

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
KNOX COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

v.)

Case No. 08-CF-338

NICHOLAS T. SHELEY,)

Defendant.)

SECOND AFFIDAVIT IN SUPPORT OF MOTION TO CHANGE VENUE

NOW COMES Jeremy S. Karlin, court-appointed attorney for Nicholas T. Sheley, and pursuant to 725 ILCS 5/114-6, first being duly sworn, states the following under oath as his Second Affidavit in Support of Motion to Change Venue:

1. The court has appointed the undersigned attorney to represent Defendant in the above-captioned cause.
2. Defendant has been charged in the above-captioned matter with numerous counts of first degree murder in Knox County Illinois.
3. Additionally, Defendant has been implicated with regard to seven other murders, two occurring in Missouri, and five occurring in Whiteside County, Illinois.
4. The Knox County States Attorney has made a formal declaration that the State is seeking the imposition of the death penalty if Defendant is found guilty of murder. Illinois S. Ct. R. 416.
3. Since the filing of the last affidavit in support of the motion to change venue, there continues to significant publicity in the print and electronic media concerning the above-captioned case and related matters. Because of the continuing amount and nature of the publicity in this case, Defendant is unable to receive a fair trial in Knox County.

FILED
KNOX CO., IL

OCT 29 2009

KELLY CMEESMAN
Clerk of the Circuit Court
Deputy

5. Without let up, every conceivable media outlet with the potential of influencing the potential jury pool in Knox County has contributed to the problem: local and regional newspapers, local and national television stations, radio stations and the internet.

6. Without question, there has been substantial information about Nicholas Sheley. As the response to a subpoena duces tecum of September 25, 2009 illustrates, every media outlet in Knox County, and every media outlet that is broadcast or covers Knox County news has covered the details of the murder in Knox County, the alleged murders in other counties and other states, and the details of every public hearing in this matter.

7. Provided as exhibits to this affidavit are all the media accounts regarding Defendant that was produced in response to subpoenas issued September 25, 2009. These exhibits are only for those media outlets that have readership, viewership or listeners in the Knox County area. A list of the exhibits is attached to this affidavit. A copy of all material provided to the court as a part of this affidavit has been previously provided to the state.

8. The influence of these media outlets is substantial when considered in conjunction with each outlet's respective readership, viewership, or listener numbers in both Knox and surrounding counties. Readership, distribution, viewership and listener information that has been compiled to date has been incorporated into the exhibit list.

9. As last alleged in the first affidavit in support of the motion to change venue, the nature and amount of pretrial publicity has tainted the potential jury pool in Knox County and has created a significant prejudice against Defendant in this community. Additional polling conducted since the last poll, June 2, 2009, shows that this prejudice continues.

10. As was done the first time, opinion polling was conducted via telephone of Knox County households. The polling company, Communication Express (a profile of which is

attached as Exhibit P1) compiled a list of the names and phone numbers of Knox County voters from the Illinois Board of Elections, or IBOE. The IBOE list is compiled from the City of Galesburg Election Commission and the Knox County Clerk's office. Then the list was then culled of phone numbers outside the 309 area code and then randomized so as to avoid oversampling from one precinct or geographic area. The results of the poll, discussed below, reveal that a great majority of Knox County residents already have knowledge of the facts in this case and are prejudiced against Defendant Nicholas Sheley. A copy of the script of the poll is attached as Exhibit P2 and the summary of the results is attached as Exhibit P3.

11. The questioning in each poll followed an identical format. Each pollee who responded was asked a series of questions to which he or she could answer using his or her touch-tone phone. See Exhibit P2.

11. Specifically, after an initial introduction or greeting, the pollee was asked if he or she had any recollection about a criminal case against Nicholas Sheley involving the deaths of one person in Galesburg, Illinois, five people in the Rock Falls area and two people in St. Louis, Missouri. If the pollee answered "no," the poll was terminated.

12. If the pollee answered "yes" to the first question, he or she was asked to describe their familiarity with the case and then describe how he or she learned about the case.

13. Next, the pollee was asked his or her opinion about the guilt or innocence of Nicholas Sheley.

14. Finally, the pollee was asked if they were called to be on a jury to determine Mr. Sheley's guilt or innocence, whether they would be completely impartial and decide the case only on the facts in court, or whether they felt that their prior knowledge or personal opinions would make it difficult to be impartial.

15. After the questions, the pollee was given an opportunity to leave a recorded comment.

16. The poll was conducted on October 8, 2009. Out of the 3,619 calls answered by humans (as opposed to answering machines or fax machines), 997 individuals participated in the survey to one degree or another. See Exhibit P3.

17. 79% of those people surveyed indicated that they had knowledge of this case. Of those individuals, 82% of those people who described their knowledge of the case stated that they were either very familiar with the case or knew some details. Almost 29% who described their level of the knowledge stated they were "very familiar" with this case. Another 53% stated that they remembered some details.

18. Over half (52%) of those who answered the question regarding the source of their information stated that they learned about the case from the news accounts only. 44% of respondents stated that they learned about the case from the news accounts and talk in the community.

19. 86 percent of those people who answered the question regarding Nicholas Sheley's guilt or innocence believed he is probably guilty. Only 4 out of 708 pollees who responded to this question, or 1% of respondents, believed he is probably innocent. Thirteen percent had no opinion.

20. 63 percent of respondents believed that their prior knowledge or personal opinions would make it difficult to be impartial in the case. 37 percent believed they could be completely impartial and decide the case only on facts presented in court. According to Richard Hall of Communication Express, this figure is one of the lowest figures he has seen in response to this question in similar type polling in other capital murder cases.

21. In addition to the numbers reported above, the recorded messages fairly illustrate the pervasive belief that Nicholas Sheley is guilty or that he could not receive a fair trial in Knox County. A compilation of the recorded messages are provided as Exhibit P4.

I feel that Nicholas Sheley is very guilty and based on news media, what I've learned from other people, some who were associated with the gentleman killed, I definitely feel he's guilty.

I think he's 100% guilty. There's no question about it. His actions since the arrest are showing that he's guilty, that he is a violent man, and he is capable of doing most anything to anyone at any given time. His temper, his violence, leads you right into what he actually did do. I'm 100% positive that he did do it.

Mr. Randall was my husband's good friend, and I think that Sheley outta be tortured and then fried.

Well, it seems to me with all the news and the talk in the community, and I knew Mr. Randall, that I think he is guilty.

After killing that many people, and it's not only the news, it's people who are talking, too, why don't they do away with him? People like him don't deserve to be out on the street. One killing is enough. Do away with him. Don't let the taxpayers support him.

He's guilty. Just do away with him. Buh-bye.

Okay, I'll tell you what I think. I worked with this man at Maytag. If Sheley wanted money and his truck, the man would have given it to him. He had a heart of gold. Bye.

My message is he was doped up and didn't know what he was doin'.

I think he outta be killed instead of spending all this time keeping him in jail for nothin'.

I guess I'm not for sure what to say. Except for, um, I'm thinking that he's like, not, a stable person from the comments that I've heard him make and his actions. I guess I would try my best to get out of being on the jury if I was picked because I have grandkids that I'm helping raise and I think he'd be someone that would try to kill somebody if he got the chance. I would feel very uncomfortable being in a courtroom with him. He needs to be shackled and restrained and I feel sorry for the people that have to watch him on a day-to-day basis in a cell. He's a crazy man.

The fucker is guilty as sin. He shouldn'ta killed Ron. I knew him! Piss off, now! Leave me alone! Cook the bastard!

They outta take him out behind the courthouse and shoot his ass. Bye.

I'm 103 years old. My memory isn't good, but I think what he did was horrendous.

I feel Mr. Sheley is a very bitter, cruel man. And I think he's guilty.

There's no question in my mind that he's guilty. Now I would give him the death penalty as soon as possible. Thank you.

I think we're wasting time and money. We should blow him away immediately.

He's guilty as sin is all I've got to say. He needs to spend a lifetime in the electric chair.

From what I have read, I cannot imagine that he is not guilty. I could only think that this, too many, too many circumstances would prove he's guilty. Thank you.

Man: Both of us. Do we feel that we could be impartial, I said 'No!' Guilty. Where'd you hear about it? On the news media.

Second Man: Do you think you could be impartial? No!

Woman: What are they asking for?

Man: Just general questions about Sheley's murder case.

Woman: Oh.

Man: I know damn well that they're pre-calling for jury selection. *unintelligible* I would *unintelligible* He's a nut, he's a fucking nut, *unintelligible* You outta have him injected immediately with a 22-caliber pistol between his ears. Outta be shot like a rabid dog.

Woman: Mmhm.

Man: We'll probably just get a summons now for it.

Woman: I don't care if *unintelligible*

Man: That what you would say when they question you, when they put you up on the stand? How do you feel about it? I did in that last murder case. 'Do you believe in the death penalty?' I said 'Yeah, the son of a bitch is guilty.'

Woman: It just pisses me off that he's still in jail.

Man: Yeah.

Uh, as far as I am concerned, the individual deserves the death penalty. For what he's done to the individuals, there is no lesser thing than that. Bye.

I think they outta take him out and take him down to the BFW or the American Legion and buy him beer and shoot him right in the back of the head. Thank you.

The man is guilty. That is all I have to say. The man is guilty. I wouldn't put him out on the street again. He'd be dead.

I definitely think the man's guilty and should be hung.

I'm sorry, I'm trying to think. All I've known is what's in the news, nothing personally. But I think he's guilty. I think it's very obvious.

Uh, I think he should be strung up. I think he should get the death penalty. I think he's a horrible individual, and I don't think the taxpayers should spend any more money on housing him or feeding him or giving him even one blanket to cover up with. I think he's awful. That's all. Do you want me to hang up now? Okay.

I have no opinion other than the fact that the man is obviously demented to the extent that he attacked jailers in the jail, and uh, now with the plead of guilty, it's pretty obvious the man is needing attention. Thank you.

I think he's guilty, and if I were on the jury I'm sure I'd give him the death penalty.

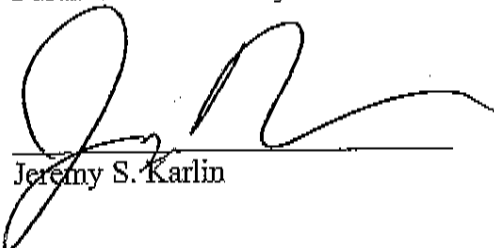
I think he is positively guilty and he should get the death penalty. Thank you. Bye.

I just feel like there's too much overpowering evidence against the man. I just do. I mean, it was, I would not be able to be on a jury because I have a very strong opinion that he's guilty. Thank you. Bye.

I feel like they have enough evidence on him from the papers and such that this man would definitely, should never be let out of jail. Thank you.

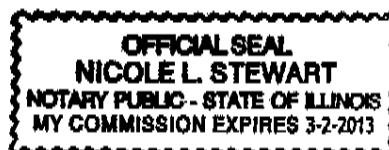
22. In summation, this affiant has established that the potential jury pool of Knox County, and the potential jury pools contained within the Ninth Judicial Circuit have been exposed to a barrage of highly prejudicial material that includes inflammatory, inaccurate, and inadmissible material. As a result of this pretrial publicity, there exists in this county a prejudice against him on the part of the inhabitants such that there is a reasonable apprehension that Defendant cannot receive a fair trial in Knox County.

Further the affiant sayeth not.


Jeremy S. Karlin

Signed and sworn before me on
October 29, 2009


Notary Public



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CERTIFICATE OF SERVICE

The undersigned certifies that on the 24th day of October, 2009, I served a copy of the foregoing instrument upon:

John Pepmeyer
Knox County State's Attorney
Knox County Courthouse
Galesburg, Illinois 61401

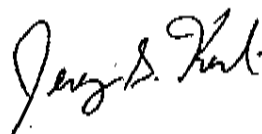
Michael L. Atterberry
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Chicago, Illinois 60601

by :

U.S. Mail
 Hand Delivered
 Certified Mail

FAX
 Overnight Courier
 Other: E-Mail



One of Defendant's Attorneys

EXHIBIT LIST**Exhibit L: Material from the Dispatch and Argus, Newspapers in Moline, IL**

Total Sunday Circulation: 44,985

Daily Monday – Friday Circulation: 41,760

Counties Delivered To: Rock Island, Henry, Mercer, Scott, Whiteside

Exhibits L1-L8: Copies of Articles Published Online and In-Print

L1: June 30, 2009, "Sheley wants trial moved out of Knox County"

L2: July 7, 2009, "Change of venue hearing planned for Sheley"

L3: July 8, 2009, "Change of venue hearing set for Sheley"

L4: September 15, 2009, "Nicholas Sheley dragged from Knox County courtroom"

L5: September 21, 2009, "Jury selection underway for Nicholas Sheley's assault case"

L6: September 23, 2009, "Sheley convicted of jail assault"

L7: September 23, 2009, "Jury deliberates in Sheley assault case"

L8: September 29, 2009, "Sheley now wants to plead guilty"

Exhibit M: Material from WQAD, a Television Station in Moline, IL

Total Viewership: (waiting on these numbers)

Counties Covered: Knox, Scott, Rock Island, Henry, Mercer, Henderson, Warren, Bureau, Whiteside, Carroll, Joe Davies

Exhibits M1-M11: Transcripts of Broadcasts

M1: June 29, 2009, 10 p.m., News 8

M2: June 29, 2009, 10 p.m., News 8

M3: September 15, 2009, 6 p.m., News 8

M4: September 15, 2009, 6:30 p.m., News 8

M5: September 22, 2009, 6 p.m., News 8

M6: September 23, 2009, 10 p.m., News 8

M7: September 29, 2009, 6 p.m., News 8

M8: September 29, 2009, 6:30 p.m., News 8

M9: September 29, 2009, 10 p.m., News 8

M10: September 29, 2009, 10 p.m., News 8

M11: DVD of Broadcast Material

Exhibit N: Material from WGIL, a Radio Station in Galesburg, IL

Cumulative Viewership: 12, 800

Counties Covered: Knox, Warren, Henry, Fulton, McDonough

Exhibits N1-N42: Transcripts of Broadcasts

N1: June 29, 2009, 6 a.m., "Fears remain a year after 8 killings in 2 states"

N2: June 30, 2009, 5 p.m., #1, "Change of venue clarified in accused spree killer's local case"

N3: June 30, 2009, 5 p.m., #2, "Change of venue clarified in accused spree killer's local case"

N4: June 30, 2009, 5 p.m., #3, "Change of venue clarified in accused spree killer's local case"

- N5: July 7, 2009, 5 p.m., #1, "Hearing date set for accused spree killer's change of venue request"
- N6: July 7, 2009, 5 p.m., #2, "Hearing date set for accused spree killer's change of venue request"
- N7: July 7, 2009, 5 p.m., #3, "Hearing date set for accused spree killer's change of venue request"
- N8: August 26, 2009, 6 a.m., #1, "Prosecutors in murder case dispute change of venue request"
- N9: August 26, 2009, 6 a.m., #2, "Prosecutors in murder case dispute change of venue request"
- N10: August 26, 2009, 6 a.m., #3, "Prosecutors in murder case dispute change of venue request"
- N11: September 8, 2009, 3 p.m., #1, "Sheley Speaks in Court Appearance"
- N12: September 8, 2009, 3 p.m., #2, "Sheley Speaks in Court Appearance"
- N13: September 8, 2009, 3 p.m., #3, "Sheley Speaks in Court Appearance"
- N14: September 14, 2009, 5 p.m., #1, "Judge to rule on accused murderer's motion in jail assault case"
- N15: September 14, 2009, 5 p.m., #2, "Judge to rule on accused murderer's motion in jail assault case"
- N16: September 14, 2009, 5 p.m., #3, "Judge to rule on accused murderer's motion in jail assault case"
- N17: September 14, 2009, 5 p.m., #1, "Judge to rule on accused murderer's motion in jail assault case"
- N18: September 14, 2009, 5 p.m., #1, "Judge to rule on accused murderer's motion in jail assault case"
- N19: September 15, 2009, "FIRST ON WGIL: Sheley forcibly removed from courtroom; motion to fire public defender denied"
- N20: September 15, 2009, 12 p.m., #1, "Sheley denied self-representation, forcibly removed from court"
- N21: September 15, 2009, 12 p.m., #2, "Sheley denied self-representation, forcibly removed from court"
- N22: September 15, 2009, 12 p.m., #3, "Sheley denied self-representation, forcibly removed from court"
- N23: September 21, 2009, "Jury selected for Sheley Jailhouse Assault Case"
- N24: September 22, 2009, 6 a.m., #1, "Jury selection and motions in Sheley assault case"
- N25: September 22, 2009, 6 a.m., #2, "Jury selection and motions in Sheley assault case"
- N26: September 22, 2009, 6 a.m., #3, "Jury selection and motions in Sheley assault case"
- N27: September 22, 2009, 5 p.m., #1, "State rests in accused murderer's jailhouse assault case"
- N28: September 22, 2009, 5 p.m., #2, "State rests in accused murderer's jailhouse assault case"
- N29: September 22, 2009, 5 p.m., #3, "State rests in accused murderer's jailhouse assault case"

- N30: September 23, 2009, "PRIOR TO THE VERDICT: Sheley Jailhouse Assault Case Goes to Jury; Sheley Still Upset with Trial"
- N31: September 23, 2009, 10 a.m., "Battery/assault trial could end today"
- N32: September 23, 2009, 4 p.m., #1, "Sheley guilty of jailhouse assault"
- N33: September 23, 2009, 4 p.m., #2, "Sheley guilty of jailhouse assault"
- N34: September 23, 2009, 4 p.m., #3, "Sheley guilty of jailhouse assault"
- N35: September 24, 2009, "Sheley Found Guilty of Jailhouse Assault, But Not Before Plenty of Jury Questions"
- N36: September 25, 2009, 12 p.m., #1, "Accused spree killer may be ready to make a plea"
- N37: September 25, 2009, 12 p.m., #2, "Accused spree killer may be ready to make a plea"
- N38: September 25, 2009, 12 p.m., #3, "Accused spree killer may be ready to make a plea"
- N39: September 29, 2009, "FIRST OF WGIL: Sheley Says 'I'd Like to Change My Plea to Guilty'"
- N40: September 29, 2009, 11 a.m., #1, "Accused spree killer apparently ready to plead"
- N41: September 29, 2009, 11 a.m., #2, "Accused spree killer apparently ready to plead"
- N42: September 29, 2009, 11 a.m., #3, "Accused spree killer apparently ready to plead"

Exhibit O: Material from WMBD/WYZZ, a Television Station in Peoria, IL

Total Viewers from Sign-On to Sign-Off (4 am - 3:58 am): 15,000

Counties Covered: La Salle, Bureau, Henry, Knox, Warren, McDonough, Cass, Menard, Logan, De Witt, Sangamon, Livingston, Putnam, Marshall, Stark, Fulton, Mason, McLean, Woodford, Peoria, Tazewell

Exhibits O1-O111: Transcripts of Broadcasts and Articles Online

Please Note: Exhibits O1-O59 are marked with incorrect dates.

- O1: July 1, 2008 at 5 p.m.
- O2: July 1, 2008 at 6 p.m.
- O3: July 1, 2008 at 9 p.m.
- O4: July 1, 2008 at 10 p.m.
- O5: July 2, 2008, AM
- O6: July 2, 2008, at 12 p.m.
- O7: July 2, 2008, at 5 p.m.
- O8: July 2, 2008, at 6 p.m.
- O9: July 2, 2008, at 9 p.m.
- O10: July 3, 2008, "Update: Sheley Waves Public Defender"
- O11: July 3, 2008, AM
- O12: July 3, 2008, at 12 p.m.
- O13: July 3, 2008, at 6 p.m.
- O14: July 3, 2008, at 9 p.m.
- O15: July 3, 2008, at 10 p.m.
- O16: July 4, 2008, AM

O17: July 4, 2008, AM
O18: July 4, 2008, AM
O19: July 4, 2008, 12 p.m.
O20: July 9, 2008, "Sheley Appears in Knox County Court"
O21: July 9, 2008, at 5 p.m.
O22: July 9, 2008, at 10 p.m.
O23: July 10, 2008, "Sheley Faces More Murder Charges"
O24: July 10, 2008, AM
O25: July 10, 2008, at 10 p.m.
O26: July 11, 2008, "AG's Office Stepping In on Sheley Case"
O27: July 11, 2008, AM
O28: July 11, 2008, at 6 p.m.
O29: July 11, 2008, at 10 p.m.
O30: July 17, 2008, "Sheley Indictments"
O31: July 17, 2008, AM
O32: July 17, 2008, at 12 p.m.
O33: July 21, 2008, AM
O34: July 21, 2008, at 12 p.m.
O35: July 28, 2008, "Accused Spree Killer Indicted"
O36: July 28, 2008, at 6 p.m.
O37: July 28, 2008, at 10 p.m.
O38: July 29, 2008, AM
O39: August 1, 2008, "More Indictments Against Sheley"
O40: August 1, 2008, at 10 p.m.
O41: August 6, 2008, "Sheley Pleads Not Guilty"
O42: August 7, 2008, AM
O43: September 4, 2008, "Alleged Spree Killer Nicholas Sheley Faces Death Penalty"
O44: September 4, 2008, at 12 p.m.
O45: September 4, 2008, at 5 p.m.
O46: September 4, 2008, at 9 p.m.
O47: September 4, 2008, at 10 p.m.
O48: September 5, 2008, AM
O49: September 19, 2008, AM
O50: September 19, 2008, Noon
O51: September 19, 2008, at 5 p.m.
O52: September 24, 2008, "Accused Spree Killer Gag Order"
O53: September 24, 2008, at 10 p.m.
O54: October 22, 2008, at 6 p.m.
O55: November 19, 2008, "Accused Spree Killer in Court"
O56: November 20, 2008, AM
O57: December 22, 2008, "Spree Killer to Stand Trial"
O58: December 22, 2008, at 10 p.m.
O59: December 23, 2008, AM
O60: January 19, 2009, Morning Show
O61: January 30, 2009, at 9 p.m.

- O62: January 30, 2009, at 10 p.m.
O63: February 23, 2009, "Wife of Alleged Spree Killer Seeking Reward Money"
O64: February 23, 2009, at 5 p.m.
O65: February 23, 2009, at 6 p.m.
O66: February 23, 2009, at 10 p.m.
O67: March 3, 2009, "Sheley Requests Change of Venue"
O68: March 3, 2009, at 5 p.m.
O69: March 3, 2009, at 6 p.m.
O70: March 3, 2009, at 10 p.m.
O71: March 4, 2009, Morning
O72: April 22, 2009, at 5 p.m.
O73: April 22, 2009, at 6 p.m.
O74: April 22, 2009, at 9 p.m.
O75: April 22, 2009, at 10 p.m.
O76: April 23, 2009, "Accused Spree Killer Wants Himself as Lawyer"
O77: April 23, 2009, Am-Morning
O78: April 27, 2009, "Accused Spree Killer in Court"
O79: April 28, 2009, AM
O80: May 4, 2009, "Accused Killer Wants to Represent Himself"
O81: May 5, 2009, AM
O82: May 11, 2009, at 6 p.m.
O82: May 11, 2009, at 9 p.m.
O84: May 11, 2009, at 10 p.m.
O85: May 12, 2009, "Accused Spree Killer Indicted"
O86: May 12, 2009, AM
O87: May 12, 2009, at 9 p.m.
O88: May 12, 2009, at 10 p.m.
O89: May 13, 2009, AM
O90: May 15, 2009, "Accused Spree Killer Changes His Mind"
O91: May 21, 2009, "Accused Spree Killer Wants New Judge"
O92: May 22, 2009, AM
O93: May 29, 2009, "Death Penalty Ruling in Spree Killing Case"
O94: May 29, 2009, at 5 p.m.
O95: June 3, 2009, at 5:30 a.m.
O96: June 3, 2009, at 6:30 a.m.
O97: June 3, 2009, at 5 p.m.
O98: June 3, 2009, at 6 p.m.
O99: June 3, 2009, at 10 p.m.
O100: July 1, 2009, at 5 a.m., 6 a.m.
O101: July 1, 2009, at 5 p.m.
O102: July 8, 2009, at 5 a.m., 6 a.m.
O103: September 8, 2009, at 9 p.m.
O104: September 15 & 16, 2009, at 5:30 a.m., 9 p.m., and 10 p.m.
O105: September 22, 2009, at 5:30 a.m., 12 p.m., 5 p.m., and 9 p.m.
O106: September 23, 2009, at 5 a.m., 6 a.m., 12 p.m., 5 p.m., 9 p.m., and 10 p.m.

- O107: September 24, 2009, at 5 a.m., 5:30 a.m., and 6 a.m.
- O108: September 29, 2009, at 5 p.m., 6 p.m., 9 p.m., and 10 p.m.
- O109: September 30, 2009, at 5 a.m., 6 a.m., and 6:30 a.m.
- O110: September 30, 2009, at 12 p.m.
- O111: DVD of Broadcast Materials

Exhibit P: Material from Communication Express

- P1: Communication Express information
- P2: Sheley Poll script
- P3: October 8, 2009 poll results
- P4: Recorded Statements from October 8, 2009 Poll

IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT
KNOX COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
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Plaintiff,)
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vs.)
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NICHOLAS T. SHELEY,)
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Defendant.)

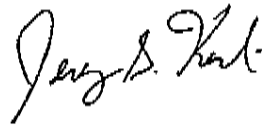
Case No. 08-CF-338

NOTICE

Now comes Defendant's court-appointed attorneys, James Harrell and Jeremy S. Karlin, and attorney John Hanlon to place the court and the State of the following:

It is still the Defendant's intention to plead guilty to the charges as expressed in open court on September 29, 2009.

Respectfully submitted,



One of Defendant's attorneys

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FILED
KNOX CO., IL

OCT 29 2009

KELLY CHEESMAN
Clerk of the Circuit Court
Deputy

Jeremy S. Karlin
ALCORN KARLIN LLC
313 E. Main Street
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of October, 2009, I served a copy of the foregoing instrument upon:

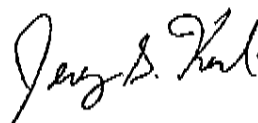
John Pepmeyer
Knox County State's Attorney
Knox County Courthouse
Galesburg, Illinois 61401

Michael L. Atterberry
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

Mr. Stephen E. Plazibat
Illinois Attorney General's Office
100 West Randolph Street
Chicago, Illinois 60601

by :

- | | | | |
|--------------------------|----------------|-------------------------------------|-------------------|
| <input type="checkbox"/> | U.S. Mail | <input type="checkbox"/> | FAX |
| <input type="checkbox"/> | Hand Delivered | <input type="checkbox"/> | Overnight Courier |
| <input type="checkbox"/> | Certified Mail | <input checked="" type="checkbox"/> | Other: E-Mail |



One of Defendant's Attorneys

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
KNOX COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 v.)
)
 NICHOLAS T. SHELEY,)
)
 Defendant.)

Case No. 08-CF-338

NOTICE OF RETURN ON SUBPOENA DUCES TECUM

TO: John Pepmeyer
Knox County State's Attorney
Knox County Courthouse
Galesburg, Illinois 61401

Michael L. Atterberry
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

Mr. Stephen E. Plazibat
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Chicago, Illinois 60601

PLEASE TAKE NOTICE that the response to Subpoena Duces Tecum previously issued in the above captioned matter has been served on the Knox County State's Attorney's office (a copy of which is attached hereto). The following is a list of those entities that have responded and the dates in which the material was delivered:

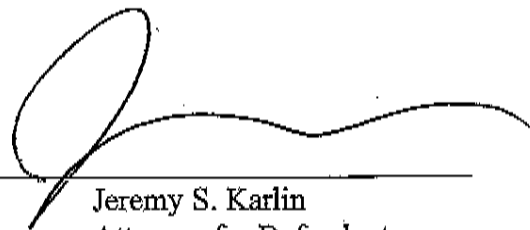
- October 10, 2009 (by email)
1. Peoria Times-Observer
 2. Chillicothe Times-Bulletin
 3. East Peoria Times-Courier
 4. Washington Times-Reporter
 5. Morton Times-News

- October 14, 2009
1. Dispatch Argus
 2. The Zephyr
 3. WQAD
 4. WMBD/WYZZ
 5. WGIL

FILED
KNOX CO., IL

OCT 29 2009

KELLY CHEESMAN
Clerk of the Circuit Court
Deputy



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