certified Copy of Bond Form #03560 attached as Exhibit 4.

8. Plaintiff then appeared at the next scheduled hearing on July 13, 2017. This matter was continued to September 14, 2017. Plaintiff appeared at this setting.

9. On September 21, 2017, the ordinance violation ticket was dismissed Nolle Pro's on the motion of City of Granite City. See certified copy of Order of September 21, 2017 attached as

Exhibit 5.

10. According to Madison County Circuit Court records, Plaintiff's bond was refunded minus the 10% bond fee. See printout of Madison County Bond Assignment attached as Exhibit 6. To date, Plaintiff has failed to obtain said funds from the Circuit Clerk's office even though same are and have been available.

**MOTION TO DISMISS PURSUANT TO SECTION 2-615 FOR
FAILURE TO STATE A CLAIM AS TO JUDY WHITAKER**

11. Defendants move pursuant to Section 2-615 for dismissal for failure to state a claim upon which relief may be granted. A section 2-615 motion to dismiss (735 ILCS 5/2-615 (West 2002)) challenges the legal sufficiency of a complaint based on defects apparent on its face. *Marshall v. Burger King Corp.*, 222 Ill.2d 422, 429 (2006). In reviewing the sufficiency of a complaint, we accept as true all well-pleaded facts and all reasonable inferences that may be drawn from those facts and construe the allegations in the complaint in the light most favorable to the plaintiff. *Id.* Here, even assuming Plaintiff's allegations are true, Plaintiff has not sufficiently plead any cause of action against Granite City Clerk Judy Whitaker.

12. Plaintiff's Complaint seeks compensation for his "unjust arrest" and a refund of his bond money paid as a result of his arrest.

13. Plaintiff's allegations seek damages from City of

Granite City due to the alleged "unjust arrest" by City of Granite City Police on June 12, 2017.

14. Judy Whitaker was named as a defendant in this suit. It is unclear whether Ms. Whitaker is named as a defendant in her individual capacity or in her official capacity as Granite City City Clerk.

15. However, none of Plaintiff's claims involve any action or omission by the City Clerk's office or by Ms. Whitaker. Ms. Whitaker was not personally involved with Plaintiff's arrest and was not personally involved with Plaintiff's underlying ordinance violation case.

16. Further, in her official capacity as Granite City Clerk, Ms. Whitaker's office has not authority over the Granite City Police, the issuance or enforcement of arrest warrants issued by Madison County, nor does the City Clerk have any authority over the bond money collected after Plaintiff's arrest.

17. Thus, there are no claims presented in Plaintiff's Complaint that allege a cause of action against Ms. Whitaker in either her individual or official capacity as City Clerk and, thus, Plaintiff has failed to state a claim against Ms. Whitaker.

18. Finally, Section 2-615 allows for misjoined parties to be dismissed. 735 ILCS 5/2-615. Here, Plaintiff has brought claims against JUDY WHITAKER and the CITY OF GRANITE CITY. As claims arising out of false arrest are improperly made against

JUDY WHITAKER, she has been misjoined to this case and should be dismissed.

WHEREFORE, Defendants, JUDY WHITAKER and THE CITY OF GRANITE CITY, respectfully request that JUDY WHITAKER be dismissed with prejudice from this case pursuant to Section 2-615 and for other such relief as this Court deems appropriate.

**MOTION TO DISMISS PURSUANT TO SECTION 2-615 FOR
FAILURE TO STATE A CLAIM FOR FALSE ARREST**

19. Defendants move pursuant to Section 2-615 for dismissal for failure to state a claim upon which relief may be granted. A section 2-615 motion to dismiss (735 ILCS 5/2-615 (West 2002)) challenges the legal sufficiency of a complaint based on defects apparent on its face. *Marshall v. Burger King Corp.*, 222 Ill.2d 422, 429. In reviewing the sufficiency of a complaint, we accept as true all well-pleaded facts and all reasonable inferences that may be drawn from those facts and construe the allegations in the complaint in the light most favorable to the plaintiff. *Id.* Here, even assuming Plaintiff's allegations are true, Plaintiff has not sufficiently plead a cause of action for false arrest as Plaintiff admits in Exhibit K-4 referenced in and filed with his Complaint that Plaintiff was arrested pursuant to an arrest warrant issued by the Madison County Circuit Court.

20. Plaintiff's complaint seeks "just compensation" for costs he alleges he suffered due to an "unjust arrest" by Granite City Police including court costs, return of bail bond paid and

other compensation arising out of an arrest related to Ordinance violation 2016OV400378.

21. Plaintiff's complaint appears to be alleging a claim of false arrest by the City of Granite City as to when he was arrested by Granite City Police June 12, 2017 pursuant to a failure-to-appear arrest warrant issued by Judge Smith in Case No. 2016OV400378 on August 25, 2016.

22. In order to establish a claim for false arrest, the plaintiff must allege the plaintiff was arrested by the defendant and that the defendant acted without reasonable grounds to believe that an offense was committed by the plaintiff. *Davis v. Temple*, 284 Ill.App.3d 983, 991 (5th Dist. 1990); *Ross v. Mauro Chevrolet*, 369 Ill. App.3d 794, 798 (1st Dist. 2006). " 'A cause of action for false arrest cannot be based upon a valid Warrant of Arrest issued by a Court', as the law is well settled that if an arrest is made under a judicially issued arrest warrant, the arrest itself cannot give rise to a claim of false arrest or imprisonment." *Davis*, 284 Ill. App. 3d at 991.

23. In Exhibit K-4, referenced by Plaintiff in his Complaint, Plaintiff stated an arrest warrant was issued and that he was arrested one year later by Granite City police pursuant to that arrest warrant. See Plaintiff's Exhibit K-4 and Defendants' Exhibits 3 and 4.

24. Madison County Circuit Court records show that

Plaintiff was scheduled to appear before the Madison County Circuit Court docket held in Granite City, Illinois on August 25, 2016. The court records show that Plaintiff failed to appear and the judge issued a Failure-to-Appear warrant for Plaintiff's arrest. See Defendants' Exhibit 3.

25. Plaintiff alleges that Plaintiff was then arrested on June 12, 2017, by the Granite City Police pursuant to this active warrant. See Plaintiff's Exhibit K-4 and Defendant's Exhibit 4.

26. As Plaintiff's own filings admit, he was arrested pursuant to a Madison County arrest warrant issued for failure to appear, Plaintiff cannot maintain a cause of action for false arrest. As such, Plaintiff has failed to state a legally sufficient claim and this case should be dismissed with prejudice pursuant to Section 2-615.

WHEREFORE, Defendants, JUDY WHITAKER and CITY OF GRANITE CITY, respectfully request this Court dismiss Plaintiff's claim with prejudice pursuant to Section 2-615 as Plaintiff has failed to state a claim for relief for false arrest and for other such relief as this Court deems appropriate.

MOTION TO DISMISS PURSUANT FOR 2-615 FOR FAILURE TO STATE A CLAIM AS TO UNREFUNDED BOND MONEY

27. Plaintiff's Complaint alleges a bond was posted for his release following his arrest and that said bond was not refunded after the underlying ordinance violation was dismissed.

28. While Plaintiff was arrested by Granite City Police,

Plaintiff's bond was collected on behalf of Madison County pursuant to a Madison County bond form. See Defendants' Exhibit 4.

29. Plaintiff's bond money was handled and held by the Madison County Circuit Clerk's office. See Print out from Circuit Clerk showing history of Plaintiff's Bond attached as Defendants' Exhibit 6. Plaintiff's bond was set to be refunded by the Madison County Circuit Clerk on October 4, 2015. See Print out of Circuit Clerk Bond Assignment records attached as Defendants' Exhibit 6.

30. Counsel for Defendant contacted the Madison County Circuit Clerk's office following the filing of this instant suit. The Madison County Circuit Clerk's office confirmed that Plaintiff's bond was refunded by check issued to Plaintiff and mailed to 35 Dublin Drive, Granite City, Illinois, Plaintiff's address listed on his bond form, on 10/05/2017 and that said check was not cashed and is still outstanding.

31. As such, Defendant CITY OF GRANITE CITY, has no control over Plaintiff's bond money and cannot control the release of these funds to Plaintiff. Therefore, Plaintiff has failed to state a claim for which this Court may grant relief and should be dismissed pursuant to Section 2-615.

WHEREFORE, Defendants respectfully request this matter be dismissed with prejudice pursuant to Section 2-615 and for such

other relief as this Court deems appropriate.

MOTION TO DISMISS PURSUANT TO 2-619
AS TO THE FALSE ARREST CLAIM

32. "A defendant may, within the time for pleading, file a motion for dismissal of the action or for other appropriate relief upon any of the following grounds . . . (a)(9) That the claim asserted against defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claim. 735 ILCS 5/2-619(a)(9).

33. In order to establish a claim for false arrest, the Plaintiff must allege Plaintiff was arrested by the Defendant and that the Defendant acted without reasonable grounds. *Davis v. Temple*, 284 Ill.App.3d 983, 991 (5th Dist. 1990); *Ross v. Mauro Chevrolet*, 369 Ill. App.3d 794, 798 (1st Dist. 2006). A cause of action for false arrest cannot be based upon a valid Warrant of Arrest issued by a Court," as the law is well settled that if an arrest is made under a judicially issued arrest warrant, the arrest itself cannot give rise to a claim of false arrest or imprisonment. *Davis*, 284 Ill. App. 3d at 991.

34. On August 25, 2016, Plaintiff was scheduled for a hearing before the Madison County Circuit Court and failed to appear. The presiding Madison County Circuit Judge issued an arrest warrant for Plaintiff on that date. See Order attached as Defendants' Exhibit 3.

35. Plaintiff was arrested on June 12, 2017 by Granite City Police. The arrest was effected pursuant to a valid arrest warrant issued by a Madison County Circuit Judge for the arrest of Plaintiff for failure to appear at the August 25, 2016 Circuit Court hearing.

36. The officers were taking action in accordance with the law and the active arrest warrant. As such, they were legally justified in arresting Plaintiff and did not unlawfully arrest Plaintiff.

37. As the Granite City Police arrest of Plaintiff taken pursuant to an active warrant for Plaintiff's arrest, Plaintiff cannot sufficiently support a claim for false arrest against the City of Granite City and this false arrest claim should be dismissed involuntarily pursuant to 2-619(a)(9) as it is barred by another affirmative matter.

WHEREFORE, Defendants respectfully request this Court to dismiss with prejudice Plaintiff's Complaint pursuant to Section 2-619 as Plaintiff's claims are defeated by an affirmative matter and for other such relief as this Court deems appropriate.

MOTION TO DISMISS PURSUANT TO 2-619
STATUTE OF LIMITATIONS

38. Defendants further move this Court to dismiss Plaintiff's actions pursuant to 735 ILCS § 5/2-619(a)(5). Section 2-619(5) allows for involuntary dismissal of an action if "that the action was not commenced within the time limited by law." 735

ILCS § 5/2-619(a)(5).

39. The Local Governmental and Governmental Employees Tort Immunity Act (Tort Immunity Act) § 10/8-101 states "No civil action . . . may be commenced in any court against a local entity or any of its employees for any injury unless it is commenced within one year from the date that the injury was received or the cause of action accrued." 745 ILCS § 10/8-101(a).

40. "Local entity" is defined in the Tort Immunity Act to include any "county, township, municipality, municipal corporation, school district, school board, educational service region, regional board of school trustees, trustees of schools of townships, treasurers of schools of townships, community college district, community college board, forest preserve district, park district, fire protection district, sanitary district, museum district, emergency telephone system board, and all other local governmental bodies." 745 ILCS 10/1-206. As Defendant City of Granite City is an Illinois municipality, tort claims against it are subject to the one-year statute of limitations.

41. Further "employee" includes "a present or former officer, member of a board, commission or committee, agent, volunteer, servant or employee, whether or not compensated, but does not include an independent contractor." 745 ILCS 10/1-202. Defendant Judy Whitaker is the City of Granite City City Clerk and is therefore a local governmental employee. Any tort claims

against Defendant Judy Whitaker arising out of her employment with City of Granite City are subject to a one year statute of limitations.

42. Claims for false arrest or imprisonment against local entities or their employees are tort claims subject to the one-year statute of limitations contained in the Local Governmental and Governmental Employees Act. See *Luciano v. Waubonese Community College*, 245 Ill. App. 3d 1077, 1086 (2d Dist. 1993) (claims of false arrest/imprisonment against local community college safety officers barred because claim was filed more than one year after arrest).

43. In this case, Plaintiff has alleged he was arrested on June 12, 2017 and released on bond that day. See Plaintiff's Exhibit K-4 and Defendants' Exhibit 4.

44. Plaintiff filed this claim alleging an "unjust arrest" on June 7, 2019, almost two years after he was arrested. As such, Plaintiff's claim was not filed within the one-year statute of limitation applied to such claims filed against municipalities and their employees.

44. Therefore, Plaintiff's tort claims for false arrest are barred as untimely and this matter should be dismissed pursuant to Section 2-619(a)(5).

WHEREFORE, Defendants JUDY WHITAKER and CITY OF GRANITE CITY respectfully request this Court to dismiss this matter with

prejudice pursuant to Section 2-619(a)(5) and for other such relief as this Court deems appropriate.

/s/ Erin M. Phillips
BY: _____
Erin M. Phillips #6289723
Bradley C. Young #6324886
Unsell, Schattnik & Phillips
3 South 6th Street
Wood River, IL 62095
(618) 258-1800
Erin.phillips7@gmail.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2019 I electronically filed this Defendant's Combined Motion to Dismiss with the Clerk of the Court using the Odyssey E-filing system, emailed to the email address below and a paper copy has been mailed to Pro Se Plaintiff Kevin Link at the following address:

Kevin Link
PO Box 22
Granite City, Illinois 62040

Currly521@yahoo.com

/s/ Erin M. Phillips
Erin M. Phillips

TO: CLERK OF CIRCUIT COURT

RE: CASE NUMBER 2016 OV 400378

FILED²⁻¹⁶

JUL 13 2016

CLERK OF CIRCUIT COURT #65
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

Unfortunately, I Kevin Link will be unavailable for my court appearance on July 14th.

NOTE:

During the 1st week of May 2016,

My wife informed the Granite City inspection department that my tenant at 2506 Iowa had moved out and unknown people had illegally moved in without permission.

I contacted the Captain of Granite City Crime Free Housing in hopes of police assistance in their removal.

I also made a separate request to the Granite City police for assistance on their immediate removal (I was denied any police or city assistance).

I then filed for the eviction of "unknown occupants" on May 4th 2016 and was granted re-possession as of June 30th. (which I also informed the Granite City inspection department).

With this in mind, I request either case dismissal or reschedule.

Sincerely,



Kevin Link
PO Box #22
Granite City, IL

IN THE CIRCUIT COURT
FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED

JUN 09 2016

CLERK OF CIRCUIT COURT #8
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

Kevin Link
Plaintiff,

vs.

Naomi Hudson and
unknown occupants
Defendant.

Case No. 16 LM 401

ORDER

This case comes on for hearing pursuant to Notice to the Parties:

Plaintiff is present; with counsel pro se

Defendant is present; with counsel pro se

The Court sears witnesses, admits exhibits, and hears arguments. After consideration of the evidence and arguments:

THE COURT ORDERS:

Judgment is granted in favor of the Plaintiff and against the Defendant in the amount \$ 1000.00, plus attorneys fees of \$ 0 court costs of \$ 0

Judgment is granted in favor of the Defendant and against the Plaintiff, cost of \$ _____ assessed.

Judgment for the premises located at 2506 Lara, Granite City IL is granted in favor of the Plaintiff.

Execution by the Sheriff is stayed until June 30, 2016 at 2 am

Case continued to _____

Notice given to the parties. THIS IS YOUR ONLY NOTICE

Defendant Exhibit 1

Page 2 of 4

ENTER: _____

JUDGE

DATE: 6/9/16

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY

FILED
MAY - 4 2016
CLERK OF CIRCUIT COURT # 83
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

KEVIN LINK
PO Box #22 Granite City, IL 62040
Plaintiff

No. 16LM401

vs.
NAOMI HUDSON AND UNKNOWN OCCUPANTS
2506 IOWA, Granite City, IL 62040
Defendant

COMPLAINT IN FORCIBLE ENTRY AND DETAINER

KEVIN LINK

_____, plaintiff,
allege that he KEVIN LINK entitled to possession of the following-described premises, situated in
the Granite, Madison County, Illinois, to wit: 2506 IOWA
Granite City, IL 62040

that the defendant UNKNOWN OCCUPANTS unlawfully withhold(s) possession thereof from plaintiff, and furthermore NAOMI HUDSON
UNKNOWN OCCUPANTS indebted to said plaintiff for rent of said premises in the sum of \$ 500.

Wherefore, plaintiff pray(s) judgment against the defendant. For possession of said described premises,
and for the sum of \$ 500, and costs of suit.

Dated 5-4-16
Kevin Link

(Plaintiff)

AFFIDAVIT OF RENT DUE

KEVIN LINK (Kevin Link)
being duly sworn, on oath say that he KEVIN LINK, the plaintiff in the
within cause, that the demand of the plaintiff in said cause is for possession of the said premises and rent therefore
for the months of April 2016 and
that the amount due to the said plaintiff from the defendant in said cause after allowing to said defendant all
just deductions, credits and set offs, if any, is 500 Dollars and 0 Cents.

Signed and sworn to before me

(Clerk of the Circuit Clerk - Notary Public)

Original to Court _____ Copy to Defendant _____ Your Copy _____

Defendant Exhibit 1
Page 4 of 4



A true copy of the original on file in my office
Attested to this 12 day of July, 2019

MARK VON NIDA

Clerk of the Circuit Court, 3rd Judicial Circuit
Madison County, Illinois

By *ml*
Deputy Clerk

Defendant: LINK KEVIN G

Case # 16UV400578

D.O.B. 19630926 IL

Offense: HOUSING CODE

DL# CDL: N

9109000 2506 ISW

Attorney Balance \$0.00

Bond Bal: \$ 0.00

ORDER

Accident:



- Defendant fails to appear for 2nd appearance.
- Ex Parte conviction entered. Total fine & cost: \$ _____
- Reset on appearance docket.
- Issue warrant Bond _____
- QUASH WARRANT

- Defendant appears and is advised of the charges, penalties, rights and trial in absentia.
- Defendant pleads not guilty and Request Jury Trial Waives Right To Jury Trial Set for Trial

Defendant's Signature _____

CASE STATUS : CSO

DISPOSITION

- Defendant pleads GUILTY and waives rights and trial open plea neg. plea 4 hr Traffic Safety School

Defendant's Signature _____

- CONVICTION SUPERVISION _____ days _____ months _____ years

FINES AND COSTS \$ _____ FINES AND COSTS \$ _____

TOTAL FINES AND COSTS \$ _____ TOTAL FINES AND COSTS \$ _____

THE OFFENDER SHALL PAY RESTITUTION IN THE AMOUNT OF \$ _____ BY _____

TO _____

- Pay Today From Bond POA _____

DEF to perform _____ hours of public service. Copy to Probation Department.

Transfer remaining bond to _____

DEF FOUND NOT GUILTY DEF FOUND GUILTY Jury Trial Bench Trial In Absentia

NOLLE PROS. motion of CASE DISMISSED motion of State Municipality

Per: PLEA INSUFFICIENT EVIDENCE COMPLIANCE PROOF OF INS.

ANY OUTSTANDING FINES AND COSTS ARE FOUND TO BE UNCOLLECTIBLE. CLOSE FILE.

TAKE BOND (BAL FORFEITED FOR FTA) CLOSE FILE

FINE & COSTS HAVE BEEN SATISFIED BY PSW. CLOSE FILE

CONTINUANCES

CONT motion of Pros Deft Agreement Court. Reset NAD 30 days

DEFENDANT FAILS TO APPEAR / PAY PER ORDER:

- Reset NAD _____ ISSUE WARRANT bond _____
- Revoke Supervision; Conviction Entered; Judgment Unsatisfied; Clerk to Notify SOS. _____
- Prior order vacated; fee paid/waived.

ASSISTANT STATES ATTY

[Signature]

DEFT / DEFENDANT'S ATTY


FILED 7/14/2016 MADISON 3rd JUDICIAL CIRCUIT

JUDGE

[Signature]

Defendant Exhibit 2
Page 2 of 2



A true copy of the original on file in my office
Attested to this 12 day of July 2019
MARK VON NIDA
Clerk of the Circuit Court, 3rd Judicial Circuit
Madison County, Illinois

Deputy Clerk

Defendant: LINK KEVIN G

Case # 16UV400378

D.O.B. 19630926 IL

Offense: HOUSING CODE

DL # CDL: N

9109000 2506 Iowa

Attorney Balance \$0.00

Bond Bal \$ 0.00

ORDER

Accident:

Defendant fails to appear for 2nd appearance.

Ex Parte conviction entered. Total fine & cost: \$ _____

Reset on appearance docket.

Issue warrant Bond \$ 5,000 -

QUASH WARRANT



Defendant appears and is advised of the charges, penalties, rights and trial in absentia.

Defendant pleads not guilty and Request Jury Trial Waives Right To Jury Trial

Set for Trial

Defendant's Signature _____

CASE STATUS : CSO

DISPOSITION

Defendant pleads GUILTY and waives rights and trial open plea neg. plea 4 hr Traffic Safety School

Defendant's Signature _____

CONVICTION SUPERVISION _____ days _____ months _____ years

FINES AND COSTS \$ _____

FINES AND COSTS \$ _____

TOTAL FINES AND COSTS \$ _____

TOTAL FINES AND COSTS \$ _____

THE OFFENDER SHALL PAY RESTITUTION IN THE AMOUNT OF \$ _____

TO _____

FILED BY
AUG 25 2016

Pay Today From Bond POA _____

DEF to perform _____ hours of public service. Copy to Probation Department

Transfer remaining bond to _____

DEF FOUND NOT GUILTY DEF FOUND GUILTY Jury Trial Bench Trial In Absentia

NOLLE PROS motion of CASE DISMISSED motion of State Municipality

Per: PLEA INSUFFICIENT EVIDENCE COMPLIANCE PROOF OF INS.

ANY OUTSTANDING FINES AND COSTS ARE FOUND TO BE UNCOLLECTIBLE: CLOSE FILE.

TAKE BOND (BAL FORFEITED FOR FTA) CLOSE FILE.

FINE & COSTS HAVE BEEN SATISFIED BY PSW. CLOSE FILE.

CONTINUANCES

CONT motion of Pros Deft Agreement Court Reset NAD _____

DEFENDANT FAILS TO APPEAR / PAY PER ORDER:

Reset NAD _____ ISSUE WARRANT bond _____

Revoke Supervision; Conviction Entered; Judgment Unsatisfied; Clerk to Notify SOS. _____

Prior order vacated; fee paid/waived.

ASSISTANT STATE'S ATTY *City [Signature]*

DEFT / DEFENDANT'S ATTY _____

FILED 8/18/2016 MADISON 3rd JUDICIAL CIRCUIT

JUDGE *[Signature]*

Defendant Exhibit 3
Page 2 of 2



A true copy of the original on file in my office
Attested to this 12 day of MAY 2019
MARK VON NIDA
Clerk of the Circuit Court, 3rd Judicial Circuit
Madison County, Illinois
By [Signature]
Deputy Clerk

IN THE CIRCUIT COURT OF MADISON COUNTY, ILLINOIS
 Mark Von Nida, Clerk of the Circuit Court Edwardsville, Madison County, Illinois

BAIL BOND # 03560	ORIGIN	<input checked="" type="checkbox"/> Municipality <u>GRANITE CITY</u>	BAIL	Warrant or Citation Nbr. <u>1600400378</u>
	OF BOND	<input type="checkbox"/> Sheriff <input type="checkbox"/> State Agency <input type="checkbox"/> Circuit Clerk	<input checked="" type="checkbox"/> By Judge \$ <u>5000.00</u> <input type="checkbox"/> By Supreme Court \$ _____	

Name	<u>LINK KEVIN G</u> (Last) (First) (Middle)	SEX: <input checked="" type="checkbox"/> M <input type="checkbox"/> F
Address	<u>35 DUBLIN DR</u> Number & Street: <u>GRANITE CITY, IL 62040</u> City & State Zip	OPERATORS LICENSE NUMBER (IF NONE, STATE NONE) NUMBER: <u>L 520-5076-3274</u> STATE: <u>IL</u>

OFFENSE: (Enter court file number, and the related one charge for which highest bail is required.)
1600400378 Court File Number FTA / HOUSING CODE Related Charge

TYPE OF BAIL POSTED	<input type="checkbox"/> Supreme Court Rule - License <input type="checkbox"/> and/or Cash <input type="checkbox"/>	(\$ _____)
	<input type="checkbox"/> Cash Deposit - (Full)	(\$ _____)
	<input checked="" type="checkbox"/> Cash Deposit - (10%)	(\$ <u>500.00</u> <u>+ 80.00</u>)
	<input type="checkbox"/> Real Estate - (Two Times Bail Amount)	(\$ _____)
	<input type="checkbox"/> Recognizance Bond	(\$ <u>580.00 NO CHANGE</u>)
	<input type="checkbox"/> Appeal Bond	(\$ _____)

FILED
JUN 12 2017

IMPORTANT: ALL CASH MUST BE DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT, MARK VON NIDA, WITHIN 48 HOURS.

SPECIAL CONDITIONS OF THIS BOND

- Notice to Person Posting Bond -
 Defendant may assign bond to an attorney without your consent prior to any refund to you.

In addition to the Special Conditions of this Bond imposed above, the General Bond Conditions (725 ILCS 5/110) on the reverse side are made a part hereof.

Judges Signature

I WILL APPEAR IN COURT ON THE 13TH DAY OF JULY, 2017, AT THE HOUR OF 9:00 A M,
 IN COURTROOM NO: 6B AT 2000 EDISON AVE

NOTICE TO PERSON PROVIDING BAIL FOR THE DEFENDANT
 I hereby state that I have posted bail for the defendant named above, and that I understand that if the defendant fails to comply with the conditions of this bail bond, that the Court shall enter an order declaring this bail to be forfeited and used to pay costs, attorney's fees, fines or other purposes authorized by the Court. I further state that I understand that even though the defendant complies with the conditions of this bail bond, if an order for a fine and/or court costs is entered against the defendant this bail money may be used to pay the fine, court costs and bail bond costs.

Signature: [Signature]
 Name: SHAWN G LINK (Print)
 Address: 35 DUBLIN DR
 City, State and Zip: GRANITE CITY, IL 62040
 Telephone No.: 618 581-9930
 Issued on: 6/10/17

CERTIFICATE OF DEFENDANT
 I, the Defendant named above, do hereby state that I know and understand the terms and conditions of this bail bond as shown on the FRONT AND REVERSE SIDES of this bail bond form: I understand further that if at any time prior to the final disposition of the charge(s) I escape or am released on bond and fail to appear in court when required by the court, the result of my failure to appear will be as follows: I thereby waive my right to confront the witnesses against me; the trial can proceed in my absence; I forfeit the security money posted; judgment will be entered against me for the full amount of this bond, plus costs; a warrant may be issued, in which event additional bond money may be required. I understand and accept the terms and conditions set forth above and on the reverse side of this bail bond.

Signature of Defendant: [Signature]
 Address: 35 DUBLIN DR
 City, State, Zip: GRANITE CITY, IL
 Telephone No.: 931 0244

Signed before me and security received.
[Signature] #204
 Judge Peace Officer Circuit Clerk
 Police Dept. GRANITE CITY

ASSIGNMENT OF BAIL BOND BY THE DEFENDANT
 I hereby authorize the return of the monies posted above to the person shown on this bail bond as having provided monies for my bail after all conditions of this bail bond have been met.

Signature of Defendant: _____

WHITE - CIRCUIT CLERK PINK - DEFENDANT'S COPY



Defendant Exhibit 4
Page 2 of 2



A true copy of the original on file in my office
Attested to this 12 day of July 2019
MARK VON NIDA
Clerk of the Circuit Court, 3rd Judicial Circuit
Madison County, Illinois
By [Signature]
Deputy Clerk

Defendant: LINK KEVIN G

Case # 16OV400378

D.O.B. 19630926 IL GRANITE CITY, CITY OF

Offense: HOUSING CODE

DL # CDL: N

9109000

Attorney

Balance \$0.00

Bond Bal \$ 505.00 ORDER

Accident:

Defendant fails to appear for 2nd appearance.

Ex Parte conviction entered. Total fine & cost: \$ _____

Reset on appearance docket.

Issue warrant Bond _____

QUASH WARRANT

Defendant appears and is advised of the charges, penalties, rights and trial in absentia.

Defendant pleads not guilty and Request Jury Trial Waives Right To Jury Trial

Set for Trial

Defendant's Signature _____

CASE STATUS : CSO

DISPOSITION

Defendant pleads GUILTY and waives rights and trial open plea neg. plea 4 hr Traffic Safety School

Defendant's Signature _____

CONVICTION SUPERVISION _____ days _____ months _____ years

FINES AND COSTS \$ _____

FINES AND COSTS \$ _____

TOTAL FINES AND COSTS \$ _____

TOTAL FINES AND COSTS \$ _____

THE OFFENDER SHALL PAY RESTITUTION IN THE AMOUNT OF \$ _____ BY _____

TO _____

Pay Today From Bond POA _____

DEF to perform _____ hours of public service. Copy to Probation Department.

Transfer remaining bond to _____

DEF FOUND NOT GUILTY DEF FOUND GUILTY Jury Trial Bench Trial In Absentia

NOLLE PROS motion of CASE DISMISSED motion of State Municipality

Per: PLEA INSUFFICIENT EVIDENCE COMPLIANCE PROOF OF INS.

ANY OUTSTANDING FINES AND COSTS ARE FOUND TO BE UNCOLLECTIBLE. CLOSE FILE.

TAKE BOND (BAL FORFEITED FOR FTA) **CLOSE FILE**

FINE & COSTS HAVE BEEN SATISFIED BY PSW. **CLOSE FILE**

CONTINUANCES

CONT motion of Pros Deft Agreement Court Reset NAD _____

DEFENDANT FAILS TO APPEAR / PAY PER ORDER:

Reset NAD _____ ISSUE WARRANT bond _____

Revoke Supervision; Conviction Entered; Judgment Unsatisfied; Clerk to Notify SOS. _____

Prior order vacated; fee paid/waived.

~~7/13 motion to Com. 21 A~~

ASSISTANT STATE'S ATTY *[Signature]*

DEFT / DEFENDANT'S ATTY _____

FILED 9/21/2017 MADISON 3rd JUDICIAL CIRCUIT

JUDGE *[Signature]*

Defendant Exhibit 5
Page 2 of 2



A true copy of the original on file in my office
Attested to this 12 day of May, 2019

MARK VON NIDA

Clerk of the Circuit Court, 3rd Judicial Circuit
Madison County, Illinois

By 
Deputy Clerk

C L E R I C U S M A G N U S
 MARK VON NIDA, CIRCUIT CLERK
 MADISON COUNTY
 155 N. MAIN ST. SUITE 120

Case Number: 16-0V-400378 From: 01/00 To: 99/99

Obligor: KEVIN G LINK
 35 DUBLIN DR
 GRANITE CITY, IL 62040
 Case History Audit Listing
 Obligees:

Receipt Number	Payor Name	Payor Date	Payor Chk-Number	Input Date	Check Number	Check Date	Check Acct Number	Receipt Amount	Support Amount	Arrears Amount	Control Amount	Other Amount	Clerk IDPA TrnTyp	Account-Description	Payee Name
35638375	KEVIN G LINK	6/13	CASH	2017	228506	7/10	5000	505.00				505.00	PMT	SEP BOND ORIGINAL	MADISON COUNTY TRE
35638382	KEVIN G LINK	6/13	CASH	6/13	228512	7/10	5770	5.00				5.00	PMT	SEP COMP ETA	MADISON COUNTY TRE
3611301	KEVIN G LINK	9/14	CASH	9/14	230097	10/06	5300	70.00				70.00	PMT	SEP FTA WARRANT FINE	GRANITE CITY TREAS
36197536	KEVIN G LINK	10/04	BOND	10/04	230097	10/06	5300	2.00				2.00	PMT	SEP COPIES (PLAT RATE)	MADISON COUNTY TRE
36197536	KEVIN G LINK	10/04	BOND	10/04	230701	11/08	5400	50.00				50.00	PMT	SEP COPIES (PLAT RATE)	MADISON COUNTY TRE
36197536	KEVIN G LINK	10/04	BOND	10/04	230060	10/05	5900	455.00				455.00	BND	SEP BOND 10% CHARGE	MADISON COUNTY TRE
						2017 Year Total		1092.00				1092.00		SEP BOND REFUND	MADISON COUNTY TRE

Total Record Count: 7
 Report Total: 1092.00
 Docket Total: 1092.00

10/5/17