

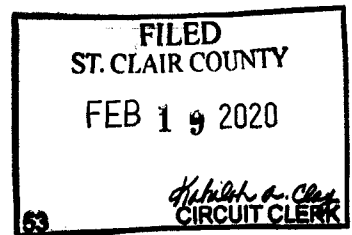
IN THE CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

People of the State of Illinois,	)		
	)		
Plaintiff,	)		
vs.	)	Case #:	19TR0019331
	)	Offense:	Failure to Reduce Speed
Judy L. Cates,	)		
	)	Date:	June 21, 2019
Defendant.	)	Ticket #:	1117597
	)		

**MOTION TO OPEN COURT FILE AND  
CORRECT THE RECORD OF THE CIRCUIT CLERK**

Comes Now Judy L. Cates, by her attorneys Kelly & Kelley, LLC, and hereby requests that this court open the record in the above-referenced case and correct the records of the St. Clair County Circuit Clerk. In support of said motion, Judy L. Cates avers as follows:

1. On Friday, June 21, 2019, Judy L. Cates received a traffic ticket in the City of Fairview Heights as a result of a minor accident involving two vehicles. The first appearance date for said traffic ticket was August 13, 2019.
2. On August 13, 2019, Judy L. Cates appeared, personally, in courtroom 108 of the St. Clair County courthouse, and waited for her name to be called by the Assistant State's Attorney handling the docket that day.
3. When called by the Assistant State's Attorney, Judy L. Cates explained her version of the events that had occurred. Judy L. Cates was then informed, that if she had proof that her insurance company was taking care of any claims made by the driver of the other vehicle, then the plea bargain offered to similar claimants was a dismissal of the ticket.



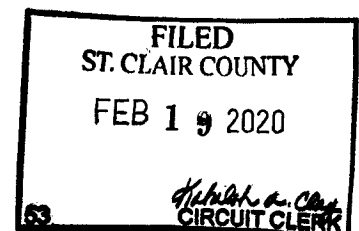
4. Judy L. Cates did not have the insurance documentation with her when informed of the plea bargain but did indicate to the Assistant State's Attorney that she would be willing to provide such documentation.

5. Further, because she did not want to be treated differently than other individuals in the same or similar circumstance, Judy L. Cates verified that this plea bargain was in fact a typical offer for individuals in similar circumstances. Judy L. Cates asked an experienced criminal defense attorney, who happened to be in the courtroom, whether the offer by the State's Attorney's office was "typical." This attorney indicated that this plea bargain was quite typical, and that Judy L. Cates was not receiving "special" treatment.

6. Upon the aforesaid verification, Judy L. Cates indicated to the Assistant States Attorney that she would obtain the insurance documents showing proof of responsibility. Because she was not sure how easily these documents could be obtained, the Assistant State's Attorney offered to give Judy L. Cates 30 days to provide the insurance documentation.

7. With that understanding, Judy L. Cates left courtroom 108 and proceeded to the office of her insurance carrier. Judy L. Cates was able to obtain 4 pages of documents from her insurance carrier indicating payment to the claimant.

8. Having obtained the documentation required by the Assistant State's Attorney, Judy L. Cates returned to the St. Clair County courthouse on August 13, 2019. Judy L. Cates tendered the 4 pages of documents indicating that her insurance carrier had accepted responsibility for the accident and was making payments on the claim.



9. Satisfied that these 4 pages of documents indicated coverage for the accident, the Assistant State's Attorney agreed to abide by the plea offer, and request that the court dismiss the traffic ticket.

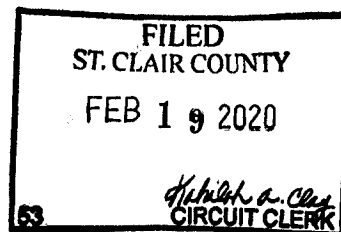
10. The Assistant State's Attorney wrote on the court order the following: "Proof of ins[;] paid claim."

11. The Assistant State's Attorney and Judy L. Cates then appeared before the trial judge, the Honorable Elaine LeChien, in open court, which is customary and consistent with the traffic court docket procedures in St. Clair County. The Assistant State's Attorney explained that the insurance carrier for Judy L. Cates had made payment for the accident, and was accepting responsibility for the claim. Judy L. Cates was present and provided Judge LeChien with the 4 pages of insurance documents that showed proof of responsibility. (These were the same 4 pages that Judy L. Cates had obtained from her insurance carrier earlier that day.)

12. Judge LeChien reviewed the documents and then asked Judy L. Cates to provide the 4 pages of documents to the clerk of the court. Judy L. Cates handed the 4 pages of documents to the clerk of the court, who then scanned the documents and returned them to Judy L. Cates.

13. Judge LeChien then concurred in the plea negotiations and dismissed the case.

14. That should have been the conclusion of the case. Nevertheless, on February 4, 2020, Judy L. Cates received an email from John Breslin, a reporter for the Madison Record ("Record"). Mr. Breslin was inquiring about a document in the court record



entitled, "NOTICE OF RECEIPT – COMPUTER GENERATED." A copy of that receipt is attached hereto as Exhibit A.

15. As set forth in Exhibit A, the clerk of the court indicated that Judy L. Cates had provided 4 pages, and described them as follows: "Document Received: Alcohol-Drug Rept/Confidential."

16. Mr. Breslin asked about the "Alcohol-Drug Rept/Confidential" designation and wanted to know, "What was this report about? Why was it confidential? Can you tell me what was in the report or can I get a copy to totally clear things up?"

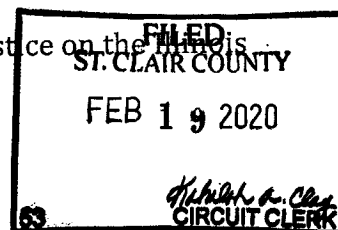
17. This email prompted Judy L. Cates to begin an inquiry into the nature of the receipt, as no drugs or alcohol were involved in this minor traffic accident.

18. After due inquiry, Judy L. Cates learned that the clerk of the court had incorrectly coded the 4 pages of insurance documentation that had been scanned into the system on August 13, 2019.

19. Upon learning of this designation error, Judy L. Cates sent an email to Mr. Breslin on February 4, 2020, explaining the mistake made by the St. Clair County Circuit Clerk. Judy L. Cates also provided Mr. Breslin and the Record with a complete copy – unredacted – of the 4 pages of insurance documentation that had been provided to the court on August 13, 2019. A copy of said email is attached hereto as Exhibit B.

20. Judy L. Cates assumed, quite incorrectly, that the St. Clair County circuit clerk's office, once notified of the mistake, would correct the designation, as this was simply a receipt, and not an order of the court.

21. Since February 4, 2020, the Record has allowed false and inflammatory articles to be published regarding Justice Cates, who is a sitting Justice on the Illinois



Appellate Court for the 5<sup>th</sup> District. The Record has targeted Justice Cates because she is running as a candidate for the Illinois Supreme Court and despite knowing the truth of the matters involved, the Record has intentionally and fraudulently attacked Justice Cates' integrity.

22. Therefore, rather than allow the Record, or any others, to continue this fraudulent attack on the integrity of Judy L. Cates, and to avoid any further suggestion that Judy L. Cates is "covering up" a drug or alcohol-related report, Judy L. Cates has filed this motion requesting that this court open the court file, and make all records contained therein available to the public.

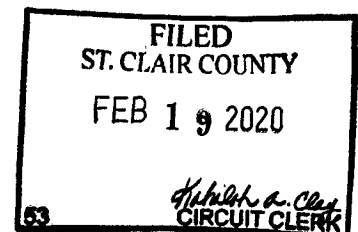
23. Further, Judy L. Cates requests that this court direct the St. Clair County Circuit Clerk to correct the mistake made on the receipt. Specifically, Judy L. Cates requests that the St. Clair County Circuit Clerk's office designate the 4 pages of documents filed on August 13, 2019, as "Correspondence/Documents," as this would have been the correct designation for the documents when originally filed on August 13, 2019.

WHEREFORE, Judy L. Cates prays for an order of this court to open the court file and allow all records to be released to the public. Further, Judy L. Cates prays for an order requiring the St. Clair County Circuit Clerk to correct the coding mistake of the 4 pages of insurance documents to correctly reflect the fact that these documents represent correspondence, and for such other relief as the court deems just under the circumstances.

By:

Chet A. Kelly  
#6296905

Kelly & Kelley, LLC  
6 East Washington







Kahalah A. Clay  
Circuit Clerk

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

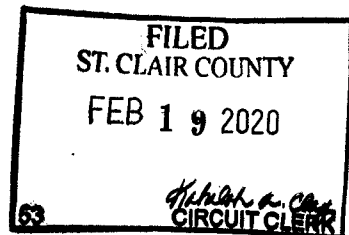
Docket Number:	19000017571
Case Number:	

*The People of the State of Illinois*  
vs.

**JUDY L. CATES**  
(Defendant)

**NOTICE OF RECEIPT - COMPUTER GENERATED**

<i>Document Received:</i>	Alcohol-Drug Rept/CONFIDENTIAL
<i>Official Date:</i>	08/13/2019
<i>Document Status:</i>	Confidential
<i>Document Page(s):</i>	4
<i>Docket Page(s):</i>	1 Through 4



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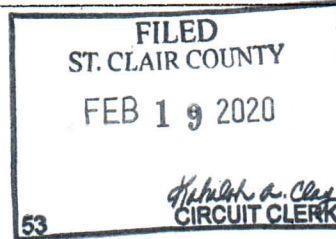


Judy Cates &lt;justicecates@gmail.com&gt;

## Inquiry - Justice Cates court records

3 messages

Judy Cates <votejudgejudy@gmail.com>  
 To: jfbres@yahoo.com  
 Bcc: justicecates@gmail.com



Tue, Feb 4, 2020 at 1:26 PM

Dear Mr. Breslin:

Thank you for your e-mail this morning. We were not aware of this issue and immediately made contact with the St. Clair County Circuit Clerk's Office to determine what this alleged report was, as there were no drugs or alcohol involved in the incident which has already been reported once by your paper.

Upon investigation this morning, it turned out the St. Clair County Circuit Clerk's Office was already aware of the fact that it had improperly coded the documents at issue, as one of the well-known members of the local Republican Party had asked about the document last week.

Your e-mail to Justice Cates indicated that you did not want to get involved in the Republican effort to smear Justice Cates with false accusations, but that is precisely what has been suggested, despite the fact that the error was recognized and resolved last week. Nevertheless, please allow this correspondence to publicly set the record straight.

As the Madison Record has already reported, Justice Cates was involved in a minor fender bender last year. As she indicated in the last article, she appeared in court and was informed that as with any minor traffic accident in St. Clair County, if there is proof that insurance has paid for all damages, the State's Attorney would dismiss the ticket. (She was told this was the same for everyone involved in this kind of minor accident.)

On August 13, 2019, (the date on the document you sent this am.) Justice Cates provided proof, as requested by the Assistant State's Attorney, that her insurance company had paid (or was willing to pay) all claimed damages as a result of this minor accident. The proof of payment documents were received and stamped by the St. Clair County Circuit Clerk's Office that same date.

From what our campaign has been able to learn quickly, upon receipt of those documents, the St. Clair County Circuit Clerk's Office would have been obligated to scan the documents into their system. Proof of insurance payment documents are



supposed to be labeled as defense communications and confidential. The clerk who was assigned to scan the confidential documents on August 13, 2019 improperly labeled the proof of insurance payment documents as an alcohol or drug report. This was clearly done in error, as there was no suspicion of impaired driving by Justice Cates.

If you have questions about why the St. Clair County Circuit Clerk's office made this error, that is a question better taken up with the Circuit Clerk's office. In keeping with the campaign promises made by Justice Cates, that people need to see what goes on in their courtrooms, we are releasing all 4 pages that were improperly scanned and coded on August 13, 2019, even though the court might require you obtain an order.

You can see that each page has handwriting (presumably from the clerk in court that day) indicating it should have been labeled as confidential, by the abbreviation, "conf." As you can also see, these documents are simply proof of payment (or intent to pay) from the insurance company of Justice Cates to the other insurance company, indicating coverage for all claimed damages. (Your paper has also spoken with the other driver who never complained he was not reimbursed, as such a statement would be false. He has, in fact, been paid for his damages to the best of Justice Cates' knowledge.)

While this campaign welcomes all inquiries, the campaign remains concerned that this inquiry arises today, when it was corrected last week, and your Republican "insider" already knew that this had nothing to do with alcohol or drugs. This story merely fortifies the belief that the Republican Party has targeted Justice Cates, implying non-truths about her character and integrity.

As previously referenced, at this time, the campaign is disclosing the documents to you, despite the fact that after your Republican "insider" brought the error to the attention of the Clerk's office last week, the coding mistake was corrected, and one cannot even get a copy of the kind of document you provided without a court order.

Sincerely,  
The "Judge Judy for Supreme Court" Campaign staff

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 Aug 13-2019 Insurance Documents.pdf  
1433K

