

Mark R. McCoy
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August 11, 2010

Brendan Kelly
Clerk of the Circuit Court
Saint Clair County Courthouse
10 Public Square
Belleville, Illinois 62220

Robert Haida
St. Clair County State's Attorney
Saint Clair County Courthouse
10 Public Square
Belleville, Illinois 62220

John Baricevic
Chief Judge
Twentieth Judicial Circuit
Saint Clair County Courthouse
10 Public Square
Belleville, Illinois 62220

Re: Notice of actions giving rise to Official Misconduct and other Offenses

Dear Sirs:

May this letter serve as formal notice of my intentions in bringing charges of Official Misconduct and other offenses before the State's Attorney and/or Court in St. Clair County, Illinois. I have made a number of attempts to contact all of you to whom this letter is addressed in hopes of invoking your constitutional duty. Unfortunately, I have met with delays, obfuscation, inaccuracies, incompetence, and lies when seeking your counsel in regards to this matter. As a result, I am serving you with this letter and with copies of the allegations to which I have sworn and been verified under penalty of perjury.

I had previously attempted to contacted Mr. Baricevic by telephone where I spoke briefly with him in regards to the matter. Mr. Baricevic informed me that I, as an individual, could not

bring complaints before a court or State's Attorney, but rather was required to present them to a police agency. I believe this statement is either in error, or misleading. While a police officer has considerable latitude in charging an individual, the ultimate responsibility of filing a charge and prosecuting it lies with the State's Attorney. (Ill.Rev.Stat.1973, ch. 14, par. 5.) Thus, the actions of the police officer in the first instance yield to the judgment and discretion of the constitutional officer empowered to take final action. People v. Woollums, 63 Ill.App.3d 602, 379 N.E.2d 1385, 20 (Ill.Dec. 317). My intention was to appear before a court and present my sworn complaints where I would then be examined by a judge under oath in accordance with 725 ILCS § 107-9 which reads, "When a complaint is presented to a court charging that an offense has been committed it shall examine upon oath or affirmation the complainant or any witnesses." Notice that the statute does not distinguish between police, attorney, or private individual when addressing who may make the complaint. If the citizen knows a crime has been committed, it is his duty to appear before a magistrate and make a complaint, in which he states that the crime has been committed, and in which he may state, upon reasonable information and belief, that the party named is the guilty party, whereupon the magistrate will issue his warrant, directed to all sheriffs, coroners, and constables in the state, or, in case of emergency or in the absence of such officer, may direct the same to a private individual. Enright v. Gibson, 219 Ill. 550, 76 N.E. 689.

Of course, my original complaints consisted primarily of misdemeanors, which appearance before a judge when making a complaint would be proper. However, realizing the time in which misdemeanors may be charged would soon expire, I came to discover that the same actions, although misdemeanors, can be used to frame a charge of Official Misconduct. I understand that appearance before a judge in presenting a complaint is not proper for alleging charges of Official Misconduct, which is a Class 3 Felony and therefore governed by 725 ILCS 5/111-2(a), "All prosecutions of felonies shall be by information or by indictment." It is the duty of the State's Attorney in misdemeanor cases, and the State's Attorney or Grand Jury in felony cases, to determine the charge which will be placed against a person. People v. Baron, 130 Ill.App.2d 588, 264 N.E.2d 423.

I wish to remind you that if an individual possess any information justifying the accusation of the person against whom they complain, they should impart it to the district attorney, who will seldom fail to act in a proper case. But if the district attorney should refuse to act, they can make their complaint to a committing magistrate, before whom the matter can be investigated, and if sufficient evidence be produced of the commission of a public offense by the accused, he can be held to bail to answer to the action of the grand jury. People v. Parker, 374 Ill. 524, 30 N.E.2d 11. Therefore, this letter should put both the State's Attorney and the Court on notice and charged with reconciling how the allegations will be addressed, whether the State's Attorney will act directly or otherwise appoint, or have appointed, a special prosecutor if he believes he is either unwilling or incapable of acting accordingly.

I made several attempts to contact the State's Attorney where I was told I likewise had to meet with a police agency as the State's Attorney "works for the police". I am not sure as to the name or position of the woman with whom I spoke and voiced that fallacy, but I believe it is

inconsistent with the beliefs held by the Courts of Illinois, which affirm the State's Attorney has a duty to the People. State's attorney was a constitutional officer, his office was part of executive branch of state government, and powers exercised by that office were executive powers. People v. Thompson, 1980, 43 Ill.Dec. 600, 88 Ill.App.3d 375, 410 N.E.2d 600; People v. Vaughn, 1977, 6 Ill.Dec. 932, 49 Ill.App.3d 37, 363 N.E.2d 879. It is presumed that state's attorney will act under such heavy sense of public duty and obligation for enforcement of all laws that he will commit no wrongful act. Suburban Cook County Regional Office of Educ. v. Cook County Bd., App. 1 Dist.1996, 217 Ill.Dec. 671, 282 Ill.App.3d 560, 667 N.E.2d 1064, modified on denial of rehearing, rehearing denied, appeal denied 219 Ill.Dec. 577, 168 Ill.2d 627, 671 N.E.2d 744. The state's attorney represented all the people including the defendant and his duty was not only to secure convictions but to see that justice was done and he was a public servant whose sole allegiance was to the People. In re Guardianship of Angell, App.1960, 26 Ill.App.2d 239, 167 N.E.2d 711. Any citizen has a right to call upon the state's attorney to redress a public wrong. The fact that private rights may also be involved and that through the acts of the state's attorney in the interests of the public, private wrongs, as well, may directly or indirectly be redressed, is immaterial. The People, ex rel. James M. Mahoney v. Decatur, Springfield & St. Louis Railway Company, et al. 120 Ill.App. 229, 1905 WL 1987 (Ill.App. 3 Dist.)

I also believe, and will pursue if need-be, that I have a right to approach the Grand Jury with my accusations should the State's Attorney refuse to perform his constitutional duty and receive them. Quoting Vogel v. Gruaz, "The avenue to the grand jury should always be free and unobstructed." "Any person who desires to pursue the same course should not be deterred by the fear of having what he may say in the confidence of a consultation with a professional adviser, supposed to be the best qualified for the purpose, disclosed afterwards in a civil suit against his objection." Oliver v. Pate, 43 Ind. 132. By the statute of Illinois in force at the time of this occurrence, it was made the duty of each state's attorney to 'commence and prosecute' all criminal actions, suits, indictments, and prosecutions in any court of record in his county, in which the people of the state or county might be concerned. (Rev. St. 1874, c. 14, § 5, subd. 1.) Under this provision it was the province and the privilege of any person who knew of facts tending to show the commission of a crime, to lay those facts before the public officer whose duty it was to commence a prosecution for the crime." Vogel v. Gruaz, 10 U.S. 311, 4 S.Ct. 12

Taking into consideration the events which brings us all to this juncture, I feel it is reasonable to assume that there has been instances of malfeasance, misfeasance, incompetence, and deceit throughout the judicial, administrative, and executive offices in St. Clair County. I am not levying personal attacks against any one person's character or motives.

Let this letter serve notice upon you gentlemen, who have so chose to encumber yourselves with the demands of public service and constitutional duty. That employees and officers serving the Leviathan have used their position to the detriment of an otherwise peaceable man and other non-violent, unwary People; spilling blood, trampling rights, and instilling fear by doing injustice in the name of protecting liberty. I will pursue all means of redress in having my complaints recognized until it can be shown that such redress is either unavailable or otherwise

non-existent. Quoting *People v. Scalisi*, “We are reminded by the Declaration of Independence that all men have been endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these ends governments were instituted among men. Our youth are familiarized in school with these fervent words of Patrick Henry: ‘Give me liberty or give me death.’ To most citizens the right of liberty is as sacred as life itself. To such an extent is this sentiment recognized that the Constitutions of the United States and Illinois have attempted to safeguard the liberty of the citizen.” People v. Scalisi, 324 Ill. 131, 154 N.E. 715

Before I was a Citizen, I was a man. Coming to realize the folly and harm in supporting a system which ultimately relies upon force instead of reason, I have abandoned such foolishness. I will not take violent justice upon myself, but reserve my right to defend my independence. In the issues brought by way of this letter, I have chosen to cast at your feet the facts which allege violations, not only of your Legislature and their laws, but of Nature and her laws as well, the former being within your jurisdiction to remedy and the latter being within my right to defend against. The imminent threat no longer confronts me, so my recourse is to let you gentlemen, and the rest of society, know of the threat facing all by way of the failed institution of government, and hope that for some, the actors serving in such a capacity may bring a sense of justice and peace to those who have yet failed to find greener pastures for living their lives in peace. I would hope you take appropriate action and restore some honor to your positions, which originate with an otherwise Sovereign People in hopes of their securing liberty through your trust.

Enclosed are complaints that state facts I believe support charges of Official Misconduct, in violation of the laws of Illinois and being properly binding upon those alleged in the complaints and subject to just punishment. I will not tender originals at this time, as it cannot be relied upon to have them treated in the manner required, but I will, upon request, present them to the State’s Attorney or Grand Jury, signed and verified.

Thank you for your attention,

Sincerely,



Mark McCoy

Encl.

cc: Belleville News Democrat

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Disorderly Conduct

Statutory provisions violated: 720 ILCS 5/26-1(a)(4)

Nature and elements of the offense: Joshua Alemond did knowingly transmit or caused to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed by transmitting or causing to be transmitted a Fairview Heights Police Department Crime/Incident Report dated 2/17/09, Non-Traffic Notice of Complaint 1115419, Illinois Citation and Notice of Complaint(s) 1159155, and 1159154, which transmitted to the Illinois State's Attorney, a public officer, and the Circuit Clerk of St. Clair County, a public officer, that the offenses of Fleeing and Eluding and Resisting a Peace Officer, and Improper Lane Usage, had been committed while knowing that there was no reasonable ground for believing that such offense(s) will be committed, were being committed, or had been committed.

Date and County where offense occurred: This offense occurred on, about, or shortly after February 17, 2009 in St. Clair County, Illinois at the time Joshua Alemond did file or tender to said public officers said Notice of Complaints and report.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct

Statutory provisions violated: 720 ILCS 5/33-3(a)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did intentionally or recklessly fail to perform a mandatory duty required by 725 ILCS 5/103-1(a) which confers to the person arrested, in this case, Mark McCoy, the complainant, the right to know that a warrant had been issued and the nature of the offense specified in the warrant, in violation of 725 ILCS 5/103-8 which reads:

Mandatory duty of officers.

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore and hereafter amended.

Joshua Alemond did affect an arrest of Mark McCoy with a warrant on February 17, 2009 and in violation of 725 ILCS 5/103-8(a), did knowingly or intentionally fail to inform Mark McCoy that a warrant had been issued and the nature of the offense specified in the warrant.

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct

Statutory provisions violated: 720 ILCS 5/33-3(a)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did intentionally or recklessly fail to perform a mandatory duty required by 725 ILCS 5/103-1(b) which confers to the person arrested, in this case, Mark McCoy, the complainant, the right to know the nature of the offense on which an arrest is made without a warrant, in violation of 725 ILCS 5/103-8 which reads:

Mandatory duty of officers.

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore and hereafter amended.

Joshua Alemond did affect a warrantless arrest of Mark McCoy on February 17, 2009 and in violation of 725 ILCS 5/103-8(b), knowingly or intentionally fail to inform Mark McCoy of the nature of the offense on which the arrest was based.

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct

Statutory provisions violated: 720 ILCS 5/33-3(a)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did intentionally or recklessly fail to perform a mandatory duty required by law when he did fail to treat humanely and provide required medical treatment pursuant to 725 ILCS 5/103-2(c), in this case for, Mark McCoy, the complainant, in violation of 725 ILCS 5/103-8 which reads:

Mandatory duty of officers.

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore and hereafter amended.

Joshua Alemond did intentionally fail to treat Mark McCoy in a humane fashion and provide required medical treatment following the arrest of Mark McCoy on February 17, 2009, in violation of 725 ILCS 5/103-2(c) by placing Mark McCoy in custody and leaving him hand-cuffed and unattended for a period of time in the back seat of the police cruiser, after having sustained injuries consisting of lacerations, bruising, and chipped teeth, resulting from blows to the head and back, as well as electric shock, during which time Mark McCoy was in need of medical attention and, when asked by Joshua Alemond if medical attention was requested at the scene, and upon receiving an affirmative response from Mark McCoy, further denied treatment in lieu of transporting Mark McCoy back to the Fairview Heights Police station to be examined by EMS personnel after some further delay, all the while Mark McCoy exhibiting signs of bruising and bleeding and suffering; thereby being incarcerated in the jail located at the Fairview Heights Police Department where Mark McCoy was provided with no medical treatment for his injuries, notwithstanding two EMS workers who wiped his bloody face with gauze, and thereby left to wait for almost 3 hours with no further medical treatment and having to request a plastic bag upon which he spat blood from a lacerated lip for the duration of his confinement..

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct

Statutory provisions violated: 720 ILCS 5/33-3(a)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did intentionally or recklessly fail to perform a mandatory duty as required by law by failing to allow communication with a family member in a reasonable manner and within reasonable time upon arriving at the first place of custody as required by 725 ILCS 5/103-3(a), in this case for, Mark McCoy, the complainant, in violation of 725 ILCS 5/103-8 which reads:

Mandatory duty of officers.

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore and hereafter amended.

Joshua Alemond did intentionally fail to allow Mark McCoy to communicate with his wife, a family member of his choice, in a reasonable manner and within a reasonable time; the wife, Nancy McCoy, of whom was present at the Fairview Heights Police Department, his first and only place of custody, and her presence there known to Joshua Alemond, during the entirety of Mark McCoy's confinement and available to speak to Mark McCoy, but of which Mark McCoy was never afforded the opportunity to contact in any way whatsoever during the entirety of his confinement until his release upon Nancy McCoy posting bond, the duration of which consisted of almost 3 hours. Mark McCoy was also not permitted to make a phone call to contact a family member or attorney within a reasonable amount of time during his confinement, even though his request to speak with an attorney was invoked during questioning by Joshua Alemond and Aaron Nyman, a fellow police officer, at the scene of the arrest.

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct

Statutory provisions violated: 720 ILCS 5/33-3(a)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did intentionally or recklessly fail to perform a mandatory duty as required by law when he did fail to allow Mark McCoy, the complainant and person restrained of his liberty, where no imminent danger of escape existed, to consult with a licensed attorney at law of this state, whom Mark McCoy may desire to see or consult, alone and in private at the place of custody, being the Fairview Heights Police Department, as many times and for such period each time as is reasonable, as required by 725 ILCS 5/103-4, and in violation of 725 ILCS 5/103-8 which reads:

Mandatory duty of officers.

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore and hereafter amended.

Joshua Alemond did restrain Mark McCoy of his liberty by arrest and confinement in a cell at the Fairview Heights Police Department and intentionally fail to allow Mark McCoy to consult with a licensed attorney of this state at the place of custody and in a reasonable time, alone and in private. There existed no imminent danger of escape. Mark McCoy had invoked his request to speak with an attorney during questioning by Joshua Alemond and Aaron Nyman, a fellow police officer, at the scene of the arrest.

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct – (Battery)

Statutory provisions violated: 720 ILCS 5/33-3(b)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did knowingly perform the following act which he knows is forbidden by law for him to perform by knowingly and intentionally, without legal justification, cause bodily harm to Mark McCoy, the complainant, by unlawfully making forceful contact with the back, neck and head of Mark McCoy, thereby forcibly driving Mark McCoy to the ground which caused abrasions, cuts, and bruising, and further, while Mark McCoy was lying injured and defenseless on the ground maintained unlawful contact in such fashion to as to aggravate Mark McCoy's injuries and did cause further harm by way of bleeding and bruising, in violation of 720 ILCS 5/12-3 (Battery); all while Mark McCoy presented himself in a neutral, submissive, non-threatening, and defenseless position.

Date and County were offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct – (Assault)

Statutory provisions violated: 720 ILCS 5/33-3(b)

Nature and elements of the offense: Aaron Nyman did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did knowingly perform the following act which he knows is forbidden by law for him to perform by knowingly placing Mark McCoy, the complainant, in apprehension of receiving a battery by telling Mark McCoy that he would be “Tased” if he did not stop moving his leg after Mark McCoy had received an electric shock by Aaron Nyman, while in violation of 720 ILCS 5/12-1 (Assault).

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Aaron Nyman, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN 171.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct – (Disorderly Conduct)

Statutory provisions violated: 720 ILCS 5/33-3(b)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did knowingly perform the following act which he knows is forbidden by law for him to perform by knowingly transmitting or cause to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed by way of transmitting or causing to be transmitted a Fairview Heights Police Department Crime/Incident Report dated 2/17/09, Non-Traffic Notice of Complaint 1115419, Illinois Citation and Notice of Complaint(s) 1159155, and 1159154, which transmitted to the Illinois State's Attorney, a public officer, and the Circuit Clerk of St. Clair County, a public officer, that the offenses of Fleeing and Eluding and Resisting a Peace Officer, and Improper Lane Usage, had been committed while knowing that there was no reasonable ground for believing that such offense(s) will be committed, were being committed, or had been committed, in violation of 720 ILCS 5/26-1(a)(4) (Disorderly Conduct).

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct – (Criminal Trespass to Vehicles)

Statutory provisions violated: 720 ILCS 5/33-3(b)

Nature and elements of the offense: Joshua Alemond did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did knowingly perform the following act which he knows is forbidden by law for him to perform by knowingly and without authority, enter a locked, passenger-side rear compartment which is part of Mark McCoy's, the complainant, 1986 Chevrolet Pickup Truck by forcing the locking mechanism off the compartment and opening the compartment, without Mark McCoy's permission, in violation of 720 ILCS 5/21-2 (Criminal Trespass to Vehicles), while Mark McCoy was confined in the police cruiser following his arrest.

Date and County were offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Joshua Alemond, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 170.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct – (Battery)

Statutory provisions violated: 720 ILCS 5/33-3(b)

Nature and elements of the offense: Aaron Nyman did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did knowingly perform the following act which he knows is forbidden by law for him to perform when he did commit the offense of Battery, in violation of 720 ILCS 5/12-3, by knowingly and intentionally, and without legal justification, cause bodily harm to Mark McCoy, the complainant, by applying electric shock to the neck and head of Mark McCoy as well as striking Mark McCoy with his knee to the head and neck of Mark McCoy, while Mark McCoy was lying injured on the ground in a neutral, submissive, non-threatening, and defenseless position, which resulted in pain, cuts, and bruising to mark McCoy.

Date and County were offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Aaron Nyman, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN 171.

Notice of Complaint

NOW comes Mark McCoy, a free and independent American and an inhabitant of the state of Illinois, and for his Notice of Complaint, subscribed and sworn to in conformance with 725 ILCS 5/107-9, for acts by persons herein named in having committed violations of the laws and statutes of the state of Illinois, hereby states the following:

That on February 17, 2009, I, Mark McCoy, was victim/witness to and possesses first-hand knowledge of the following offenses/criminal acts committed by the following person(s):

Name of the offense: Official Misconduct – (Criminal Trespass to Vehicles)

Statutory provisions violated: 720 ILCS 5/33-3(b)

Nature and elements of the offense: Aaron Nyman did commit the offense of Official Misconduct while acting in his official capacity as a peace officer or employee for the City of Fairview Heights, Illinois when he did knowingly perform the following act which he knows is forbidden by law for him to perform by knowingly and without authority, enter a locked, passenger-side rear compartment which is part of Mark McCoy's, the complainant, 1986 Chevrolet Pickup Truck by forcing the locking mechanism off the compartment and opening the compartment, without Mark McCoy's permission, in violation of 720 ILCS 5/21-2 (Criminal Trespass to Vehicles), while Mark McCoy was confined in the police cruiser following his arrest.

Date and County where offense occurred: This offense occurred on February 17, 2009 in the City of Fairview Heights, County of St. Clair, Illinois.

Name of the Accused: Aaron Nym,an, known to Mark McCoy as a police officer for the City of Fairview Heights, Illinois, with DSN Number 171.

THIS IS A REPRESENTATION OF WHAT WAS MAILED TO EACH INDIVIDUAL

STATE OF ILLINOIS)
) **SS**
COUNTY OF ST. CLAIR)

CERTIFICATE OF SERVICE

I, Mark McCoy, do hereby swear under oath that I served the foregoing letter regarding Notice of actions giving rise to Official Misconduct and other Offenses, to the following person:

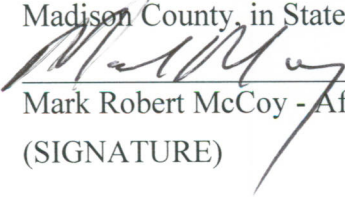
Brendan Kelly
Clerk of the Circuit Court
Saint Clair County Courthouse
10 Public Square
Belleville, Illinois 62220

Robert Haida
St. Clair County State's Attorney
Saint Clair County Courthouse
10 Public Square
Belleville, Illinois 62220

John Baricevic
Chief Judge
Twentieth Judicial Circuit
Saint Clair County Courthouse
10 Public Square
Belleville, Illinois 62220

via US Mail, registered with return receipt requested, by entrusting same with a counter clerk at the US Post Office in Collinsville, Illinois on August 14, 2010.

Subscribed and affirmed, under penalty of perjury, to the aforementioned material herein, in Madison County, in State of Illinois, on this 14 day of August, 2010.



Mark Robert McCoy - Affiant
(SIGNATURE)

The undersigned, a notary public in and for the above county and state, certifies that _____, known to me to be the same person whose name is subscribed to the foregoing letter regarding Notice of actions giving rise to Official Misconduct and other Offenses, appeared before me in person and acknowledged signing and delivering the instrument as a free and voluntary act.

Dated: _____

(SEAL)

Notary Public

My commission expires _____