

Tiffany,

The following is what I have been working on for the last month or so. Please read through the whole thing, I know you will see things and wonder why it's in this document. Everything that is in this document is mentioned in the discovery or is connected to discovery. If you have any questions, write them down and you can ask me at our meeting in March.

I would also like to state, that after going through discovery and learning things that I originally did not know; I would like to say that I am NOT going to take ANY plea deals and I will fight this all the way, even into the federal courts.

Todd E Daugherty

Time-line of the Events

June 20, 2015 Todd Daugherty posts a message on his message board threatening to sue the Taylorville police chief, the city of Taylorville and the state of Illinois. (See attachment A)

June 22, 2015 Police chief David Herpstreith got the message about the post from a unknown individual and sent it to Richard Bryan. Bryan went to the Assistant State Attorney Brian Bach who believed it was a threat. Bryan, Sargent Thomason and officer Vince Childers went to Daugherty's house and arrested him (See Discovery page 70)

On July 13th 2015 the charges against Todd Daugherty were dismissed. Because threatening to sue the police under 42 USC 1983 is not illegal(See Daugherty - case number: 2015CF110)

On February 7 2018 an individual known as @FCCBodyguard posted a tweet on twitter directed to Todd Daugherty stating "Smile next time you go to jail. Which hopefully will be soon." (See Attachment B)

On February 22, 2018 @FCCbodyguard tweeted on twitter to Todd Daugherty and to Taylorville Daily News stating "N9OGL Todd Daugherty showing he also has access to weapons. Taylorville students deserve to feel safe, you either need to be in prison or a psych ward. At least put under a trespass ban from parks and schools." In the tweet is a link to a picture of Daugherty holding a fake 911 gun pointing toward a camera taken from Daugherty's blog which was deleted back in 2008. (see Attachment C)

On February 23, 2018 @FCCbodyguard tweeted to Taylorville Daily News on twitter "This is why school shooting happen. Warning signs get ignored even with dozen of threats made. Todd Daugherty N9OGL needs to be put into a psych ward and/or put on trespass for schools, libraries and parks" in the post was a link to a website owned by a group of ham radio operator who feel the need to attacks other hams and spreads mis-truths about those hams. (see Attachment D)

On February 27, 2018 @FCCbodyguard tweeted to Todd Daugherty and Youtube stating "You will be kneeling soon enough in a

jail cell" (see Attachment E)

On March 16th 2018 at 9:25 PM an unknown individual using a Tor program made a threat against an elementary school in Taylorville Illinois under the name Todd Daugherty N9OGL. (see attachment F)

On March 16th 2018 at 5.34 PM CST the FBI got a report from an individual through their tip line named Mark and their IP address was 2001:bc8:3c96:200:0:0:0:74 originating out of Paris, France. The tip was about the threat on a Hate and Flame website. In his message he stated:

"I don't know if this real or not but this guy is crazy with a numerous arrest (Todd Daugherty) but he justed posted this to a message board. FUCK YOU YOU STALKING MOTHER FUCKERS. I'LL SHOW YOU WHO IS AUSTIC. I'LL GO TO MEMORIAL ELEMENTRY SCHOOL AND MAKE SAND HOOK LOOK LIKE A SUNDAY PICNIC" along with a link to the threat on the website. (Page 30 of Discovery)

On March 17th, 2018 The FBI acted on that tip (there was a delay due to huge influx from the FBI service center) The FBI service center then got a hold of the Springfield Division of the FBI, who in turn relayed it to Taylorville Police. Special Agent Alaina Arnold of the FBI went to Taylorville to meet up with Officer Dickey of the Taylorville Police department. Dickey contacted the Deputy Chief of police Vince Childers who provided paperwork, including paperwork of Daugherty being arrested for threatening the Chief of police in 2015. The police and Special Agent Alaina Arnold went to Daugherty's house and knocked on the front, side and back door with no answer. Daugherty, who was away at meeting with relatives who were in town to attend a funeral on Sunday March 18th for his great aunt who had just died. Officer Dickey and Special Agent Arnold left the residence and the police said they would keep watch of the house and would contact Special Agent Arnold when contact was made.

Later that evening around 8:00 PM CST Deputy Chief Childers contacted Special Agent Arnold that officers went back to Daugherty's house and knocked on the door and Todd Daugherty answered. (Discovery page 30 - 38)

The police did knocked on the door at Daugherty's house. When he answered the door The police stated that they wanted to

talk to him about something he posted on his site. Daugherty responded "what website?" because a week earlier Daugherty had shut his website down due to an unknown individual from the Hate and Flame website posting large quantities of "questionable" pornography. The police told Daugherty his "Hate and Flame forum" Daugherty then informed them that he did not own the Hate and Flame forum, nor did he post there. He also informed them right then and there that there was no login requirement for that site and that anyone can post as anyone.

Daugherty was aware of the software that the Hate and Flame website was using which was called "My Little Forum" (<https://mylittleforum.net/>) because Daugherty forum when it was up and running was using that same software. The software was/is free and anyone can download it and use it.

Daugherty agreed to go talk to them at the police station and he was taken to be interviewed at the station. Detective Thomason read Daugherty his Miranda Rights and Daugherty understood them. Thomason then showed Daugherty the post and Daugherty once again stated that he didn't post it. Daugherty also again told the police including Thomason that there was no login requirement for that site and that anyone can post as anyone. Thomason then told Daugherty "You would agree that this is a threat"; Daugherty said "Yeah". Thomason then stated "That is your name right?" and Daugherty said "Yes". Thomason then replied "then you would agree a reasonable person would believe that you posted that threat"; Again Daugherty told them that he didn't post it and that anyone could post on that site because there was no login requirement. Thomason then asked Daugherty if he knew anything about the Sandy Hook shooting and Daugherty said NO. Daugherty spends most of his day in front of a computer playing video games, watching Anime on the Internet, through streaming services and occasionally checking his email and website. When he isn't doing that he's eating, sleeping, or taking care of his cats which at the time of his arrest was twenty. In fact when the police knocked on the basement door; that's where they found Daugherty, who was looking for one of his missing cats, who is blind named BG, who he (Daugherty) believed had gotten out from a broken window in the basement.

After the police were done talking to Daugherty he was charged and sent to jail at the Christian County Sheriff Office. (See Discovery 60 - 64).

On March 19th 2018 warrants were sent to CTI (Daugherty's ISP) where the police received Daugherty Internet logs as well as letters from concern citizens regarding complaints about Daugherty's online activities (Discovery Page 52) (NOTE: letters from concern citizens regarding Daugherty activities was taken in as evidence but was not in discovery).

On March 21st 2018 Officer Christian Nelson signed the affidavit to obtain the warrants to seize Daugherty's computers. On the same day Judge Matoush signed the warrant and Daugherty's computers were seized. Officer Nelson used the dismissed 2015 case as "probable cause" in the affidavit to get the warrant. (page 43 to 45 of discovery)

On March 30th a warrant was served to Respectmyprivacy.com and to NearFreeSpeech.net, the Internet Service Providers of the Website Hate and Flame. The police never got a response from the site owner but got a response from Nearfreespeech.com's attorney Hathaway who was able to obtain the required information which was 13 pages. Hathaway was able to determine from the domain log records the original post was posted by someone who was using TOR. Hathaway was also able to identify the poster of the lewd photo-shopped images of Daugherty from an IP coming from Time Warner cable and the individual visited the site 2,262 times during the time frame of the warrant. (See Page 60 and 61 of Discovery)

During March 17th to April 16th 2018 While Daugherty was sitting in jail more posts and threats by Daugherty were being posted on Hate and Flame, which was impossible because Christian County jail doesn't have Internet access, so it was impossible for Daugherty to make those posts. Also at time an unknown individual posted a video on Youtube admitting and laughing that he and another individual had Daugherty thrown in jail. This 15 to 20 minute long video was later removed by YouTube for violating their "community guidelines" Both the State Attorney Mike Havera and Daugherty lawyer was aware of the video at the time.

On April 16th 2018 the charges against Daugherty were dismissed by the state for the following reasons:

1. The Defendant was arrested on March 17th 2018.

2. That during the course of this investigation law enforcement has discovered that the website used to disseminate the threat did not require any login credentials and allows anyone to post a message and sign it as a false author.

3. That after the defendant's arrest there were more messages posted on the same website claiming to be from Todd Daugherty which is impossible due to the fact that he was incarcerated.

4. That it is known that other fictitious posts had be recently made on the same site claiming to be authored by judges, the president and other such individuals.

5. That search warrant have been obtained and executed in this case to analyze Daugherty Internet activity and have shown nothing to implicate him in this case at this time.

6. That the local, state and Federal Bureau of Investigation are continuing the investigation into the source of the threat.

On page two of the Motion to dismiss it states:

Upon Motion of the Christian County State's Attorney's Office the Charges identified above are hereby dismissed without prejudice to the People of the State of Illinois. **Any warrants or summonses previously issued are hereby quashed.** (See Attachment G and H)

On June 15th, 2018 Forensic Examiner (FE) O'Sullivan got physical image of CSAM (Child Sexual Abuse Material) under the file name 32824279etl.jpg (the State police report states its 32824279etl.pdf). It was later determined that this material was from a series called Mdeu. (NOTE: The 32824279etl.jpg is not the name of the file. The file name is created through the "toolkit" called "ETL" so what the real name of the file is unknown.

July 2, 2018 FE O'Sullivan reported to Special Agent Arnold of suspected child pornography.

On October 25, 2018 the FBI received a tweet on Twitter by a user named @fccbodyguard who claimed Daugherty had not only threatened twitter but lied to the Taylorville police and the

FBI. (See page 72 - 80 of Discovery)

On March 2, 2020 the FBI got a second warrant in federal court to search the computers for child pornography (see Page 128 of Discovery)

On July 22, 2022 the US Attorney declined to prosecute Daugherty and sent a letter explained why. (Discovery Page 175 Note: letter explaining why the AUSA declined to prosecution was also not in discovery). The FBI sent all the evidence back to Illinois.

On September 14, 2022 Daugherty was arrested for child pornography.

The following, is the reasons why I believe the charges should be dismissed. Before anything else done in the case, these issues need to be addressed by the court.

1. The affidavit that was used to obtain the the first warrant in 2018 was invalid because it contained false and misleading information.

On number 3 in the affidavit Officer Christian Nelson stated:

"Todd E Daugherty has threatened violence against public officials and institutions in the past, including on June 22nd, 2015 and his profile picture is him holding a 1911 style handgun and pointing at the camera." (at 3 on Page 43 of Discovery)

This information given in the affidavit by officer Nelson is very inaccurate. As it is true I was arrested on June 22nd of 2015 as officer Nelson stated; however, the arrest was false and the charges were dismissed. On June 20th 2015 I had posted a picture of the chief of police with a target superimposed on him. (exhibit A) Below the picture was the following text that read:

*"Hello Taylorville Police Chief...quick question...
How much is your JOB worth financially?? because sir I am
looking to SUE the City of Taylorville, You, and the State of
Illinois for violation of my 14th amendment rights. I'm
looking around 6.5 Million dollars. I was wondering if you
wish to keep your job or allow this game to continue.
I don't know you, and quite frankly I DON'T want to know you.
Someone who allows his officers to violate someone rights is
no good in my book. It's bad enough that BITCH Lisa Madigan
knew I was being threatened LONG before you morons, LONG
before the FBI so again sir how much do you value your job??
Because when all said and done...if you wish to continue this
game...you and those involved in this on your force will not
have one. I'll make sure you all can't even get a job as a
night security guard at walmart."*

An unknown individual sent a copy to the Taylorville Chief of police with the claim that I had threatened to kill him (The Chief of police). The chief of police sent the message to officer Richard Bryan (See page 70 of Discovery) who, in turn took the copy to Assistant State Attorney Brian Bach due to the "innuendo" of the threat. Assistant State Attorney Brian Bach "thought it was valid for me to arrest Todd Daugherty" (Richard Bryan Page 70 of Discovery). So Richard Bryan along with officer Vince Childers; now the Deputy Chief of Police, and Sgt. Thomason (the same two who had me arrested in 2018) on June 22, 2015 arrested me for threatening a public official.

A threat of a public official under Illinois Law (720 ILCS 5/12-9) defined a threat as "A person commits threatening a public official or human service provider when:

(1) that person knowingly delivers or conveys, directly or indirectly, to a public official or human service provider by any means a communication:

(i) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension of immediate or future **bodily harm, sexual assault, confinement, or restraint;** or

(ii) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension that damage

will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty or duty as a human service provider, because of hostility of the person making the threat toward the status or position of the public official or the human service provider, or because of any other factor related to the official's public existence.

(a-5) For purposes of a threat to a sworn law enforcement officer, the threat must contain specific facts indicative of a unique threat to the person, family or property of the officer and not a generalized threat of harm.

A public official is defined under the statute:

"Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office.

"Public official" includes a duly appointed assistant State's Attorney, assistant Attorney General, or Appellate Prosecutor; a sworn law enforcement or peace officer; a social worker, caseworker, attorney, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, or the Guardianship and Advocacy Commission; or an assistant public guardian, attorney, social worker, case manager, or investigator employed by a duly appointed public guardian. (720 ILCS 5/12-9(b)(1))

As stated above the police DID arrest me and at the pre-trial my lawyer Greg B Grigsby went and obtained a copy of what I had posted on my site. The reason Grigsby went to get a copy of what I had said was because the state did not have a copy of it at the time, they only had the police report. Grigsby gave a copy to the state and one to Judge Ron Spears. Judge Spears read the item which was submitted in court as Exhibit 1. After Judge Spears read it he held up and asked the state in a questionable tone "Are you really going after him for this?" The state stated that they hadn't seen the post, only the police report. A motion to dismiss was sought and was

granted and the charges were dismissed. Threatening to sue a public official under 42 USC 1983 is not illegal. I had only threatened to SUE the police chief, city of Taylorville, and the State of Illinois and did not post what the federal courts refer to as a "true threat". The individual who sent the post to the police chief believed it was a "true threat" and apparently the police did as well, when in fact it was not.

If threatening to sue the police, the city, and state under 42 USC 1983 (civil liberties and civil rights complaint) is a crime then more people would be in jail for doing it, because hundreds of 1983 complaints are filed nation wide everyday. If it was a crime then the law (42 USC 1983) would have no legal value and there would be no point to it. In fact by throwing me in jail for threatening to sue for civil liberties and rights violation proves that the police were/are doing it. The police along with the State of Illinois threw me in jail as a means to intimidating me. By throwing me in jail because I threatening to suing, they not only prove that they violating my civil rights and liberties under 1983, but the police along with the state of Illinois are conspiring to violate my rights through intimidation. (see 18 USC 241).

I believe this case is nothing more than a continuation of the 2015 case, simply because they had used the dismissed 2015 case in the affidavit to obtain the warrant. The police had the computers for 11 days prior to turning them over to the FBI, giving the police plenty of time to mess with those computers and therefore "tainting them".

In fact On the Chain of Custody report (4/04/0218)(before they were shipped to the FBI) there is a circle around the computer that the CSAM was later found on that states "Stays at TPD" and it is initial VEC (Vince E. Childers)(Discovery P51). Was all the computer shipped at the same time or was the one that had the material on it shipped later?

The fact is Officer Nelson used the 2015 case as probable cause in the affidavit for the original warrant. He was given that information (the 2015 police report) by his superiors. Deputy Chief of police Childers also gave a copy of police report to officer Dickey who gave it to Special Agent Arnold of the FBI.

Officer Nelson also stated that "his profile picture is him

holding a 1911 style handgun and pointing at the camera." Yet looking at Attachment A you will see no profile picture or a 1911 handgun. I have NEVER used a picture of me holding a 1911 handgun as a profile picture. The image of me holding the 1911 handgun was from a blog back in 2007 (which no longer exists). The blog post which had the picture of me holding the 1911 handgun (which was fake and had no trigger) at the time was titled "A Picture" below it was another picture of me holding another gun and that picture was titled "Another Picture". Neither gun picture had or was ever associated with any threat, they were just pictures. As previously stated those images are from a blog that no longer exist, but individuals including members of hate and flame website had download them and are using them for nefarious reasons. I would also like to note that taking a picture of someone holding a gun is not illegal. As stated above neither picture was ever associated with any threat in the past. Individuals from the hate and flame website would post those pictures on their site and other sites (like they did with one of the images in 2018) they would then go to law enforcement and claim I posted it on that site. The 2018 case wasn't the first time they done it. In 2007 I was visited by the FBI because of "so-called" threats as well as 2013 - 2014 when again I was asked to come to the FBI office, which I did and those guns images were mentioned. The original blog and the images on it as stated above no longer exists and I do not know who has or is even posting those images and I have no control over those individuals who are posting them. Section 230 of the Communication Act (47 USC 230(c)(1)) which is a federal law protects me from ANY liability from the third parties actions. Thus I am not liable for anything that they post. But the fact that these pictures has been used in the past (2007, 2013 - 14) and as recently as 2018 should be a red flag that someone was posting them for nefarious reasons including to have me arrested and thrown in jail. In fact one of the individuals from hate and Flame website has even stated that on twitter, I have screen-shot of their comments.

As I mentioned; in discovery the police used the 2015 arrest falsely in the affidavit to obtain the warrant, but they also used this false narrative with the FBI as well. Officer Dickey gave a copy of the 2015 arrest report to the Special Agent Arnold to push this narrative that I've done this before and that I was the one who could of posted that message. Special Agent Arnold was probably unaware that the charges were

dismissed, and the reason WHY it was dismissed. She was also probably unaware that the police threw me in jail in 2015 because I threatened to sue them (the police) for violating my rights and that they threw me in jail as a means to scare me to stop me from filing any lawsuit.

The 2015 case was not a true threat under the Supreme court standards. A "'True threats' encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. . . . Intimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death." (Virginia v Black (US Supreme Court 2003); (See also Watts v United States 1969 (political hyperbole are not considered true threats); R.A.V. V St. Paul 1996)(which held that a local ordinance that banned cross burnings inspiring hatred based on "race, color, creed, religion or gender" amounted to constitutionally impermissible content discrimination); (see Elonis v. United States, US Supreme Court (2015) US Supreme Court struck down the lower court instructions to jurors that they needed only find that "a reasonable person" would interpret the words to constitute such a threat. The US Supreme court agree with Elonis that the judge needed to instruct the jury that to convict him, the government must prove that he intended to convey a true threat. (Note this case was brought up in my 2015 case)

Which brings me back to the police claiming that "a reasonable person" would find the post on hate and flame was a threat, YET the US Supreme court has stated you can not use that standard because "*The reasonable person standard effectively reduces the standard for a criminal conviction to that of negligence, which is more consistent with the standard for civil liability.*" (Elonis v United States 2015) The US Supreme court also went on and stated "*wrongdoing must be conscious to be criminal.*" *This is because criminal law has always insisted on actual blameworthiness as expressed in such terms as "mens rea, scienter, malice aforethought, guilty knowledge and the like."* A criminal defendant must "*know the facts that make his conduct fit the definition of the offense.*" (Elonis v United States 2015). (see *Perez v. Florida*, 580 U. S. Supreme Court (cert. denied) (2017), (Robert Perez was arrested because while drunk he threatened to blow up a liquor store and the whole

world. He was charged and convicted with a 15 year sentence for making a threat. The courts in Florida denied his appeals and he then appealed to the US Supreme Court who denied certiorari but Justice Sonia Sotomayor stated in the denied that the courts needed to address gaps in its true threat jurisprudence. Sotomayor agreed that it was proper to deny the petition, *"because the First Amendment issues were not addressed in the lower courts."* However, she wrote that the Court *"needed to clarify its true threat jurisprudence that included Watts v. United States (1969), Virginia v. Black (2003), and Elonis v. United States (2015)"* Perez v Florida (cert denied 2017).

She wrote that "The jury instruction and Perez's conviction raised serious First Amendment concerns, because his drunken ramblings likely were not statements indicating a real intent to cause harm."

Threatening to sue the police, city, and state doesn't fall under that category. Threatening to sue the state, city and police has always been legal since the passing of 42 USC 1983 back in 1871. 42 USC 1983 was part of the KKK act of 1871 and the purpose of the act was to stop law enforcement and others in state and local government who were either part of or was abetting the KKK. Since that time the law has been used to go after police action that violated an individuals civil liberties, civil rights, as well constitutional right. In the 1980's the US Supreme court limited those action under "qualified immunity" to allows state and local officials to avoid personal consequences related to their professional interactions unless they violate "clearly established law" I will not discuss qualified immunity here due to the complexity of it.

One other issue regarding the affidavit is the fact the police did not properly investigate the matter. The fact that my name was was posted on the website, doesn't mean I posted it. As I told the police that night when I was arrested Hate and Flame doesn't require a login and that anyone can post as anyone. (Interrogation of Todd Daugherty by Taylorville Police (video and audio recording) This idea that ALL website require a login to post is disingenuous because there are hundreds and thousands of websites like the hate and flame that don't require a login. Officer Nelson left that fact out in the affidavit. He along with his cohorts at the Taylorville Police

Department believed that I alone posted the message simply because according to Officer Thomason "that's a threat, and that's your name therefore a reasonable person would believe you posted it" (Despite what the US Supreme Court has stated in *Elonis*). Not to mention the fact the police got a warrant (before they got one for my computer) to get my Internet logs from my Internet Service provider(ISP) which showed that my Internet IP address was not even attached to the post. The police even got the logs from the Hate and Flame website Internet Service Provider and according to their attorney Mr. Hathaway; the individual who made the post was using a TOR program, (Discovery page 60 and 61) which wasn't found on ANY of my computers. Even State Trooper Dorwart testified in court that the FBI didn't find anything on those computers to linking me to the threat. The police knew there was no login requirement, because I told them that night, and they didn't feel; because of their arrogance, that they need to verify if my claims was true or not. Because they believed a "reasonable person" (which again they weren't suppose to use) would believe I posted it, despite the fact that nothing (logs or files) linked me to that threat.

Again, there no login requirement on the Hate and Flame website was obvious because while I was sitting in a jail cell more post and threats were being made on hate and flame by me, which was impossible because Christian County Jail doesn't have Internet. That solidifies the fact there was no login requirement, this was also the reason the 2018 charges were dismissed. As stated in the motion to dismissed in April of 2018 *"That during the course of this investigation law enforcement has discovered that the website used to disseminate the threat did not require any login credentials and allows anyone to post a message and sign it as a false author" as well as "That after the defendant's arrest there were more messages posted on the same website claiming to be from Todd Daugherty which is impossible due to the fact that he was incarcerated" and "That it is known that other fictitious posts had be recently made on the same site claiming to be authored by judges, the president and other such individuals" and finally "That search warrant have been obtained and executed in this case to analyze Daugherty Internet activity and have shown nothing to implicate him in this case at this time."* (Number 2 through 5 Motion to Dismiss April 16th 2018 Attachment F and G) If the police would of done their job from the very beginning none of this would be

happening.

The affidavit for the warrant was invalid because the officer that had only been on the force for one year lied on affidavit because he didn't have the whole story including the facts that charges were dismissed. This misinformation was told to him by other people on the force including the deputy chief of police. Again a dismissed case should not be used on a affidavit for a warrant. In fact there is NO court case, state or federal that say police can use a dismissed case on an affidavit. When a case is dismissed, it's dismissed. Since the affidavit had been lied on then it is invalid, thus the original warrant is also invalid, The second warrant, that the FBI obtained through the federal courts is also invalid because they've should of never had the computers to begin with. The affidavit and warrant are constitutionally defective and any material gain from them (material off of the computers) had been "poisoned the fruit of the tree" because they had those computers and went through them with an invalid warrant, not only did they go through them with out a valid warrant, but did a unconstitutional general search of those computers.

2. If the warrant wasn't defective due to the defective affidavit, then any material found on the computers was invalid because the warrant was quashed. On April 16th 2018 the State of Illinois issued a Motion to Dismiss. The reasons for the dismissal were already discussed but can be view in Attachment F and G. On Page 2 of the dismissal (attachment G) it states "Upon Motion of the Christian County State's Attorney's Office the Charges identified above are hereby dismissed without prejudice to the People of the State of Illinois. **Any warrants or summonses previously issued are hereby quashed**" (emphasis added). The word to look at here is the word ANY. Any means "used to refer to one or some of a thing or number of things, no matter how much or how many." (Webster dictionary). Black's Law dictionary describes Any as "Some; one out of many; an indefinite number. State v. Pierson, 204 Iowa 837, 216 N. W. 43, 44. One indiscriminately of whatever kind or quantity. Federal Deposit Ins. Corporation v. Winton, C.C.A.Tenn., 131 F.2d 780, 782. One or some (indefinitely). Slegel v. Siegel, 135 N.J.Eq. 5, 37 A.2d 57, 58. "Any" does not necessarily mean only one person, but may have reference to more than one or to many. Doherty v. King,

Tex.Civ. App., 183 S.W.2d 1004, 1007. As a synonym for "some". Kayser v. Occidental Life Ins. Co. of California, 234 Iowa 310, 12 N.W.2d 582, 587. It is often synonymous with "either", State v. Antonio, 3 Brev. (S.C.) 562; Carr-Lowry Lumber Co. v. Martin, 144 Miss. 106, 109 So. 849, 850. And is given the full force of "every" or "all", Glen Alden Coal Co. v. City of Scranton, 282 Pa45, 127 A. 307, 308; Southern Ry. Co. v. Gaston County, 200 N.C. 780, 158 S.E. 481. Its generality may be restricted by the context, Drainage Dist. No. 1 of Bates County v. Bates County, Mo.Sup., 216 S.W. 949, 953. Thus, the giving of a right to do some act "at any time" is commonly construed as meaning within a reasonable time. Paulson v. Weeks, 80 Or. 468, 157 P. 590, 592, Ann.Cas. 1918D, 741. And the words "any other" following the enumeration of particular classes are to be read as "other such like," and include only others of like kind or character. Southern Ry. Co. v. Columbia Compress Co., C.C.A.S.C., 280 F. 344, 348."

My point is the word ANY is defined as more than one or all; or in this case ALL of the warrants, meaning all the warrants including search warrant was quashed, and the Child Sexual Abuse Material (CSAM) which was found by the FBI AFTER the warrants were quashed was obtained without a warrant. So any material found on that quashed warrant should be suppressed. In fact Forensic Examiner (FE) O'Sullivan found the material on June 15, 2018 (two months after the warrants were quashed). The Second warrant which was a federal warrant the FBI got wasn't issued until 2020 (three years after the original warrant). In fact the second warrant shouldn't been issued because the original one if not defective from the first issue (the defective affidavit), the second issue (the warrants being quashed) would have also stopped it, because the warrants were quashed and he police and the FBI shouldn't of had those computers. By searching those computers on an invalid warrant is equal to a warrant-less search; therefore any material discovered on those computers should be suppressed and the charges dismissed. The warrants were quashed and the computers should of been returned but again the police believed I did it and even refused to return the computers after repeatedly asked to do so.

3. If the warrant wasn't defective because of an invalid affidavit (issue 1) or quashed (issue 2) then law enforcement,

including the FBI went beyond of scope of the warrant. When a officer is seeks a warrant he must under the fourth amendment detail what he is wanting to seize, this is usually listed out in the warrant. In the original warrant the things that were needed to be seized are as followed.

1. Peer to peer file trading software

2. Any and all information pertaining to dates and times of access to computer

3. Any and all information pertaining to Internet searches pertaining to posts regarding threats of violence directed toward schools or public official

4. Records and other items which evidence ownership or use of computer equipment found in the above residence including but not limited to sales receipts, bills for Internet access and handwritten notes.

5. records evidencing occupancy or ownership of then premises described above including but not limited to utility and telephone bills, mail envelopes or address correspondence

(Discovery page 44 and 45)

The things that law enforcement was suppose to look for was P2p trading software in the form of the TOR program (after all the threat was was posted using TOR. TOR is similar to a VPN, it allows in individuals hide or mask their true location allowing them to post anonymously), dates and times I had access my computer, Any searches for post relating to threats toward school and or public officials, bills regarding Internet access, HANDWRITTEN notes and sale receipts and records of occupancy and or ownership of property. ONLY three of those pertained to the searching of the computer, the p2p software (ie the TOR program), any and all information pertaining to Internet searches pertaining to posts regarding threats of violence directed toward schools or public official (these files are either HTML or XML files), and dates and time accessed computer (computer logs).

State Trooper Dorwart testified at the pretrial that nothing on those computers linked me to the threat, so when they were unable to find anything listed under the warrant the FBI then proceeded to look for other contraband that wasn't listed in the warrant. Turning the warrant into a general warrant. General warrants are illegal under the Fourth Amendment as

many courts have stated

"A warrant's authorization to search must be limited to the specific areas and things for which there is probable cause to search, and the description of the limited places to be searched must be definite enough to prevent unauthorized and unnecessary invasions. These related requirements—limitedness and definiteness—ensure that a warranted search is carefully tailored to its justifications and cannot lawfully devolve into the wide-ranging exploratory searches the Framers intended to prohibit."

"Marron v. United States" U.S. v. Carey, 172 F.3d 1268, 1272 (10th Cir. 1999)

They were limited in the warrant to three things regarding the computer and when they were unable to find anything under those three items they decided to go beyond the warrant and see if there was anything else they could get me on. Only after going beyond the scope of the warrant did they finding material and then they proceed to get a second warrant (The federal warrant). The second warrant (the federal warrant) is also invalid because it is based on that unauthorized search (a general warrant search that went beyond the scope of the warrant) and therefore was a warrant-less search. The state warrant only limited law enforcement to those five things on the state warrant, with only three being related to the computers. As the courts has stated:

*"Mr. Carey argues that examined against history and case law, the search constituted general rummaging in "flagrant disregard" for the terms of the warrant and in violation of the Fourth Amendment. **United States v. Foster** , 100 F.3d 846, 849-50 (10th Cir. 1996). Despite the specificity of the search warrant, files not pertaining to the sale or distribution of controlled substances were opened and searched, and according to Mr. Carey, these files should have been suppressed. **See id.** at 849."*

U.S. v. Carey, 172 F.3d 1268, 1272 (10th Cir. 1999)

The court also stated

*"The Supreme Court has instructed, "the plain view doctrine may not be used to extend a general exploratory search from one object to another until something incriminating at last emerges." **Coolidge** , 403 U.S. at 466. The warrant obtained for the specific purpose of searching defendant's computers*

permitted only the search of the computer files for "names, telephone numbers, ledgers, receipts, addresses, and other documentary evidence pertaining to the sale and distribution of controlled substances." The scope of the search was thus circumscribed to evidence pertaining to drug trafficking."

U.S. v. Carey, 172 F.3d 1268, 1272-73 (10th Cir. 1999)

Any material found outside the scope of the warrant should be suppressed and the case dismissed.

In conclusion these are the three items that need to be resolved before I spend money on a computer forensic examiner or go any further in this case. I will point out that these three items will be what I bring before a federal court, on appeal because I feel that they need to be addressed and that they would end this case. Regardless of the outcome of this case, I will proceed to go to federal court and file a multi-million dollar lawsuit against the state and city. This shouldn't be happening.

Attachment A

Ping: Taylorville Police Chief....

by [admin](#) , Saturday, June 20, 2015, 15:08 (3 days ago)



**POSTED BY TODD DAUGHERTY, N9OGL
RESULTING IN HIS ARREST
FOR AGGRAVATED ASSAULT**

Hello Taylorville Police Chief...quick question...


How much is your JOB worth financially?? because sir, I looking to SUE the City of Taylorville, YOU and the State of Illinois, for violation of my 14th amendment rights. I looking around 6.5 Million dollars. I was wondering if you wish to keep your job or allow this game to continue.


I don't know you and quite frankly I DON'T want to know you. Someone who allows his officers to violate someone rights, is no good in my book. It bad enough that BITCH Lisa Madigan knew I was being threatened, LONG before you morons, LONG before the FBI. so again sir how much do you value your job?? because when all said and done...if you wish to continue to play this game...you and those involved in this on your force will NOT have one. I'll make sure you all can't even get a job as a night security guard at walmart.

Attachment B








Attachment C

 **Expose Bad Hams** @fccbodyguard · Feb 22 ▼
 Replying to @N9OGL @TaylorvilleDN
 N9OGL Todd Daugherty showing he also has access to weapons. Taylorville students deserve to feel safe, you either need to be in prison or a psych ward. At least put under a trespass ban from parks and schools i44.tinypic.com/ort9uw.jpg


 1
 
 
 





Attachment D

 **Expose Bad Hams** @fccbodyguard · Feb 23 ▼
 @taylorvilledn This is why school shootings happen. Warning signs get ignored even with dozens of threats made. Todd Daugherty N9OGL needs to be put into a psych ward and/or put on trespass for schools, libraries, and parks.
ve7kfm.com/n9ogl.html

Attachment E

 **Expose Bad Hams** @fccbodyguard · Feb 27 ▼
 Replying to @N9OGL @YouTube
 You will be kneeling soon enough in a jail cell.

 1
 
 
 

Attachment F

[\[Search\]](#) [\[Statistics\]](#) [\[Profiles\]](#) [\[My Profile\]](#) [\[Trouble Ticket\]](#) Forumsearch
[\[Return to Index\]](#) [\[Reply\]](#) [\[Read Responses\]](#) [\[Report Abuse\]](#) [\[Tell a Friend\]](#) Quick Selection: [Single Message](#)

Forum

FUCK YOU YOU STALKING MOTHER FUCKERS. I'LL SHOW YOU WHO IS AUSTIC. I'LL GO TO FUCKING MEMORIAL ELEMENTRY SCHOOL AND MAKE SANDY HOOK LOOK LIKE A SUNDAY SCHOOL PICNIC *NM* *PIC*

By: Todd Daugherty N9OGL
Date: 3/16/2018, 9:25 pm

Messages In This Thread

FUCK YOU YOU STALKING MOTHER FUCKERS. I'LL SHOW YOU WHO IS AUSTIC. I'LL GO TO FUCKING MEMORIAL ELEMENTRY SCHOOL AND MAKE SANDY HOOK LOOK LIKE A SUNDAY SCHOOL PICNIC *NM* *PIC*

Todd Daugherty N9OGL -- 3/16/2018, 9:25 pm
 Oh my god, Toad has finally lost it. Someone better call the Taylorville police or the FBI before Toad goes off, (217) 824-2211 *NM* *LINK* *PIC*
OKG -- 3/16/2018, 9:30 pm
 Toad is one of the only posters here who doesn't accuse me of being gay (I'M NOT!), so he's ok in my book. BTW, despite the rumors, I AM NOT GAY!! Really, I'M NOT!! Taking an abiding interest in the natural, eternal beauty of man-ass does NOT make somebody gay, least of all me because I Am **NOT** GAY!! *PIC*
Zak Attack! -- 3/16/2018, 10:42 pm
Re: ADMIN-*ATTN*LEAVE THE ABOVE ACTORS POST UP - WE WILL REQUIRE HIS ISP AND ADD'L INFO - YOU WILL BE CONTACTED SHORTLY! *NM*
spqr82118 -- 3/16/2018, 10:41 pm
 ^^Leave this up Jason *NM*
Tom Bowels -- 3/17/2018, 1:18 am

[\[Search\]](#) [\[Statistics\]](#) [\[Profiles\]](#) [\[My Profile\]](#) [\[Trouble Ticket\]](#)
[\[Return to Index\]](#) [\[Reply\]](#) [\[Read Responses\]](#) [\[Report Abuse\]](#) [\[Tell a Friend\]](#)

Attachment G

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT OF ILLINOIS
CHRISTIAN COUNTY, TAYLORVILLE, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
 vs.) CRIMINAL
)
)
 TODD E. DAUGHERTY,) 18 - CF - 62
 - Defendant-)

FILED
APR 16 2018
Julie J. Meyer
Circuit Clerk, Christian County

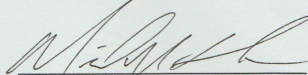
MOTION TO DISMISS

Now Comes the People of the State of Illinois, by and through their attorney, Michael M. Havera, and asks this Court to grant his Motion To Dismiss this case without prejudice stating as follows:

1. The Defendant was ^{arrested} ~~convicted~~ on March 17, 2018.
2. That during the course of this investigation law enforcement has discovered that the web site used to disseminate the threat did not require any login credentials and allows anyone to post a message and sign it as a false author.
3. That after the defendant's arrest there were more messages posted on the same web site claiming to be from Todd Daugherty which is impossible due to the fact that he was incarcerated.
4. That it is known that other fictitious posts have been recently made on the same site claiming to be authored by judges, the president, and other such individuals.
5. That search warrants have been obtained and executed in this case to analyze Todd Daugherty's internet activity and have shown nothing to implicate him in this case at this time.
6. That the local, state, and Federal Bureau of Investigations are continuing the investigation into the source of the threats in this matter.

WHEREFORE, the State moves this Honorable Court to dismiss this case without prejudice.

Respectfully Submitted,



Michael M. Havera, Christian County
State's Attorney

Attachment H

FILED

APR 16 2018

Julia J. Meyer
Circuit Clerk
Christian County

ORDER

Upon Motion of the Christian County State's Attorney's Office, the charges identified above are hereby dismissed without prejudice to the People of the State of Illinois. Any warrants or summonses previously issued are hereby quashed.

ENTERED: 4/16/18

[Signature]
JUDGE

COPY

P43

AFFIDAVIT

I, Christian Nelson, having first been duly sworn, do hereby state as follows:

That I, Christian Nelson, a Police Officer with the Taylorville Police Department having been a police officer for 1 year. That the facts contained in the application are based on my observation and information, as well as the information and observations of other law enforcement officers; that to the best of my knowledge, the information contained herein is true and correct.

(1). The FBI Springfield office received a tip that Todd E. Daugherty(M/W D.O.B. 07/05/1968) posted on internet social forum Hateandflame.com the following comment "Fuck you you stalking mother fuckers. I'll show you who is 'austic'. I'll go to fucking memorial elementary school and make sandy hook look like a Sunday school picnic."

(2). Todd E. Daugherty has a HAM radio operator call sign of "N90GL". The post threatening violence against Memorial School was issued by someone with user-name "N90GL".

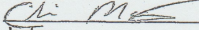
(3). Todd E. Daugherty has threatened violence against public officials and institutions in the past, including on June 22nd, 2015, and his profile picture is an image of him holding a 1911 style handgun and pointing it at a camera.

(4). Todd E. Daugherty stated that he was familiar with the website, but stated that he did not make the post. Daugherty claimed that he was being set up by another member of the online community to have his HAM radio license suspended by the FCC.

(5). The post in question from Hateandflame.com was submitted with a picture of T.Daugherty posing with and pointing a firearm at the camera. This picture was identical to T.Daugherty's profile picture that appears with his post. T. Daugherty does not possess a valid IL FOID card.


Affiant

Subscribed and sworn before me this 21st day of March, 2018.


Judge

This page is suppose to be blank