

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT  
COUNTY OF CARROLL

PEOPLE OF THE STATE OF ILLINOIS,      )  
Plaintiff,                                    )  
    )  
v.    )      Case No: 2025-CF-21  
    )  
MATTHEW A. HERPSTREITH,                )  
Defendant.                                    )

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**MOTION FOR DISCOVERY, PURSUANT TO ILLINOIS SUPREME COURT RULE 412**

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The Defendant, **MATTHEW A. HERPSTREITH**, by his attorney, **JOSEPH E. NACK**, of **NACK, RICHARDSON & NACK, P.C.**, respectfully moves for discovery, pursuant to Supreme Court Rule 412. The Defendant requests that such disclosures and production include, but not be limited to the following:

1. A Bill of Particulars containing the exact time and date of the occurrence and the exact address and physical description of the location of the occurrence.
2. A list of witnesses of persons whom the prosecution may or may not call as witnesses and their addresses, including production of the following:
  - a) Any written or recorded statements by these witnesses, including those written or recorded statements of police officers;
  - b) Any memoranda reporting or summarizing oral statements by such witnesses;
  - c) Any 911 tape.
3. A list of witnesses that the State may or may not call who are occurrence witnesses at the scene of the alleged offense, or who were present at the time of the arrest of the Defendant, together with their last known addresses and telephone numbers.
4. Any written or recorded statement or statements and the substance of any oral statements made by the accused or co-defendants, including:
  - a) A list of witnesses to the making and acknowledgement of such statement;
  - b) The time, place and date of the making of such statements;

- c) Any written or recorded memoranda containing the substance of oral statements.

5. A list of all physical property the State intends to use at trial, including:

- a) A list of all physical property in the possession of law enforcement;
- b) The date and time the property was acquired;
- c) The location from which the property was acquired;
- d) The person or persons who first took the property in their possession;
- e) Reports made by law enforcement authorities pertaining to this property, including scientific reports, etc.;
- f) That such property be made available to the defense for inspection and testing before trial.

6. Any reports or statements of experts made in connection with this particular case, including the results of physical or mental examinations and/or scientific tests, experiments and comparisons.

7. Any books, papers, documents, photographs and tangible objects which the prosecution intends to use in the hearing or trial and/or which were obtained from or belonged to the accused or co-defendants.

8. Prior criminal records of State's witnesses to be used for impeachment.

9. Disclose whether there is any criminal or civil action, including forfeitures, involving the People of the State of Illinois during the pendency of the prosecution of the accused against the Defendant or any witness listed in Paragraph 2 supra, or arising out of this charged offense(s) and if so, a full disclosure as to the nature of and any subsequent outcome of such legal actions.

10. Whether the prosecution intends to use certified copies of convictions of the accused for purposes of impeachment during the trial and the time and jurisdiction of such convictions.

11. That the prosecution discloses whether it will rely on prior acts or convictions of a similar nature for proof of knowledge, intent, or motive.

12. To supply and report results from any and all scientific tests, experiments and examinations made by experts or others, and the names of such persons who conducted the tests pertinent to this case.

13. That the prosecution informs defense counsel whether any evidence was acquired as a result of the execution of any legal process. If so, a copy of the process is to be supplied to the defense for purpose of inspection.

14. That the prosecution discloses to the defense the names and addresses of any witnesses who may be or would be favorable to the defense. These witnesses to be clearly and separately identified on the list of witnesses. The same disclosure is requested of any physical evidence or scientific evidence that might be or would be favorable to the defense.

15. In the event an anonymous informer was utilized in any fashion, that the Court compel production of the informant, in camera, for purposes of determining compliance with fundamental and procedural due process of any prior determination or probable cause by examination of said informant.

16. Any arrest reports.

17. Any case reports.

18. Any visual, also known as alcoholic influence report.

19. Any medical reports or blood tests pertaining to the taking of blood.

20. That pursuant to Supreme Court Rule 415(b) an Order be entered upon the People to, from time to time, make such amendments to their answers as may be required by new or modified information in their possession, knowledge or control.

**WHEREFORE**, the Defendant prays that the State provide the information requested.

BY: **MATTHEW A. HERPSTREITH**,  
The Defendant

BY: **NACK, RICHARDSON & NACK, P.C.**  
His Attorneys

BY: \_\_\_\_\_  
**Joseph E. Nack**

**CERTIFICATE OF SERVICE**

I hereby certify that I have personally served a copy of the foregoing **MOTION FOR DISCOVERY** by emailing a copy of the same on this 27th day of March, A. D. 2025, to:

Carroll County State's Attorney's Office  
301 North Main Street  
Mt. Carroll, Illinois 61053  
[statesattorney@carrollcountyil.gov](mailto:statesattorney@carrollcountyil.gov)  
[SAO@carrollcountyil.gov](mailto:SAO@carrollcountyil.gov)

BY:



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**Joseph E. Nack**

**Attorney for the Defendant:**

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