

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.)
)

MOTION FOR BILL OF PARTICULARS

NOW COMES, the Defendant, **MATTHEW A. HERPSTREITH**, by his attorney, **JOSEPH E. NACK**, of **NACK, RICHARDSON & NACK, P.C.**, and pursuant to 725 ILCS 5/111-6, moves this court for a **Bill of Particulars** requiring the state to provide the following:

1. On March 24, 2025 Defendant was charged by way of information with the following offense(s):
 - a. Count I - Reckless Homicide (Class 3 Felony)
 - b. Count II - Reckless Conduct (Class 4 Felony)
 - c. Count III - Obstructing Justice (Class 4 Felony)
 - d. Count IV - Attempt (Obstructing Justice) (Class A Misdemeanor)
 - e. Count V - Failure to Reduce Speed (Petty Offense)

2. Defendant moves for the state to provide responses to the following for Count I - Reckless Homicide:
 - a. The specific acts or omissions by Defendant that the State alleges constituted recklessness.
 - b. The precise conduct the State claims created a “substantial and unjustifiable risk” of death.
 - c. The date, time, and exact location of the alleged offense with as much specificity as possible.
 - d. The identity of the alleged victim and the causal connection the State alleges between Defendant’s conduct and the victim’s death.
 - e. The theory of causation the State intends to rely upon, including whether it alleges:
 - a) direct causation,
 - b) contributing causes,
 - c) intervening or superseding factors (and, if so, identification thereof).

- d) Whether the State alleges that Defendant's conduct was willful or wanton, and the factual basis for that allegation.
 - e) Any specific facts the State intends to rely upon to establish Defendant's mental state at the time of the alleged offense.
 - f. The identity of any witnesses the State intends to rely upon to establish each of the elements of Count I.
 - g. The documents the State intends to rely upon to establish each of the elements of Count I.

- 3. Defendant moves for the state to provide responses to the following for Count II - Reckless Conduct:
 - a. The specific acts or omissions by Defendant that the State alleges constituted recklessness.
 - b. The precise conduct the State claims "caused great bodily harm or permanent disability or disfigurement to another person."
 - c. The date, time, and exact location of the alleged offense with as much specificity as possible.
 - d. The identity of the alleged victim and the causal connection the State alleges between Defendant's conduct and the victim's death.
 - e. The theory of causation the State intends to rely upon, including whether it alleges:
 - a) direct causation,
 - b) contributing causes,
 - c) intervening or superseding factors (and, if so, identification thereof).
 - d) Whether the State alleges that Defendant's conduct was willful or wanton, and the factual basis for that allegation.
 - e) Any specific facts the State intends to rely upon to establish Defendant's mental state at the time of the alleged offense.
 - f. The identity of any witnesses the State intends to rely upon to establish each of the elements of Count II.
 - g. The documents the State intends to rely upon to establish each of the elements of Count II.

- 4. Defendant moves for the state to provide responses to the following for Count III – Obstructing Justice:
 - a. The theory of obstruction the State contends the Defendant committed.
 - b. The specific acts, omissions, or statements by Defendant that the State alleges constituted obstruction of justice.
 - c. The date(s), time(s), and exact location(s) of the alleged offense with as much specificity as possible.
 - d. The identity of the person(s) to whom the alleged obstructive conduct was directed.
 - e. The specific investigation, proceeding, or matter the Defendant is alleged to have obstructed, including the nature of that investigation or proceeding.

- f. The mental state the State intends to prove with respect to Count III.
 - g. The identity of any witnesses the State intends to rely upon to establish each of the elements of Count III.
 - h. The documents the State intends to rely upon to establish each of the elements of Count III.
5. Defendant moves for the state to provide responses to the following for Count IV – Attempt (Obstructing Justice):
- a. The theory of obstruction the State contends the Defendant attempted.
 - b. The specific acts, omissions, or statements by Defendant that the State alleges constituted a substantial step toward the commission of obstruction of justice.
 - c. The date(s), time(s), and exact location(s) of the alleged offense with as much specificity as possible.
 - d. The identity of the person(s) to whom the alleged attempt at obstructive conduct was directed.
 - e. The specific investigation, proceeding, or matter the Defendant is alleged to have obstructed, including the nature of that investigation or proceeding.
 - f. The mental state the State intends to prove with respect to Count III.
 - g. The identity of any witnesses the State intends to rely upon to establish each of the elements of Count IV.
 - h. The documents the State intends to rely upon to establish each of the elements of Count IV.
6. Defendant moves for the state to provide responses to the following for Count V – Failure to Reduce Speed:
- a. The date(s), time(s), and exact location(s) of the alleged offense with as much specificity as possible.
 - b. The speed the Defendant is alleged to have been traveling at the time of the offense.
 - c. The classification of the roadway upon which the offense allegedly occurred.
 - d. The legal basis for the classification of the roadway upon which the offense allegedly occurred.
 - e. The posted speed limit for the roadway where the offense allegedly occurred.
 - f. The method used to determine the alleged speed at which Defendant was traveling at the time of the offense.
 - g. If applicable, the make, model, and calibration status of any speed-measuring device used, including the date of last calibration.
 - h. The specific acts or omissions by Defendant that the State alleges constituted a failure of the Defendant to comply with legal requirements.
 - i. The specific acts or omissions by Defendant that the State alleges constituted a failure of the Defendant to exercise due care.
 - j. The identity of any witnesses the State intends to rely upon to establish each of the elements of failure to reduce speed.
 - k. The documents the State intends to rely upon to establish each of the elements of failure to reduce speed.

WHEREFORE, the Defendant prays that this Court order the production of this information.

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 9th day of February, 2026, to:

Charles M. Colburn
Special Prosecutor
State's Attorneys Appellate Prosecutor
725 S. 2nd Street
Springfield, IL 62704
ccolburn@ilsaap.org

BY:



Joseph E. Nack