

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

THE PEOPLE OF THE STATE OF ILLINOIS)	Judge: Richard W. Vidal
)	(retired)
Plaintiff,)	
)	Judge: J. Edward Prochaska
vs.)	(presiding)
)	
Clarence L. Vance,)	Case Nos. 01-CF-2701
)	01-CM 8121
Defendant,)	02-CM-637
)	02-CM-3066
)	02-CM-6438

**AMENDMENT TO DEFENDANT'S
MOTION FOR ORDER CONSISTENT WITH THE EVIDENCE
AND SUPPORTED BY PERTINENT ESTABLISHED LAW**

Now comes the above named as Defendant, Clarence L. Vance and as an Amendment to said Motion, between paragraphs 48 and 49 thereof, states to this Court, for clarification purposes, as follows:

48(a). Furthermore, Judge Vidal failed entire to address or to acknowledge that it is well established that the United States Seventh Circuit Court of Appeals has:

" . . . consistently emphasized the distinction between res judicata and Rooker-Feldman and insisted that the applicability of Rooker-Feldman be decided before considering res judicata. . . . We (have) noted that res judicata and the Rooker-Feldman doctrine 'are not coextensive'. While res judicata and preclusion are founded upon the Full Faith and Credit Statute, 28 U.S.C. sec. 1738, which requires federal courts to give state court judgments the same effect that the rendering state would, Rooker-Feldman is based on the separate principle that only the (U.S.) Supreme Court has appellate jurisdiction over the civil judgments of state courts. . . . the Rooker-Feldman doctrine should not be confused with res judicata (which we sometimes term 'preclusion') and that where Rooker-Feldman applies, the res judicata claim must not be reached." Garry v. Geils, 1996, 82 F.3d 1362, 1365.

Dated: January 10, 2007

Respectfully submitted,

Clarence L. Vance
Named as Defendant

2203 Halsted Rd.
Rockford, IL 61103

AFFIDAVIT

Pursuant to 735 ILCS 1-109, the undersigned certifies that the statement set forth in the foregoing AMENDMENT to said MOTION is true and correct and that he will serve, either personally or by depositing in the U.S. Mail with postage prepaid, a true and correct copy of said AMENDMENT upon each of the following:

Paul A. Logli
Winnebago County State's Attorney
400 West State Street
Rockford, IL 61101

Lisa Madigan
Illinois Attorney General
100 West Randolph Street
Chicago, IL 60601

Executed: January 10, 2007

Clarence L. Vance