

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 TO DISMISS INFORMATION

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 to Dismiss Information state as follows:

1. The Defendant moves to dismiss Count 1 and Count 2 for allegedly failing to state an offense.
2. However, Count 1 and Count 2 are in conformity with the requirements laid out by the Illinois Supreme Court in *People v. Wilson* (1 S.Ct. 1991, 143 Ill. 2d 236) which stated:
An indictment charging Reckless Homicide which states that the defendant operated a motor vehicle in a reckless manner and caused the death of an individual named in the indictment is sufficient to give the defendant notice of the nature of the charge against him.
3. Further, Count 1 and Count 2 (Ex. A) contain allegations in addition to those required by the Illinois Supreme Court in *Wilson*.
4. That the allegations included in Count 1 and Count 2 of the information describes the acts and conduct of the Defendant in a manner more than sufficient to enable the defendant to prepare his defense.

5. The allegations in Count 1 and Count 2 are specificity sufficient, give the Defendant enough information to prepare a defense, and are sufficiently definite to bar further prosecution for the same act.

WHEREFORE, the People of the State of Illinois pray this Honorable Court deny the Defendant's Motion to Dismiss Count 1 and Count 2.

THE PEOPLE OF THE STATE OF ILLINOIS

By: Charles Colburn
Charles Colburn
Special Prosecutor

DATED: Sept 2, 2026

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

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CARROLL COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

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MATTHEW HERPSTREITH ,

Defendant.

RESPONSE TO MOTION TO DISMISS

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 Defense Motion to Dismiss Information

TO:

Joseph Nack
joenack@nack.com

THE PEOPLE OF THE STATE OF ILLINOIS

By: Charles Colburn

Charles Colburn
Special Prosecutor

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

EX A

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
COUNTY OF CARROLL

FILED
MAR 24 2025

CIRCUIT CLERK
PATRICIA A. KNEP

THE PEOPLE OF THE STATE OF
ILLINOIS

Plaintiff

vs.

No. 2025-CF-21

MATTHEW A. HERPSTREITH,
D.o.b. 10/06/1980

Defendant Information

Now, comes Charles M. Colburn, Special Prosecutor, in the name and by the authority of the People of the State of Illinois, charges:

COUNT I

On or about July 28, 2024, in Carroll County, State of Illinois, MATTHEW A. HERPSTREITH committed the offense of

RECKLESS HOMICIDE
(Class 3 Felony)

in that said defendant, while acting in a reckless manner, performed acts likely to cause death or great bodily harm to some individual in that he operated a motor vehicle, a Dodge Ram 1500 pickup truck, on IL-78 north of Mt. Carroll, Illinois, shortly after 3 am and as driver was not keeping a proper lookout, was inattentive to the roadway on which he was traveling, had been consuming alcoholic beverages continually since late afternoon the prior day, and was otherwise distracted and tired and at that time drove said motor vehicle into and over Jackson Kradle, who was a pedestrian thereon IL-78, thereby causing the death of Jackson Kradle, in violation of 720 ILCS 5/9-3(a).

Ex A

COUNT II

On or about July 28, 2024, in Carroll County, State of Illinois, MATTHEW A. HERPSTREITH committed the offense of

RECKLESS CONDUCT
(Class 4 Felony)

in that the defendant, while acting in a reckless manner, caused great bodily harm to Jackson Kradle in that he operated a motor vehicle, a Dodge Ram 1500 pickup truck, on IL-78 north of Mt. Carroll, Illinois, shortly after 3 a.m. and as driver was not keeping a proper lookout, was inattentive to the roadway on which he was traveling, had been consuming alcoholic beverages since late afternoon the prior day, and was otherwise distracted and tired and at the time drove said motor vehicle into and over Jackson Kradle, who was a pedestrian thereon IL-78, thereby causing the death of Jackson Kradle in violation of 720 ILCS 5/12-5(a)(2).

AMENDED COUNT III

On or about July 28, 2024, in Carroll County, State of Illinois, MATTHEW A. HERPSTREITH committed the offense of

OBSTRUCTING JUSTICE
(Class 4 Felony)

in that the defendant, with the intent to obstruct the prosecution of said Matthew A. Herpstreich, knowingly furnished false information to the Carroll County Sheriff's Department in that, shortly after he drove a Dodge Ram 1500 pickup truck on IL-78 into and over Jackson Kradle who was a pedestrian thereon IL-78, he advised in a written statement to the Carroll County Sheriff's Department that he "went around" Jackson Kradle, which was a false statement which materially interfered with the administration of justice, in violation of 720 ILCS 5/31-4(a).