

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

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**MOTION FOR CLARIFICATION**

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

1. The above named as Plaintiff, in open Court on October 30, 2006, submitted to this Court and also to said Defendant a document styled as a RESPONSE TO DEFENDANT'S MOTION TO DISMISS.

2. Albeit styled ostensibly as a response, said document is in need of substantive clarifications so to respond meaningfully to, or even to forthrightly address said matters as set forth in said Defendant's MOTION TO DISMISS INVALID CRIMINAL CHARGES and the applicability of the *Rooker-Feldman* doctrine thereto.

3. The allegations set forth in said document are vague, ambiguous, deficient, irrelevant or appear to be contradictory thereby confusing the issues and, absent clarification, fail to explain or substantiate the closing suggestion of said Plaintiff, that: "*the Rooker-Feldman doctrine is inapplicable*" as alleged.

4. Absent clarification said Pro Se Defendant is being deprived of the opportunity of a relevant response to said allegations, as is set forth hereinafter.

5. Paragraphs "1" and "2" in said document state "*the offense*" and the nature of that "*offense*" which said "*defendant is charged with*".

Said Paragraphs indicate that, unbeknown to said Defendant, four (4) of the above styled matters have been dismissed.

Said Plaintiff needs to apprise this Court as to whether said Paragraphs are categorically accurate or if said Paragraphs are inaccurate and in need of clarification.

Said Plaintiff needs to clarify the relevance of said Paragraphs to the applicability of the *Rooker-Feldman* doctrine.

6. Paragraph "3" in said document makes reference to what said "*defendant alleges*".

If so be said Plaintiff finds "*(i)t is difficult to determine the substance of the legal argument relied upon by the defendant in his motion to dismiss*", said Defendant is well pleased to provide clarification by exemplification and, as Abraham Lincoln said, to thereby provide " . . . explanations explanatory of things explained".

Said Paragraph, as stated, indicates that said Plaintiff may now consider the above styled matter(s) to be in the nature of a civil title dispute, as in 2001-CM-9555, rather than being in the nature of criminal activity.

Furthermore, said Paragraph fails to disclose the basis upon which said Plaintiff considers "*(t)he Rooker-Feldman doctrine is inapplicable*" to what said "*defendant alleges*".

Said Plaintiff needs to clarify the relevance of said Paragraph to the applicability of the *Rooker-Feldman* doctrine.

7. Paragraphs "4" and "5" in said document employ the words "*appeal*" and "*appealed*".

Said Plaintiff needs to clarify his use of the said words in said Paragraphs and thereby state the basis upon which he considers that "*(t)he Rooker-Feldman doctrine is inapplicable*" to the Complaint which initiated Bankruptcy Case 99 A 5023 and effectively constituted an "*appeal*" by asking the Bankruptcy Court to entertain the very same issue (ownership of the subject real estate) between the very same parties on the basis of an ownership claim, set forth in said Complaint, contrary to the previously rendered "*decision by a State court*" (i.e., the 97 ED 1 FINAL JUDGMENT ORDER).

8. Paragraph "6" in said document states, in pertinent part, that: "*Apparently it is the defendant's contention that . . .*".

Again, IF it is difficult for said Plaintiff to determine the substance of said "*defendant's contention*", said Defendant is well pleased to provide clarification by exemplification and to thereby provide " . . . explanations explanatory of things explained".

Said Plaintiff needs to clarify said Paragraph by disclosing the basis upon which he considers "*(t)he Rooker-Feldman doctrine is inapplicable*" to said "*defendant's contention*".

9. Paragraph "7" in said document states in pertinent part that: " . . . *in an action in eminent domain . . . If all of those issues are found in favor of the plaintiff, the sole remaining issue is a determination of just compensation.*"

Said Paragraph is deficient in that it fails to set forth the basis upon which "*the court in 97 ED 1*" determined the person who was lawfully entitled to receive said "*just compensation*" as being the person who actually did receive said "*just compensation*".

Said Plaintiff needs to clarify said Paragraph by disclosing the basis upon which he considers the said determination and the said distribution of said "*just compensation*", "*by the Court in 97 ED 1*", to be irrelevant to the applicability of the *Rooker-Feldman* doctrine.

10. Paragraph "8" in said document states that: "*An action in eminent domain does not determine the ownership of the property. Anyone who might have an ownership interest in the subject property is named as a party defendant.*"

Said Paragraph is deficient in that it fails to set forth the basis upon which "*the court in 97 ED 1*" did confirm, judicially, the lawful ownership of the subject real estate as established categorically by the Winnebago County Public Title Records.

Said Plaintiff needs to clarify said Paragraph by disclosing the basis upon which he considers the judicial confirmation of said Public Title Records, as to the ownership of the subject real estate "*by the Court in 97 ED 1*", to be irrelevant to the applicability of the *Rooker-Feldman* doctrine.

11. Paragraph "9" in said document concludes by stating: ". . . *that just compensation amounted to \$8,043.00*".

Said paragraph is deficient in that it fails to state the basis upon which the distribution of said "*just compensation*" was determined by "*The actual judgment in 97 ED 1*".

Said Plaintiff needs to clarify said Paragraph by disclosing the basis upon which he considers the said determination and the said distribution of said "*just compensation*", "*by the Court in 97 ED 1*", to be irrelevant to the applicability of the *Rooker-Feldman* doctrine.

12. Paragraphs "10" and "11" in said document employ the word "*attack*" and "*attacking*".

Said Plaintiff needs to clarify his use of said words in said Paragraphs and thereby state the basis upon which the Complaint initiating Bankruptcy Case 99 A 5023, asking the Bankruptcy Court to entertain the very same issue (ownership of the subject real estate) between the very same parties on the basis of an ownership claim set forth in said Complaint that was contrary to the previously rendered "*decision by a State court*" (i.e., the 97 ED 1 FINAL JUDGMENT ORDER), ". . . *did not attack any of the findings made by the court in 97 ED 1*" and ". . . *is not attacking a state court judgment*".

Said Plaintiff needs to clarify said Paragraphs by disclosing the basis upon which he considers that "(t)he *Rooker-Feldman doctrine is inapplicable*" to the said entertaining of the said 99 A 5023 Complaint and the consequent review, and effective voiding, of said 97 ED 1 FINAL JUDGMENT ORDER to not constitute an "*attack*" upon the "*findings*" set forth in "*said state court*".

*judgment*".

15. Paragraph "11" in said document also employs the word "*plaintiff*".

Said Plaintiff needs to clarify whether his use of the word "*plaintiff*" refers to the above named as Plaintiff or the Plaintiff in said Bankruptcy Case 99 A 5023, from which the subject "TRUSTEE'S DEED" proceeded and is the basis of said pending charge(s).

**THEREFORE**, in consideration of the premises and in the interest of both the fair and impartial administration of justice and judicial economy, said Defendant asks this Court to Order said Plaintiff to amend said document and thereby clarify, with specificity, each of the allegations set forth in said document as is set forth hereinbefore.

Dated: November 6, 2006

Respectfully submitted,

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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 Motion 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 Motion 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 6, 2006

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Clarence L. Vance