

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 phone call occurring on 07/27/2024 at approximately 11:22 p.m. and the resulting conversation between Amy Hubble and Carroll County Dispatch, and in support of states as follows:

1. Plaintiff intends to offer evidence of the phone call occurring between Carroll County Dispatch and Amy Hubble to support a finding that Defendant consumed alcohol and therefore acted recklessly.
2. The phone call includes Amy Hubble stating that she had been consuming alcohol and inquiring as to the location of law enforcement in an attempt to avoid police presence.
3. The alcohol consumption of Amy Hubble has no bearing on the alcohol consumption of the Defendant. Evidence of such is not relevant.
4. Evidence regarding the phone call has no probative value, while its admission would be highly prejudicial against Defendant.

WHEREFORE, Defendant prays that the State be barred from mentioning or introducing any evidence regarding the phone call between Amy Hubble and Carroll County Dispatch.

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 August, 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

Attorney for the Defendant:
Joseph E. Nack
NACK, RICHARDSON & NACK, P.C.
106 North Main Street
P. O. Box 336
Galena, Illinois 61036
Telephone No.: (815) 777-1218
Facsimile No.: (815) 777-2609
Illinois Attorney Registration No.: 6200306