



ILLINOIS STATE POLICE
Office of the Director

JB Pritzker
Governor

Brendan F. Kelly
Acting Director

February 28, 2019

The Honorable JB Pritzker
Governor of Illinois
207 State House
Springfield, Illinois 62706

Dear Governor Pritzker:

In accordance with 430 ILCS 65/11, a report listing “all final decisions by a court of this State upholding, reversing, or reversing in part, any administrative decisions made by the Department of State Police” concerning the Firearm Owner’s Identification (FOID) Card Act must be submitted to you and the General Assembly. The Illinois State Police (ISP) received 45 relevant decisions from the Illinois courts during calendar year 2018, with respect to FOID card litigation. Enclosed is a summary of those cases, including information regarding two cases that remain pending on appeal.

Please feel free to contact me should you have any questions pertaining to this information.

Very respectfully,

Brendan F. Kelly
Acting Director

Enclosure

cc: Senator William E. Brady
Senator John Cullerton
Representative Jim Durkin
Representative Michael Madigan

ILLINOIS STATE POLICE
Firearm Owner's Identification Card Act – Report of Court Decisions
430 ILCS 65/11(c)

Petitions for Relief Brought Under 430 ILCS 65/10

In 45 cases, the petitioner sought relief from the relevant firearm prohibition and/or an order directing ISP to issue a FOID card in the Circuit Court under the provisions of 430 ILCS 65/10, although several were incorrectly styled as complaints for administrative review. Of the Section 10 cases, the court denied or dismissed the petitioner's request for issuance of a FOID card in 36 instances. Two cases remain pending on appeal.

Shelley R. Adkins v. Illinois State Police, Firearms Services Bureau -- Shelley Adkins was convicted of Possession of a Controlled Substance on May 9, 1994. Ms. Adkins' Firearm Owner's Identification (FOID) application was denied as issuance is contrary to federal law. She filed a Complaint in Cook County seeking relief. On October 26, 2018, an Order denied Ms. Adkins' Petition for relief. ISP decision upheld.

David D. Baum v. Monroe County State's Attorney -- David Baum was convicted of Reckless Conduct on January 3, 2007, following an incident involving domestic violence. His FOID card was revoked as issuance is contrary to federal law. He filed a petition in Monroe County seeking relief. On December 5, 2018, an Order was entered dismissing the Petition without prejudice. ISP decision upheld.

Michael A. Beghin v. Illinois State Police and Director Leo P. Schmitz -- Michael Beghin was convicted of Battery on November 14, 1996, following an incident involving domestic violence. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in Winnebago County Circuit Court seeking relief. ISP's denial was affirmed on October 17, 2018. ISP decision upheld.

Olen D. Bell, Jr. v. Illinois State Police -- Olen Bell was convicted of Possession of a Controlled Substance on January 4, 1994; and Theft/Deception on March 30, 2004. His FOID card was denied as issuance is contrary to federal law. He filed a complaint for Administrative Review in Winnebago County. On June 20, 2018, the case was dismissed for want of prosecution. ISP decision upheld.

Robert Blangiardo v. Illinois State Police, et al. -- Robert Blangiardo was convicted of Theft on December 3, 1992, and Manufacture/Delivery of Cannabis 30-500 Grams on October 29, 1992. His FOID card was denied as issuance is contrary to federal law. He filed a petition in Lake County seeking relief. On March 29, 2018, the case was dismissed for want of prosecution. ISP decision upheld.

Richard P. Boothe v. Illinois Department of State Police, et al. -- Richard Boothe was convicted of Manufacture/Delivery of a Controlled Substances-Class 1 on January 7, 1986. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in

Kankakee County seeking relief. On April 18, 2018, Mr. Boothe's petition to restore firearm rights was denied. ISP decision upheld.

Stephen Davis v. Illinois State Police -- Stephen Davis was convicted of Manufacture/Delivery of a Controlled Substance on July 30, 1986. His FOID card was revoked as issuance is contrary to federal law. He filed a Complaint for Common Law Writ of Certiorari in Cook County seeking relief. On October 17, 2018, ISP's denial was affirmed. ISP decision upheld.

Francisco DeJesus v. Kimberly M. Foxx and Director Leo P. Schmitz -- Mr. Francisco DeJesus was convicted of Burglary (a forcible felony) on November 6, 1987; and Possession of a Controlled Substance on November 30, 1988. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in Cook County seeking relief. On September 20, 2018, Mr. DeJesus' Petition for Relief from Denial of Firearm Owner's Identification card was denied. ISP decision upheld.

Alfred Evans, Jr. v. Illinois State Police, Lisa Madigan, and Cook County State's Attorney Kim Foxx -- Alfred Evans was convicted of Manufacture/Delivery of 15+ Grams Cocaine/Analog and Manufacture/Delivery of Controlled Substances on March 3, 1994. His FOID card application was denied as issuance is contrary to federal law. He filed a Complaint seeking relief. On November 20, 2018, an Order was entered denying Mr. Evan's Petition. ISP decision upheld. Mr. Evans filed an appeal which is still pending.

Allison J. Foster (fka Allison J. Waca) v. State of Illinois, Illinois State Police -- Allison Foster was convicted in Arizona of Disorderly Conduct on January 30, 2004, following an incident involving domestic violence. As a result, Ms. Foster's FOID card application was denied. She filed a Petition for Administrative Review in Bureau County seeking relief. ISP issued the FOID as the circumstances did not meet the criteria of a federal prohibitor. Ms. Foster was issued her FOID on July 2, 2018. On July 6, 2018, the case was dismissed as moot. ISP decision upheld.

Christopher Franz v. Department of Illinois State Police -- Christopher Franz was convicted in California of Battery Spouse/Ex-Spouse on May 3, 2011, following an incident involving domestic violence. His FOID card application was denied as issuance is contrary to federal law. He filed a Complaint for Administrative Review in McHenry County seeking relief. On October 16, 2018, the case was dismissed with prejudice. ISP decision upheld.

Michael Gardner v. Cook County State's Attorney -- Michael Gardner was convicted of Possession of Controlled Substance on May 10, 1994, and November 15, 1995. His FOID card application was denied as issuance is contrary to federal law. He filed a Petition in Cook County seeking relief, but did not name ISP as a defendant. ISP filed a petition to intervene and opposed the grant of relief. On June 13, 2018, ISP's motion to dismiss was granted and its decision affirmed. ISP decision upheld.

Bryant Harris v. Kimberly A. Foxx and Leo P. Schmitz -- Bryant Harris was convicted of Manufacture/Delivery of a Controlled Substance on July 1, 1991, and Unlawful Use of a Weapon on December 6, 1991. His FOID card application was denied as issuance is contrary to federal law. Mr. Harris filed a Petition for Relief in Cook County. On October 24, 2018, ISP's denial was affirmed. ISP decision upheld.

Rickey L. Hughes, Jr. v. Firearms Services Bureau -- Rickey Hughes was convicted of Battery on June 14, 2005, following an incident involving domestic violence. His FOID card application

was denied as issuance is contrary to federal law. He filed a petition challenging the denial in Lake County Circuit Court. On January 4, 2018, Lake County dismissed the case. ISP decision upheld.

Kenneth Bryant Jones v. Kimberly Foxx, et al. (Director Leo P. Schmitz) -- Kenneth Jones was convicted of Manufacture/Delivery of a Controlled Substance on March 22, 2000. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in Cook County seeking relief. On February 14, 2018, the case was dismissed for want of prosecution. ISP decision upheld.

Jeffery Roderick v. Cook County and Illinois State Police -- Jeffery Roderick was convicted of Burglary June 10, 1996; and Aggravated Unlawful Use of a Weapon on August 29, 2005. His FOID card application was denied as issuance is contrary to federal law. On February 27, 2018, Cook County dismissed the case for want of prosecution. ISP decision upheld.

People v. John Kaste -- John Kaste was convicted of Domestic Battery on August 11, 1998. His FOID card application was denied as issuance is contrary to federal law. He filed a Petition for Reinstatement in DuPage County seeking relief. On August 21, 2018, Mr. Kaste's petition was dismissed. ISP decision upheld.

James D. Lewis v. Jefferson County State's Attorney -- Mr. James Lewis was convicted in 1993 of Possession of Cocaine in Indiana. His FOID card application was denied as issuance is contrary to federal law. Jefferson County entered an Order on September 8, 2015, directing ISP to issue a FOID card to Mr. Lewis. ISP appealed. On April 12, 2018, the Appellate Court reversed the circuit court's decision and vacated the September 8, 2015, Order. ISP decision upheld.

Rick E. Long v. Director of the Illinois State Police -- Rick E. Long's FOID card application was denied due to a felony conviction of Non Support of Dependent in the state of Indiana. Mr. Long claims he requested a hearing through ISP but was denied a hearing. Mr. Long filed a Petition for Administrative Review in Edwards County. On February 15, 2018, the case was dismissed due to the death of the plaintiff on February 5, 2018. ISP decision upheld.

Michael J. Miner v. Illinois State Police -- Michael Miner was convicted of Battery on August 2, 2012, following an incident involving domestic violence. As a result, Mr. Miner's FOID card was revoked. He filed a petition to reinstate his FOID card in Iroquois County. On May 8, 2018, Mr. Miner's motion to dismiss was granted. ISP decision upheld.

DeJaun Mohammed v. Illinois State Police -- DeJaun Mohammed's FOID card was revoked because he was the subject of an Order of Protection. He never appealed the denial. Mr. Mohammed's filed a complaint in Cook County seeking reinstatement of his card. On August 30, 2018, the case was dismissed for want of prosecution. ISP decision upheld.

Daniel Monroe v. State's Attorney of Cook County and Illinois State Police -- Daniel Monroe was convicted of Disorderly Conduct in St. Croix County, Wisconsin on April 5, 2006, following an incident involving domestic violence. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in Cook County seeking relief. On January 26, 2018, Mr. Monroe's motion for a voluntary non-suit was granted without prejudice. ISP decision upheld.

Stacey Maurice Payton v. Illinois State Police, et al. -- Stacey Payton was convicted of Unlawful Use of a Weapon on October 16, 1992. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in Cook County Circuit Court seeking relief. On July 12, 2018, Ms. Payton's petition to restore firearm rights was denied because he did not provide a factual basis for a finding. ISP decision upheld.

Eli Moye, Jr. v. Leo P. Schmitz and Illinois State Police -- Eli Moye, Jr. was convicted of Battery on April 28, 1970, following an incident involving domestic violence. His FOID card was revoked as issuance is contrary to federal law. Mr. Moye filed a petition for relief in Winnebago County Circuit Court. On April 13, 2018, Winnebago County entered an Order of Voluntary Dismissal. ISP decision upheld.

In Re the Matter of Mark S. Nitz -- Mark Nitz was convicted of Involuntary Manslaughter/Reckless Homicide on November 28, 1980, and Intimidation/Unlawful Possession Weapon by Felon on March 31, 1993. His FOID card application was denied as issuance is contrary to federal law. He filed a petition for relief and seeking to declare the FOID Act unconstitutional claiming that the statute does not provide a way for the petitioner to obtain circuit court relief from a federal disqualifier. On February 23, 2018, Whiteside County entered an Order finding that the state remedies available to Mr. Nitz have not been exhausted, including a Governor's pardon request. Therefore, Mr. Nitz's constitutional challenge is premature. ISP decision upheld.

Stanley v. Orndorff v. Leo P. Schmitz -- On November 1, 2015, Stanley Orndorff received a letter from the Firearms Services Bureau indicating his FOID card was being revoked due to a March 1, 2015, conviction for Official Misconduct. Mr. Orndorff has filed a Petition for Writ of Mandamus indicating he was never convicted of Official Misconduct and that he was found not guilty of those charges on January 11, 2018. On October 23, 2018, Champaign County dismissed the case at Mr. Orndorff's request. ISP decision upheld.

Jesse Ramirez v. Joseph H. McMahon, State's Attorney of Kane County and Leo P. Schmitz, Director of Illinois State Police -- Jesse Ramirez was convicted of Manufacture/Delivery of a Controlled Substance with Intent to Deliver on December 26, 2000. He filed a Petition for Relief in Kane County indicating his FOID card was revoked. However, the Firearms Services Bureau is unable to locate any FOID card information relating to Mr. Ramirez. On April 25, 2018, Kane County dismissed the motion with prejudice. ISP decision upheld.

Douglas G. Royer v. The Department of the State Police -- Douglas Royer was convicted of Domestic Battery on May 5, 1997. His FOID card was revoked as issuance is contrary to federal law. He filed a Petition for Order directing ISP to Issue a FOID Card in Macon County. On October 1, 2018, the case was dismissed for want of prosecution. ISP decision upheld.

Ronald Shonk v. People of the State of Illinois -- Mr. Ronald Shonk was convicted of Domestic Battery/Bodily Harm on November 18, 1992. His FOID card application was denied as issuance is contrary to federal law. On April 18, 2017, LaSalle County entered an Order directing that a FOID card be issued to Mr. Shonk. ISP filed a petition to intervene and vacate the order, which was granted on June 5, 2018. On August 23, 2018, the case was dismissed without prejudice. ISP decision upheld.

Jeffrey Southwell v. DuPage County State's Attorney's Office and Illinois State Police -- Jeffrey Southwell was convicted of Possession of Controlled Substance on June 25, 1981. His

FOID card was revoked as issuance is contrary to federal law. He filed a petition in DuPage County seeking relief. On October 30, 2018, Mr. Southwell's petition was denied without prejudice. ISP decision upheld.

Cory Sykes, aka Corey Sykes v. Leo P. Schmitz and Cook County State's Attorney -- Corey Sykes was convicted of possession of a controlled substance on May 1, 1996. His FOID card application was denied as issuance is contrary to federal law. He filed a Petition Requesting Relief in Cook County. On February 2, 2018, an Order was entered denying Mr. Sykes' Petition for Relief. ISP decision upheld. Mr. Sykes filed an appeal which is still pending.

Brandon A. Tidwell v. Leo P. Schmitz, Director Illinois State Police, and the Department of Illinois State Police -- Mr. Tidwell has felony convictions for wrongful use of a firearm and possession and distribution of a controlled substance. His FOID card was revoked as issuance is contrary to federal law. Mr. Tidwell filed a Complaint in Will County seeking relief. On October 29, 2018, Mr. Tidwell's motion to dismiss without prejudice was granted. ISP decision upheld.

Joseph J. Ward v. Kimberly M. Foxx and Leo P. Schmitz -- Joseph Ward was convicted of Possession of 15>200 Pills Ecstasy on September 6, 2002. His FOID card was denied as issuance is contrary to federal law. Mr. Ward filed a petition in Cook County seeking relief. On April 30, 2018, Cook County dismissed the case for want of prosecution. ISP decision upheld.

Lonnie Watts v. Firearms Services Bureau -- Lonnie Watts was convicted of Vehicle Code Felonies on July 15, 1994; and Domestic Battery and Aggravated Assault on May 8, 2001. His FOID card application was denied as issuance is contrary to federal law. He filed a complaint in Cook County seeking relief. On February 28, 2018, an Order was entered affirming ISP's decision to deny Mr. Watts's FOID card application. ISP decision upheld.

Willie K. Williams v. Illinois State Police, et al. -- Willie Williams was convicted of Manufacture/Delivery of a Controlled Substance and Possession of a Controlled Substance on April 4, 1994. His FOID card application was denied as issuance is contrary to federal law. He filed a motion in Cook County seeking relief. On August 9, 2018, a Motion to Reinstate Firearms Rights was denied. ISP decision upheld.

James Woolbright, III v. Director of the Illinois State Police, et al. -- James Woolbright was convicted of Battery on January 30, 1989, following an incident involving domestic violence. Mr. Woolbright's FOID card was revoked and his Concealed Carry License denied as issuance of a FOID card is contrary to federal law. He filed a Petition in Coles County seeking relief. On August 14, 2018, ISP's motion for summary judgment was granted. ISP decision upheld.

The court granted relief and/or directed ISP to issue a FOID card to the petitioner in nine instances. In eight of those cases, ISP determined that the Courts had proper authority to grant relief and did not oppose the orders. In one case, relief was granted over ISP's objection, and an appeal is pending.

Blair Crum v. People of the State of Illinois -- Blair Crum was convicted of Battery on May 20, 2004, following an incident involving domestic violence. As a result, his FOID card was revoked. An Order was entered by Lee County on April 19, 2018, directing ISP to issue a FOID card to Mr. Crum. Issuance of a FOID card is contrary to federal law pursuant to federal law. The May 20, 2004, conviction was vacated. ISP was ordered to return the FOID to Mr. Crum. ISP decision reversed without objection.

Thomas D. Brown v. People of the State of Illinois, Illinois State Police -- Thomas Brown was convicted of Inflicting Corporal Injury: Spouse/Cohabitant in California on September 22, 2001. His FOID card application was denied as issuance is contrary to federal law. He filed a Petition for Administrative Review in Putnam County seeking relief. On May 31, 2018, an Order was entered directing ISP to issue a FOID card to Mr. Brown. ISP decision reversed. ISP filed an appeal which is still pending.

Michael Dempsey v. People of the State of Illinois; Illinois State Police -- Michael Dempsey was convicted of Theft on April 7, 1983; Deceptive Practice on April 7, 1981; Felon Failure to Return from Furlough on August 9, 1979; and Burglary on June 8, 1976. His FOID card was denied as issuance is contrary to federal law. ISP did not oppose the petition for relief. On July 10, 2018, Macon County Ordered ISP to issue Mr. Dempsey a FOID card. ISP decision reversed without objection.

In Re: The Application for Relief of William J. Giacomo -- William Giacomo was convicted of Battery on July 12, 1990, following an incident involving domestic violence. As a result, Mr. Giacomo's FOID card was revoked. On July 13, 2017, Perry County entered an Order directing ISP to issue a FOID card to Mr. Giacomo. ISP filed a motion to intervene and vacate the order. Mr. Giacomo's conviction was then vacated. On January 19, 2018, the court entered an order granting ISP's request to strike its Petition to Intervene and Motion to Vacate. ISP decision reversed without objection.

Kevin Gunter v. Hiram Grau -- Kevin Gunter was convicted of Burglary on February 9, 1988. His FOID card application was denied as issuance is contrary to federal law. He filed a petition in Lake County seeking relief. ISP did not oppose the petition for relief. On August 16, 2018, Lake County directed ISP to issue a Firearm Owner's Identification Card to Mr. Gunter. ISP decision reversed without objection.

Romel Luellen v. Illinois State Police -- Romel Luellen was convicted of Unlawful Possession of a Controlled Substance with Intent to Deliver on December 8, 1999. He received a Pardon from Governor Quinn on December 26, 2014. The pardon permitted expungement, but excluded firearms rights. Mr. Luellen filed a petition in Cook County seeking an order to issue a FOID Card. On February 23, 2018, an Order granted relief to Mr. Luellen. ISP did not oppose relief in this matter. ISP decision reversed without objection.

Louis A. Napoleon, Jr. v. DuPage County State's Attorney and Illinois State Police -- Louis Napoleon was convicted of Possession of a Controlled Substance on December 11, 1989. His FOID card was denied as issuance is contrary to federal law. He filed a petition in DuPage County seeking relief. ISP did not oppose the petition for relief. On March 29, 2018, DuPage County entered an Order directing ISP to issue a FOID card to Mr. Napoleon. ISP decision reversed without objection.

Kurt Schierholz v. Illinois State Police -- Kurt Schierholz was adjudicated a delinquent minor. As a result, his FOID card application was denied. Mr. Schierholz filed a Petition in Will County seeking relief. ISP did not object to the issuance of the card. On January 16, 2018, judgment was entered in favor of Mr. Schierholz. ISP decision reversed without objection.

Ronald Wesley v. DuPage County State's Attorney's Office, Illinois State Police Firearms Service Bureau -- Ronald Wesley was convicted of Burglary on March 23, 1990. His FOID card

application was denied as issuance is contrary to federal law. Mr. Wesley filed a Petition to Compel Issuance of FOID card in DuPage County seeking relief. ISP did not oppose the petition for relief. On November 1, 2018, ISP was ordered to issue a FOID to Mr. Wesley. ISP decision reversed without objection.