

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 RECONSIDER ORDER DATED OCTOBER 15, 2004

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

1. This Court, by the Order dated October 15, 2004, summarily denied the MOTION TO VACATE BILL OF INDICTMENT, filed by said Defendant, and, in support of said denial, stated that the subject orders and deeds issued by the Bankruptcy Court, pertinent to the charges in each of the above styled matters, "are res judicata".

2. This Court, in so denying said Motion, failed to consider the evidence, as is set forth in said Motion, that the United States Supreme Court, by the *Rooker-Feldman* doctrine:

(A) Established categorically that the subject Adversary Complaint filed in Case 99-A-5023, from which said orders and deeds were issued, should have been "dismissed . . . for lack of jurisdiction" rather than being entertained and acted upon;

(B) ". . . forbids (the Bankruptcy) court to accept jurisdiction over the (subject condemnation) case; and the res judicata claim (of the above named as Plaintiff and this Court) is not even reached." (See Motion, page 4, at 14.E.)

3. This Court, in so denying said Motion, also failed to consider the evidence, as is set forth in said Motion, that the United States Supreme Court:

" . . . emphasized that, under 28 U.S.C. sec. 1257 (which gives the Supreme Court the power to review final judgments of the highest state courts), only the Supreme Court itself is empowered to review the final determinations of state courts."

and, further, that the Seventh Circuit Court of Appeals:

" . . . has consistently emphasized that 'taken together, *Rooker* and *Feldman* stand for the proposition' lower federal courts lack jurisdiction to engage in appellate review of state-court determinations." (See Motion, page 4, at 14.F.)

4. This Court, in so denying said Motion, further failed to consider the evidence, as is set forth in said Motion, that the charge filed against said Defendant, in each of the above styled matters, is based on said orders and deeds which are void, ab initio, having been so obtained as the direct result of the Bankruptcy Court:

"Engaging in an impermissible appellate review . . . when (it was) asked to entertain a claim that was not even argued in the state court but is 'inextricably intertwined' with the state court judgment." (See Amended Motion, page 4, at 14.)

5. This Court, by the Order dated October 15, 2004, also summarily denied the MOTION TO DENY PEOPLE'S FIRST MOTION IN LIMINE AND MOTION FOR THE JUDGE TO CONDUCT VOIR DIRE, filed by said Defendant.

6. This Court, in so denying said Motion, failed to consider the evidence, as is set forth in said Motion, that this Court has absolutely no lawful authority to place said Defendant on trial, either on said charges or on said BILL OF INDICTMENT, based on said void Bankruptcy Court orders and deeds obtained by said "impermissible appellate review" of the State Court FINAL JUDGMENT ORDER and ORDER VESTING TITLE entered in Case 97-ED-1 on October 27, 1998.

7. This Court, in so denying said Motion, also failed to consider the fact that each charge filed against said Defendant, in said matters, and the BILL OF INDICTMENT obtained, on December 5, 2001, against said Defendant by said Plaintiff are based on a part of the very same evidence which said Plaintiff, in said Motion in Limine, now states to be "irrelevant and immaterial to any of the issues before the court in this case."

8. This Court, in so denying said Motion, further failed to consider the fact that said BILL OF INDICTMENT, so acknowledged to having been obtained on the basis of said "irrelevant and immaterial" evidence, conveys merely a colorable jurisdiction (not a lawful jurisdiction) on this Court to place said Defendant on trial in said matters.

9. This Court has reason to know that it has absolutely no lawful authority to try said Defendant on said charges and/or on said BILL OF INDICTMENT, in that each is based on said void Bankruptcy Court orders and deeds obtained in the utter disregard of, and in the manifest violation of, pertinent doctrines and precepts established by the United States Supreme Court.

10. Furthermore, this Court has reason to know that the Record in said matters establishes categorically the fact that said Plaintiff has acknowledged, of Record, that said charges and said BILL OF INDICTMENT are each based on the subject "TRUSTEE'S DEED" fraudulently obtained, by Complainant Alan Miller from the Bankruptcy Trustee of the Bankruptcy Estate of said

Defendant, seventeen (17) years after said Defendant became a non-owner of the subject, as is so judicially validated by "said state-court determinations".

THEREFORE, in consideration of the premises and in the interests of Justice, said Defendant asks this Court to reconsider the order dated October 15, 2004, and to vacate said order, and to enter an Order, consistent with the evidence of Record and pertinent doctrines and precepts established by the United States Supreme Court, and thereby dismiss said BILL OF INDICTMENT and each charge filed against said Defendant in said matters, with prejudice.

Dated: November 12, 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: November 12, 2004

Clarence L. Vance