

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

**MOTION TO DENY PEOPLE'S FIRST MOTION IN LIMINE AND
MOTION FOR THE JUDGE TO CONDUCT VOIR DIRE**

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

1. It has been well settled and long established by the Illinois Supreme Court that:

"The State's attorney in his official capacity is the representative of all the people, including the defendant, and it (is) as much his duty to safeguard the constitutional rights of the defendant as those of any other citizen." People v. Cochran, 1924, 313 Ill. 508, 526.

2. In acknowledgement of his said duty, the Winnebago County State's Attorney has a motto displayed on his office wall which declares:

"The duty of the prosecutor is to
seek Justice, not merely to convict"

3. Said Motions of the above named as Plaintiff constitute the violation of both "his duty to safeguard the constitutional rights of the defendant" (Cochran, supra) and his "duty . . . to seek Justice, not merely to convict", as per said motto.

4. The granting of said Motions would constitute a manifest violation of the Constitutional Rights of said Defendant as so guaranteed to him by the United States Constitution as follows:

A. Amendment I: "the freedom of speech".

"Freedom accorded by the Constitution (First Amendment of U.S.Const.) or laws to express opinions and facts by word of mouth, uncontrolled by any censorship or restrictions of government." Black's Law Dictionary, Fifth Edition, Page 828;

B. Amendment VI: "public trial, by an impartial jury of the State". A jury can not be impartial if it is not allowed to hear all of the pertinent evidence. By said Motions, said Plaintiff seeks to conceal exculpatory evidence from the jury which is detrimental to his obvious intents and purposes of obtaining a conviction rather than seeking justice.

"Term refers to a jury which is of impartial frame of mind at beginning of trial, is influenced only by legal and competent evidence produced during trial, and bases its verdict upon evidence connecting defendant with the commission of the crime charged." Black's Law Dictionary, Fifth Edition, Page 678;

C. Amendment XIV: "Due Process of Law" and "Equal Protection of the Law". Said Defendant has the Constitutional Right:

"to be heard, by testimony or otherwise, and to have the right of controverting, by proof, **EVERY** material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law." (Emphasis added) Black's Law Dictionary, Fifth Edition, Page 449.

"The equal protection of the laws of a state is extended to persons within its jurisdiction, within the meaning of the constitutional requirement, when its courts are open to them on the same conditions as to others, with like rules of evidence and modes of procedure, for the security of their persons and property, the prevention and redress of wrongs, . . ." Black's Law Dictionary, Fifth Edition, Page 482;

5. The granting of said Motions would also constitute a manifest violation of the Constitutional Rights of said Defendant as guaranteed to him by the Constitution of the State of Illinois, Article I, as follows:

A. Section 1: "Inherent and Inalienable Rights". The request of said Plaintiff, representing the State of Illinois, constitutes a violation of the "just powers" derived "from the consent of the governed". Said Plaintiff does not have "the consent of the governed" to violate the Constitutional Rights of said Defendant;

B. Section 2: "Due Process and equal Protection". See 4.C., supra;

C. Section 4: "Freedom of Speech". See 4.A., supra;

D. Section 10: "Self-incrimination". Said Plaintiff, by said request for the subject "gag order", is asking this Court to restrict said Defendant from defending himself and thereby effectively compelling said Defendant "to (only be allowed) to give evidence against himself" before the jury;

E. Section 12: "Right to Remedy and Justice".

"Every person shall . . . obtain justice by law, freely, completely, and promptly."

6. Said Plaintiff, by said Motions, is asking this Court to violate Article VI(2) of the United States Constitution which states, in pertinent part, that:

"This Constitution, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

7. Said Plaintiff, by said Motions, is attempting to conceal the exculpatory evidence from the jury which establishes the fact that the charge filed against said Defendant is based on the "TRUSTEE'S DEED" issued to Complainant Alan Miller from an of Record and acknowledged non-owner as well as being issued both in violation of the *Rooker-Feldman* doctrine and in violation of established Bankruptcy Law.

8. Furthermore, said Plaintiff, in the interest of justice, should be investigating the transaction involving Complainant Alan Miller rather than attempting to obtain an unjust conviction of said Defendant by employing said Motion in Limine and thereby concealing the evidence from the jury that the subject criminal charges are based on what said Plaintiff has acknowledged, in the above styled matters, to be the bogus claim of ownership of "this land" by said Alan Miller.

THEREFORE, in consideration of the premises, said Defendant asks this Court, in the interest of justice, to Deny People's First Motion in Limine and the Motion for the Judge to Conduct Voir Dire.

Dated: October 1, 2004

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 this Motion are true and correct and that he will personally serve a true and correct copy of this Motion upon the office of the Winnebago County State's Attorney on this date.

Executed: October 1, 2004

Clarence L. Vance