

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

|                                  |   |                |
|----------------------------------|---|----------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) |                |
| Plaintiff,                       | ) |                |
|                                  | ) |                |
| vs.                              | ) | No. 2025-CF-21 |
|                                  | ) |                |
| MATTHEW A. HERPSTREITH,          | ) |                |
| Defendant.                       | ) |                |

**MOTION IN LIMINE**

**NOW COMES** the Defendant, **MATTHEW A. HERPSTREITH**, by and through his attorneys, **JOSEPH E. NACK**, of Nack, Richardson & Nack, P.C., files the following Motion in Limine to prohibit the Plaintiff from mentioning or introducing any evidence regarding the consumption of alcohol, and in support of states as follows:

1. In an attempt to establish recklessness, Plaintiff alleges Defendant "...had been consuming alcoholic beverages continually since late afternoon the prior day..."
2. Plaintiff intends to offer evidence of said consumption to support a finding of recklessness.
3. Evidence of consumption of alcohol without further evidence of impairment of mental and physical abilities is so inflammatory as to constitute reversible error. *People v. Gosse*. 119 Ill. App. 3d 733.
4. Plaintiff does not allege impairment, and offers no evidence that Defendant's mental or physical faculties were impaired.
5. If Plaintiff had evidence that the level of consumption they allege resulted in the intoxication of the Defendant, it can be reasonably assumed that Plaintiff would have brought forth additional charges such as Aggravated Driving Under the Influence of Alcohol.
6. Any probative value of introducing the Defendant's consumption of alcohol is far outweighed by the prejudicial value that would result.

**WHEREFORE**, Defendant prays that the State be barred from mentioning or introducing any evidence regarding the consumption of alcohol.

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 served a copy of the foregoing **MOTION IN LIMINE** by emailing a copy of the same this 7th day of Aug. 2026, to:

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

BY:   
**Joseph E. Nack**

**Attorney for the Defendant:**  
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