

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
Plaintiff,	)	
	)	Case Nos. 01-CF-2701
vs.	)	01-CM 8121
	)	02-CM-637
Clarence L. Vance,	)	02-CM-3066
Defendant,	)	02-CM-6438

---

**DEFENDANT'S RESPONSE TO PLAINTIFF'S RESPONSES TO DEFENDANT'S  
MOTION TO DISMISS INVALID CRIMINAL CHARGES**

Now comes the above named as Defendant, Clarence L. Vance, and states to this Court as follows:

1. This pleading is timely filed as so allowed by this Court on November 20, 2006.
2. Said Defendant's MOTION TO DISMISS INVALID CRIMINAL CHARGES, filed on October 16, 2006, is hereby incorporated by reference as though stated in the entirety herein.
3. Said MOTION TO DISMISS does set forth with specificity that the claim for relief as stated in the noted 99-A-5023 Federal Complaint: (A) Was "*inextricably intertwined' with the state court decision*" (Levin, Motion, Page 12), previously rendered in the state-court Case 97-ED-1 as the FINAL JUDGMENT ORDER on October 27, 1998, in that said February 24, 1999 Federal Complaint purported an ownership of the subject real estate contrary to both the established ownership as set forth in the Public Title Records maintained by the Winnebago County Recorder's Office and that same ownership having been subsequently confirmed, judicially, by said October 27, 1998 FINAL JUDGMENT ORDER; and (B) Did "*in essence' call for review of the state court's decision*" (Garry, Motion, Page 9) and to thereupon "*effectively void (said) state court ruling.*" (Levin, supra).
4. Said MOTION TO DISMISS does also set forth with specificity that each party to said Federal Complaint was either an actual named party Defendant to said state-court FINAL JUDGMENT ORDER or otherwise was in privity with an actual named party Defendant to said state-court FINAL JUDGMENT ORDER.
5. Said MOTION TO DISMISS further sets forth with specificity that the subject "TRUSTEE'S DEED", issued as a result of the Bankruptcy Court having entertained said federal claim for relief, became the colorable basis for each of the above styled matters.

6. Furthermore, said MOTION TO DISMISS sets forth demonstrably and with specificity that the Bankruptcy Court, pursuant to 28 U.S.C. 1257 and the *Rooker-Feldman* Doctrine, does not "have the authority (i.e., subject matter jurisdiction) to hear" (Garry, supra, Page 1) or to entertain said contrary claim for relief as set forth in said Federal Complaint in that:

*"The Feldman court found that (federal) claims that are 'inextricably intertwined' with state court judgments negate federal (bankruptcy) court jurisdiction because such claims 'in essence' call for review of the state court's decision." (Garry, supra).*

*"A (bankruptcy) court engages in impermissible appellate review when it hears claims that are 'inextricably intertwined' with the state court decision. . . . We have also held that claims for relief are barred by Rooker-Feldman if upholding the claims and granting relief would effectively void the state court ruling." (Levin, supra)*

*"Rooker-Feldman bars a losing party in state court from seeking what in substance would be appellate review of the state judgment in a United States (bankruptcy) court." (Exxon Mobil Corp., Motion, page 9)*

7. Subsequent to the filing of said MOTION TO DISMISS, and upon the specific requests of said Defendant, the above named as Plaintiff did submit two separate pleadings respectively, one on October 30, 2006 and the other on November 20, 2006, each being styled as a "RESPONSE TO DEFENDANT'S MOTION TO DISMISS".

8. Albeit styled ostensibly as a response, each said pleading of said Plaintiff fails entire to refute or disprove, or even to forthrightly address, ANY allegation set forth in said MOTION TO DISMISS.

9. Each said pleading also fails entire to refute or disprove the applicability of 28 U.S.C. 1257 and the *Rooker-Feldman* Doctrine to the issuing of said "TRUSTEE'S DEED", which became the colorable basis for the criminal charge in each of the above styled matters.

10. Furthermore, despite the specific request filed by said Defendant on November 6, 2006, said Plaintiff refused to clarify any allegation set forth in his said October 30, 2006 pleading by stating in his said November 20, 2006 pleading that:

*"1. The People stand on the Response to the Defendant's Motion to Dismiss previously filed.*

*2. The People's response to the Defendant's motion to dismiss needs no clarification."*

11. Said Plaintiff purports in his said November 20, 2006 pleading that:

*"3. The Defendant continues to raise the same issues that this Court and other Courts*

*have decided time and time again."*

12. Contrariwise, the Record in the above styled matters establishes categorically said allegation to be an unmitigated prevarication, and also a material misrepresentation of the actual facts of Record, in that said Plaintiff has reason to know that NO Court has ever ruled upon, or even addressed, the applicability of 28 U.S.C. 1257 and the Rooker-Feldman Doctrine to the issuing of said "TRUSTEE'S DEED", which said "DEED" did become the colorable basis for the criminal charge in each of the above styled matters.

13. For purposes of clarification, the word prevarication, as used herein, is defined as follows:

*"In the civil law, the acting with unfaithfulness and want of probity; deceitful, crafty, or unfaithful conduct; particularly, such as is manifested in concealing a crime. . . . Any secret abuse committed in a public office or private commission; willful concealment or misrepresentation of truth, by giving evasive or equivocating evidence." Black's Law Dictionary, Fifth Edition, 1069, 1070.*

14. The allegations set forth in said Plaintiff's October 30, 2006 pleading are either not germane to the issuing of said "TRUSTEE'S DEED" and the applicability of 28 U.S.C. 1257 and the Rooker-Feldman doctrine or are prevarications; All of which appear intended to distract said Defendant and to mislead this Court.

15. Said Plaintiff, in disregard of pertinent established Law, specifically purported in his said October 30, 2006 pleading that:

*"10. The Bankruptcy proceedings that resulted in the sale of the property to Mr. Miller did not attack any of the findings made by the court in 97 ED 1.*

*11. The Rooker-Feldman doctrine is inapplicable when the plaintiff is not attacking a state court judgment."*

16. Said statements constitute prevarications in that each said statement materially misrepresents the fact, of Record, that said Federal Complaint DID indeed attack, albeit surreptitiously, *"the findings made by the court in (said) 97 ED 1" "state court judgment"* by asking the Bankruptcy Court to entertain a contrary claim for relief that was *"inextricably intertwined' with (said) state court decision"* (Levin, supra) and, also, said Federal Complaint did *"in essence' call for review of the state court's decision"* (Garry, Motion, Page 9) and to thereupon *"effectively void (said) state court"* (Levin, supra) FINAL JUDGMENT ORDER.

17. Contrariwise, pursuant to pertinent established Law, 28 U.S.C. 1257 and the Rooker-Feldman doctrine are demonstrably applicable to the issuing of said "TRUSTEE'S DEED" in that:

(A) The said Federal Complaint, from which said "TRUSTEE'S DEED" did proceed, was

filed subsequent to the rendering of said state-court FINAL JUDGMENT ORDER and did "*in essence' call for review of the state court's decision*" (Garry, Motion, Page 9) and to thereupon "*effectively void (said) state court ruling.*" (Levin, supra);

(B) Each party to the said Federal Complaint was either an actual named party Defendant to said state-court FINAL JUDGMENT ORDER or otherwise was in privity with an actual named party Defendant to said state-court FINAL JUDGMENT ORDER; and

(C) The said Federal Complaint was "*inextricably intertwined' with (said) state court decision*" (Levin, supra) in that said Federal Complaint did allege an ownership claim contrary to both the established ownership of the subject real estate as set forth in the Public Title Records maintained by the Winnebago County Recorder's Office and the ownership subsequently confirmed, judicially, by the FINAL JUDGMENT ORDER, previously rendered in state-court Case 97-ED-1 on October 27, 1998.

18. Said Plaintiff, by his said failure to refute or disprove or even to forthrightly address any of the allegations set forth in said MOTION TO DISMISS, has effectively admitted to and agreed:

(A) With each and every allegation set forth in said MOTION;

(B) That the said "TRUSTEE'S DEED" is the basis for the criminal charge in each of the above styled matters;

(C) That, pursuant to 28 U.S.C. 1257, the *Rooker-Feldman* doctrine and other pertinent established Law, said Federal Complaint was "*inextricably intertwined with (said) state court*" FINAL JUDGMENT ORDER and thereby did "*negate federal (bankruptcy) jurisdiction*" (Garry, supra) to entertain said Federal Complaint from which said "TRUSTEE'S DEED" did proceed;

(D) That, consequently, said "TRUSTEE'S DEED" is invalid;

(E) That all charges in the above styled matters, so based on said invalid "TRUSTEE'S DEED", be dismissed with prejudice.

19. Also, the Record in the above styled matters establishes that said Plaintiff did, of Record, acknowledge to this Court, on April 28, 2004, that said Defendant has had no ownership or Title interest in the subject real estate since 1983.

20. Nevertheless, said Plaintiff has continued the ongoing prosecution of said Defendant on the colorable basis of said "TRUSTEE'S DEED", issued on September 26, 2000, as if said Defendant was the sole owner of said real estate despite the fact of Record that the Winnebago County Recorder's Office Public Title Records establish categorically that said Defendant has NEVER been a sole owner of said real estate.

21. Furthermore, said Record also establishes that the criminal charge styled as 01-CM-9555,

also being so based on said "TRUSTEE'S DEED", was dismissed, on February 11, 2002, upon the specific request of the said Plaintiff and the statement of said Plaintiff that the criminal charge in said Case was the product of "*a civil title dispute*" and was "*not criminal in nature*".

**THEREFORE**, in consideration of the premises and in the interest of both justice and the Rule of Law and as so admitted and agreed by said Plaintiff, said Defendant asks this Court to dismiss the criminal charge in each of the above styled matters, with prejudice, and thereby remove the question as to the validity of both the 28 U.S.C. 1257 Statute of the United States and the *Rooker-Feldman* doctrine of the United States Supreme Court.

Dated: November 29, 2006

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 statements set forth in the foregoing RESPONSE are true and correct and that he will, on this date, serve, either personally or by depositing in the U.S. Mail with postage prepaid, a true and correct copy of said RESPONSE 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: November 29, 2006

---

Clarence L. Vance

I,  ("Judith Bell") , hereby acknowledge receipt, on behalf of Winnebago County State's Attorney Paul A. Logli, of a copy of the foregoing DEFENDANT'S RESPONSE TO PLAINTIFF'S RESPONSES TO DEFENDANT'S MOTION TO DISMISS INVALID CRIMINAL CHARGES.

Dated: November 29, 2006 at  ("4:07") P.M.