

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
CARROLL COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

Case No. 2025-CF-21

MATTHEW HERPSTREITH ,
Defendant.

RESPONSE TO DEFENSE MOTION IN LIMINE – ALCOHOL

NOW COME, the People of the State of Illinois by Special Prosecutor Charles M. Colburn of the State's Attorneys Appellate Prosecutor and in Response to the Defense Motion in Limine regarding Defendant's consumption of alcohol, state as follows:

1. The Defense seeks to bar evidence of the Defendant's consumption of alcohol in the hours leading up to the death of Jackson Kradle, citing *People v. Gosse*, (119 Ill. App. 3d 733, 457 N.E.2d 129 (1983)).
2. However, *Gosse* was focused on the "negligible consumption of intoxicants." In *Gosse*, the Defendant consumed one beer.
3. *Gosse* acknowledges that :
A review of . . . cases reveals a focus on the amount of alcohol consumed leading to the inference that the defendant was intoxicated. Clearly evidence of intoxication is probative of the issue of recklessness.
4. In the present case, evidence of the Defendant's consumption of alcohol is probative of recklessness.
5. Unlike in *Gosse*, in this cause Defendant's consumption of alcohol was not negligible. Evidence will show the Defendant consumed multiple alcoholic beverages in at least four

taverns and/or private residences over a period in excess of six hours, leading to an inference of intoxication.

WHEREFORE, the People of the State of Illinois pray this Honorable Court deny the Defendant's Motion in Limine – Alcohol.

DATED: Sept 2, 2026 THE PEOPLE OF THE STATE OF ILLINOIS

By: Charles Colburn
Charles Colburn
Special Prosecutor

Charles Colburn
ARDC 6187946
State's Attorneys Appellate Prosecutor
725 S. Second
Springfield, IL 62704
217-82-1628
ccolburn@ilsaap.org

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
CARROLL COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

Case No. 2025-CF-21

MATTHEW HERPSTREITH,
Defendant.

RESPONSE TO MOTION IN LIMINE - ALCOHOL

THE UNDERSIGNED CERTIFIES that a true copy of the motion along with a copy of
this Notice was emailed to counsel on Sept 2, 2026.

DOCUMENT:

Response to Motion in Limine - Alcohol

TO:

Joseph Nack
joenack@nack.com

THE PEOPLE OF THE STATE OF ILLINOIS

By: 

Charles Colburn
Special Prosecutor

Charles Colburn
State's Attorneys Appellate Prosecutor
725 S. Second
Springfield, IL 62704
217-782-1628
ccolburn@ilsaap.org