

State of Illinois

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

PLAINTIFF

Mark McCoy
vs.

No.

10, MR-212

Jashua Almond, et al
Defendant

FILED
ST. CLAIR COUNTY
JUN 20 2011
Habibul A. Drian
CIRCUIT CLERK
5

ORDER

This cause coming before the Court; the Court being fully advised in the premises and having jurisdiction of the subject matter;

The Court finds:

IT IS THEREFORE ORDERED:

Before the Court is Petitioner's "Memorandum of Law". Petitioner requests this Court act on his request for arrest warrants, "and issue warrants for the arrest of said persons so accused." He essentially alleges that a private individual can present charges directly to a magistrate without the aid or intervention of a police agency per the holding of Judquist v. Freedman's Inc. 366 Ill. 232, 8 NE. 2d 625 (1937).

Attorneys:

Enter:

.....
Plaintiff

.....
Defendant

Bruce Belbin
.....
Judge

State of Illinois

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

PLAINTIFF

McCoy

vs.

Almond, et al

Defendant

No.

10-MR-212

FILED
ST. CLAIR COUNTY

JUN 20 2011

ORDER

This cause coming before the Court; the Court being fully advised in the premises and having jurisdiction of the subject matter;

Kathleen A. Dixon
CIRCUIT CLERK

The Court finds:

IT IS THEREFORE ORDERED:

This Court notes that the Judgeist opinion was issued in 1937. In 1983, the Illinois Supreme Court issued its ruling in the case of People ex rel. Daley v. Moran 94 Ill. 2d 41, 445 N.E.2d 270, 67 Ill. Dec. 790, which stated that the State's attorney is vested with the exclusive discretion in initiation and management of a criminal proceeding, and this discretion includes the decision whether to prosecute at all. Because Petitioner is not the State's attorney, his request to this court to issue arrest warrants is denied, per People ex rel. Daley v. Moran. His cause is therefore dismissed, as the issuance of the arrest warrants is the only remedy sought.

Attorneys:

Enter:

Plaintiff

Defendant

Brian Balaska

Judge