



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721
(217) 782-2035

Christopher E Glass
Reg. No. Y33532
Menard Correctional Center
P.O. Box 1000
Menard IL 62259

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

January 24, 2024

In re: People State of Illinois, respondent, v. Christopher E. Glass,
petitioner. Leave to appeal, Appellate Court, Fifth District.
130210

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 02/28/2024.

Very truly yours,

Cynthia A. Grant

Clerk of the Supreme Court

NOTICE
Decision filed 10/17/23. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2023 IL App (5th) 210267-U

NO. 5-21-0267

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE
This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Effingham County.
)	
v.)	No. 20-CF-111
)	
CHRISTOPHER E. GLASS,)	Honorable
)	Christopher W. Matoush,
Defendant-Appellant.)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Presiding Justice Boie concurred in the judgment.
Justice Cates specially concurred.

ORDER

- ¶ 1 *Held:* The trial court did not err in denying defendant's motion to suppress where he failed to unambiguously and unequivocally invoke his right to remain silent.
- ¶ 2 On April 30, 2020, the State charged the defendant, Christopher E. Glass, with first-degree murder (720 ILCS 5/9-1(a)(2) (West 2020)) and concealment of homicidal death (*id.* § 9-3.4(a)). On November 12, 2020, the defendant filed a motion to suppress statements he made during custodial interrogation, alleging that the officers failed to scrupulously honor his invocations of the right to remain silent. The Honorable Kimberly G. Koester denied the motion, finding the defendant's statements to be ambiguous, and not a clear, unequivocal invocation of his right to remain silent. Following a jury trial, the defendant was found guilty of both charges and sentenced to consecutive prison terms of 50 years and 5 years, respectively, in the Illinois Department of

Corrections followed by 3 years of mandatory supervised release. The defendant filed a motion for new trial, alleging that Judge Koester erred in denying his motion to suppress and that he was denied effective assistance of counsel. After the denial of the defendant's motion for new trial, he filed a timely appeal.

¶ 3

I. BACKGROUND

¶ 4 In early April 2020, Kimberly Mattingly's mother became concerned when her daughter had not called for a few days. Her mother told police that the last time she heard from her daughter, Mattingly was with the defendant and that she had used the defendant's cell phone to place the call. Police began searching for Mattingly and interviewed the defendant, among others. On two separate occasions the defendant told police that the last time he had seen Mattingly, she was leaving his house in a car driven by a male with sandy hair.

¶ 5 On April 28, 2020, police executed a search warrant on property owned by the parents of the defendant's friend, Aaron Kaiser, where Mattingly's body was found buried in a shallow pit filled with water from recent heavy rains. Following this discovery, police wanted to resume questioning the defendant when they learned he had been picked up for violating the terms of his Illinois parole and taken to an Indiana jail.

¶ 6 Illinois State Police Special Agents Daniel Rossiter and Jennifer Smit traveled to Indiana to interview the defendant. After Mirandizing the defendant, the agents began questioning him about the parole violation but shifted to asking about Mattingly's disappearance. During the interrogation, the defendant eventually made incriminating statements that were used against him at trial.

¶ 7

A. Motion to Suppress

¶ 8 Prior to trial, the defendant filed a motion to suppress his custodial statements to police alleging, *inter alia*, that he had invoked his right to silence, that his invocation was not honored by the interrogating officers, and that he did not knowingly and intelligently waive his right to silence. Specifically, the defendant claimed that he invoked his right to remain silent when, approximately 2½ hours into the interrogation, he sat up in his chair, turned his body away from Agent Rossiter, and stated, "Let's stop this whole conversation ... I'm done with this conversation, sir." He alleged his second invocation of his right to silence was when he asked the officers "why do you need me to say this?" before ultimately stating, "Let's just fucking do this. Let's get this over with. I'm done fucking talking." The defendant maintained that when he made these statements, Agent Rossiter instructed him to "stop and listen" and continued to question him until at last he made several incriminating statements. At the suppression hearing, the State brought to the trial court's attention a third comment made by the defendant that could arguably be an invocation of his right to remain silent: "I don't want to talk anymore. I don't know if the evidence is against me or for me. I don't know what's going on. But I do know that I didn't fire more than one shot." During the suppression hearing, the State pointed out that the defendant's motion failed to give the full context of his first statement: "You sound like you're telling the story and I'm just agreeing with you. You can tell the story anyway you want. Let's stop this whole conversation. I am done with this conversation, sir."

¶ 9 Agent Rossiter was called as a witness on behalf of the State. He testified that he advised the defendant of his *Miranda* rights, and the defendant did not give any indication that he did not understand them. The defendant signed a document waiving his *Miranda* rights and agreed to speak with the agents. Agent Rossiter testified that he continued to question the defendant after

hearing the defendant's alleged invocations because the statements were ambiguous and that he did not believe the defendant invoked his right to remain silent at any time during the interrogation. Agent Smit also testified on behalf of the State that she participated in the interrogation of the defendant and did not hear the defendant invoke his right to silence.

¶ 10 After hearing the testimony, Judge Koester indicated that she previously had viewed the interrogation video and noted for the record that she would use the video as the actual evidence. She also indicated that she had reviewed a transcript of the interrogation, which she described as "95 percent" accurate and used as "more of an aid to the Court." In reviewing the custodial statements attributed to the defendant, Judge Koester seemed to summarize for the record what the defendant said rather than quoting the statements that could be heard on the video. She ultimately denied the motion, finding the defendant's statements to be ambiguous.

¶ 11 After the guilty verdict, the defendant filed a motion for new trial that was heard by the Honorable Christopher Matoush, who conducted the jury trial. In this motion, the defendant alleged, *inter alia*, that Judge Koester erred in denying his motion to suppress. After reviewing the interrogation video, the transcript from the suppression hearing, the case law, and hearing arguments, Judge Matoush found no error on the part of Judge Koester and denied the motion for new trial.

¶ 12 The following facts are relevant to our analysis. At trial, Agent Rossiter testified that the defendant initially said he last saw Mattingly when she left Kaiser's property around noon on the day in question. However, the defendant's recollection changed at various times during the interview.

¶ 13 The defendant acknowledged that he had been using "a little bit" of meth that day. When Agent Rossiter asked whether he shot Mattingly more than once to put her "out of her misery," the

defendant insisted that he had not found her when he returned to Kaiser's property, but two questions later, he admitted he found her after Agent Rossiter informed him that Mattingly's body had been discovered.

¶ 14 The defendant told the agents he had struggled with Mattingly over a backpack containing a chrome revolver. Agent Rossiter testified that in describing the incident, the defendant first stated that the gun was in his left hand when it went off, but later the defendant stated that the backpack was in his left hand when the gun, which was inside the backpack, went off and hit Mattingly in the stomach. The defendant said that after Mattingly was shot, he fled the property, assuming that other people there would call an ambulance. The defendant said he did not know what had happened after that, but he insisted he had not found Mattingly when he went back to Kaiser's property.

¶ 15 The defendant later admitted to the agents that while the first shot into Mattingly's stomach was an accident, he stayed on the property for several hours, then went back, checked Mattingly's pulse, found no signs of life, and fired another round into her chest or head. The defendant stated that he and Kaiser then wrapped Mattingly in a thick tarp and put her in a hole nearby.

¶ 16 The defendant was found guilty on all charges. This appeal follows.

¶ 17 II. ANALYSIS

¶ 18 A. Standard of Review

¶ 19 The defendant maintains that this court's review should be *de novo* so that we may assess for ourselves the defendant's custodial statements, while the State maintains that we should apply a bifurcated standard of review. In general, reviewing courts apply a bifurcated standard of review to a lower court's ruling on a motion to suppress statements: deference under a manifest-weight standard to the lower court's credibility determinations and findings of fact, and *de novo* review

on questions of law, including the ultimate question of whether the statements should have been suppressed. *People v. Tucker*, 2022 IL App (1st) 172982, ¶ 36, *appeal denied*. Here, however, the lower court made clear that its credibility determinations and findings of fact were based on its view of the interrogation video and not the live testimony at the suppression hearing. Thus, because we are reviewing the same evidence that the lower court reviewed, we conclude that our review of its ruling on the motion to suppress is *de novo*. *People v. Flores*, 2014 IL App (1st) 121786, ¶ 35.

¶ 20 The defendant, the State, and the circuit court presented slightly different versions of the defendant's custodial statements. Based on our careful review of the interrogation video, we find the following to be the defendant's custodial statements which he alleges were invocations of his right to silence.

¶ 21 Approximately 1 hour and 10 minutes into the interrogation, the defendant became visibly upset when Agent Rossiter accused him of previously having stated that the gun was in his hand when it went off and shot Mattingly. The following colloquy ensued:

“DEFENDANT: No. You asked me which hand the bag was in. The bag was in my hand. The gun was never in my—

AGENT ROSSITER: Chris, we're going backwards here, man.

DEFENDANT: —hand. No, we're not. You're trying to put words in my fucking mouth, and I ain't doing shit. I didn't do it. I didn't do nothing like that. Yeah, there was an accidental fucking gunshot wound, yes. You're trying to tell me I stayed there when I know fucking well I left. I came back.

AGENT ROSSITER: Chris. Chris, come on.

DEFENDANT: Don't put words in my mouth, man.

AGENT ROSSITER: I'm not. I'm allowing you to tell me the words that you want to tell me.

DEFENDANT: You sound like you're telling the story, and I'm just agreeing with you. You tell the story however you want.

AGENT ROSSITER: Just stop. Stop.

DEFENDANT: You know what? Let's just stop this whole conversation. How about that? I'm done with this conversation, sir.

AGENT ROSSITER: Look, Chris, this is important.

DEFENDANT: Yeah. It's real important.

AGENT ROSSITER: This is the most important moment of your life.

DEFENDANT: Yeah, I ain't got one any more."

¶ 22 As the interview progressed, the agents were attempting to establish that, contrary to his original statements, the defendant had found Mattingly alive when he returned to Aaron's property.

"DEFENDANT: I don't know.

AGENT SMIT: Oh, come on.

DEFENDANT: I really don't know. She was in the woods somewhere.

AGENT ROSSITER: Chris.

DEFENDANT: I don't know where she was at.

AGENT ROSSITER: Where in the woods?

DEFENDANT: I don't know.

AGENT SMIT: You guys found her. Come on, Chris. Like, let's keep moving in the right direction. We know where we're at. We know where we're going.

DEFENDANT: Why do you need me to say this if you guys know everything already? You just want that sweet conviction for you?

AGENT ROSSITER: No, man, that's not it.

DEFENDANT: That's what it sounds like.

AGENT ROSSITER: Chris, I—

DEFENDANT: Just fucking do it. Let's go.

AGENT ROSSITER: No, Chris. Stop. Just stop and listen.

DEFENDANT: I'm done fucking talking.

AGENT ROSSITER: Stop and listen, okay? Look. Like, like we've told you. We want to know what actually happened, okay?

DEFENDANT: Sounds like you already know what happened.

AGENT ROSSITER: Look, everyone has a story to tell. Whether it's true. Whether it's half true. Whether it's—it's bullshit. Everyone has a story to tell. And you are the only one who knows exactly what happened. Everyone else is just filling in the blanks. And I would hate for your—you to be told that you are responsible for certain things that you didn't do because of somebody else's story, because you chose not to tell the story today. You chose to stay silent and not try and help yourself. You chose to keep inside the fact that you felt, when this altercation initially occurred, that this was a struggle that you were both combatants. That you were both fighting for this gun and it just went off. Okay? That after this happened, you guys panicked. You guys, like you agreed with me, you made the best decision possible at that moment, 'cause you knew it couldn't be fixed. You knew no matter what you did, you were fucked, whether calling an ambulance, taking her to a hospital, or allowing his parents to come home and see her in that condition. You knew

you guys were fucked. So you made the best decision possible. You knew she was going to die. And I truly believe you tried to do the best thing you could at that moment—

DEFENDANT: I didn't—

AGENT ROSSITER: —under those circumstances, and you put her out of her misery.”

¶ 23 Finally, as Agent Rossiter continued to press the defendant on whether he or his friends had shot Mattingly more than once to “put her out of her misery,” the following colloquy ensued:

“AGENT ROSSITER: I truly believe that you and Aaron and whoever else was there—Kevin, I think you said was the other guy's name was—made the best decision you could with the circumstances in front of you and the resources you had. And you did the best you could. And you actually had her feelings in mind, so she didn't feel pain anymore. Am I close?

DEFENDANT: I ain't—I don't want to talk any more. You know, I don't know whether the evidence is against me or for me. I don't know what's going on. But I do know that I didn't—

AGENT ROSSITER: Chris, you know we—

DEFENDANT: —I didn't fire more than one shot.

AGENT ROSSITER: Chris—

DEFENDANT: And I didn't—

AGENT ROSSITER: You know we found her. You know we found her. Okay?

DEFENDANT: Obviously.”

¶ 24

B. Alleged Invocation of the Right to Silence

¶ 25 At the outset, we note that on appeal the defendant argues interchangeably that the circuit court erred in denying his motion to suppress the video of his custodial interrogation and erred in denying his motion to suppress his custodial statements. However, our review of the record reveals only that a motion seeking to suppress his custodial statements was filed by the defendant, and, therefore, we will focus our review accordingly.

¶ 26 The defendant contends that the circuit court erred in denying his motion to suppress where he invoked his fifth amendment right to silence, the interrogating police officers failed to scrupulously honor that right, and the error was not harmless beyond a reasonable doubt. He next contends that he was denied effective assistance of counsel where his trial attorney failed to object to the jury being able to see the portions of his interrogation video in which he sought to invoke his right to remain silent.

¶ 27 The United States Supreme Court in *Miranda v. Arizona*, 384 U.S. 436, 471 (1966), held that before an accused can be subject to custodial interrogation, he must be advised of his rights including the right to remain silent, the right to consult with an attorney, and the right to have an attorney present with him during interrogation. The United States and Illinois Constitutions provide that no person shall be compelled to be a witness against himself in any criminal case. U.S. Const., amend. V; Ill. Const. 1970, art. I, § 10. Even where a suspect initially waives his rights and agrees to talk to police, the interrogation must cease if he indicates “in any manner” prior to or during questioning that he wishes to remain silent. *Miranda*, 384 U.S. at 444-45. The invocation of the right to remain silent, however, must be unambiguous and unequivocal. *Berghuis v. Thompson*, 560 U.S. 370, 380 (2010) (citing *Davis v. United States*, 512 U.S. 452, 459 (1994)). Whether an alleged invocation is clear and unambiguous is dependent on how a reasonable officer

would perceive the defendant's words. *Davis*, 512 U.S. at 459. "This right to silence may be invoked either verbally or through conduct that clearly indicates a desire to end all questioning." *People v. Diaz*, 377 Ill. App. 3d 339, 347 (2007). "If verbal, the individual's demand to end the interrogation must be specific." *Id.* The defendant's statement cannot be evaluated in isolation, but "must be examined in the factual context of its utterance." *People v. Milner*, 123 Ill. App. 3d 656, 660 (1984).

¶ 28 After filing his initial brief, we granted the defendant leave to cite as additional authority *People v. Ward*, 2023 IL App (1st) 190364, a published decision from another district issued on March 31, 2023. The defendant maintains that the similarities in *Ward* to the instant case make it particularly illustrative. We do not agree. The defendant in *Ward* asserted that he invoked his right to silence during custodial interrogation on three occasions when he stated: "I ain't got nothin' else to say"; "[g]ot nothin' to say"; and "don't want to say nothing else about it." *Id.* ¶ 102. After each of the three times the defendant in *Ward* alleged that he invoked his right to silence, the detectives took a break but then eventually resumed questioning him. *Id.* ¶ 102. After being held for approximately 12 hours, the defendant ultimately made several inculpatory statements to a second team of detectives. *Id.* Defense counsel challenged the statements in a motion to suppress, but the trial court denied the motion and permitted the prosecution to use the statements at trial. *Id.* ¶¶ 65-66. Reviewing *de novo*, the First District reversed and remanded, finding that the defendant's invocations of his right to silence were clear and unequivocal; that the State had not attempted to argue that the police scrupulously honored the invocations; and that the error was not harmless beyond a reasonable doubt. *Id.* ¶¶ 120-24.

¶ 29 Here, the defendant argues that the invocations in *Ward* were so similar to his statements that we are compelled to find his statements to be unequivocal invocations of his right to silence.

We decline the defendant's invitation to examine his statements in isolation by comparing them to those made in *Ward*. Rather, viewing the defendant's videotaped statements in the context of the entirety of the custodial interrogation, we do not find that the defendant unambiguously and unequivocally invoked his right to silence such that a reasonable officer would perceive the defendant's words as a desire to end all questioning. *Davis*, 512 U.S. at 459; *Diaz*, 377 Ill. App. 3d at 347. To the contrary, the defendant's statements, taken in context, were not a request to terminate the interrogation. His statements indicated that he was frustrated with the questions being asked by the agents.

¶ 30 The defendant next argues that his nonverbal conduct should have indicated to a "reasonable person" that he "was ready to be taken to a cell and be done with the interrogation." In support of his argument, he cites *People v. Nielson*, 187 Ill. 2d 271, 287 (1999) (nonverbal conduct relevant in weighing whether defendant "clearly indicate[d] his desire to cut off questioning" (internal quotation marks omitted)). In viewing the videotaped interrogation, we observed that throughout most of the questioning the defendant was leaning back against the wall with his body facing away from the table. He spoke softly when he answered questions. However, after being accused of stating that the gun was in his hand when it went off and shot Mattingly, the defendant became visibly upset, and his voice became louder when he stated, "You sound like you're telling the story, and I'm just agreeing with you. You tell the story however you want." At that point, the defendant turned his body towards the table for the first time. He remained facing the table and engaged in conversation with the officers until the agents attempted to get the defendant to admit that he had, in fact, found Mattingly when he returned to Aaron's property. At that point, the defendant stated, "Just fucking do this. Let's go," and he turned away from the table and took his original position with his back up against the wall.

¶ 31 Based on our meticulous review of the videorecorded interrogation, we cannot conclude that the defendant's nonverbal conduct clearly indicated the defendant's desire to end all questioning. *Diaz*, 377 Ill. App. 3d at 347. Nor did we observe that his nonverbal conduct rose to the level of an unambiguous and unequivocal invocation such that a reasonable officer would have known that the defendant wished to remain silent.

¶ 32 Although a defendant has the right to terminate an interrogation by invoking his right to remain silent, it does not appear from the record before us that the defendant did so here. We do not find that the defendant's statements, taken in context, rise to the level of an unambiguous and unequivocal invocation of his right to remain silent. Nor do we find the defendant's nonverbal conduct was a clear invocation of his right. Because we find that the defendant did not invoke his right to silence, we need not address the defendant's remaining arguments.

¶ 33 III. CONCLUSION

¶ 34 Accordingly, we affirm the judgment of the trial court and the defendant's convictions.

¶ 35 Affirmed.

¶ 36 JUSTICE CATES, specially concurring:

¶ 37 I agree that the trial court did not err in denying the defendant's motion to suppress, and concur in the majority's decision to affirm the defendant's convictions. I write separately because I do not agree with my colleagues' findings that "the defendant's statements, taken in context, were not a request to terminate the interrogation," but rather that "[h]is statements indicated that he was frustrated with the questions being asked by the agents" (*supra* ¶ 29). In this case, the video shows that the defendant's assertion that he was "done with the conversation" and "done fucking

talking” came within the context of a rapid back and forth exchange with the detective, as the defendant and the detective talked over each other. A defendant may invoke his right to remain silent with words, nonverbal conduct, or both, but the invocation of the right to silence must be unambiguous, unequivocal, and clear. See, *e.g.*, *People v. Nielson*, 187 Ill. 2d 271, 287 (1999). After reviewing the video, with attention to the defendant’s words and his nonverbal conduct, I agree with the trial court’s finding that the defendant’s invocation was ambiguous. This was a close case, but the defendant’s statements fell short of a clear and unambiguous demand to end the interrogation. Accordingly, I specially concur.



OFFICE OF THE STATE APPELLATE DEFENDER

FIFTH JUDICIAL DISTRICT

909 Water Tower Circle

Mt. Vernon, IL 62864

Telephone: 618/244-3466 • Fax: 618/244-8471

www.illinois.gov/osad • E-mail: 5thDistrict@osad.state.il.us

JAMES E. CHADD
STATE APPELLATE DEFENDER

ELLEN J. CURRY
DEPUTY DEFENDER

AMANDA R. HORNER
ASSISTANT DEPUTY DEFENDER

March 1, 2024

ELIZABETH M. CROTTY

CRAIG A. HANSEN

LEVI S. HARRIS

JENNIFER M. LASSY

EUN SUN NAM

CHRISTINA M. O'CONNOR

CHRISTOPHER W. SIELAFF

JULIE A. THOMPSON

RICHARD J. WHITNEY

ASSISTANT APPELLATE DEFENDERS

Mr. Christopher E. Glass
Register No. Y33532
Menard Correctional Center
P.O. Box 1000
Menard, IL 62259

RE: *People v. Christopher E. Glass*
Appellate Court No. 5-21-0267

Dear Mr. Glass:

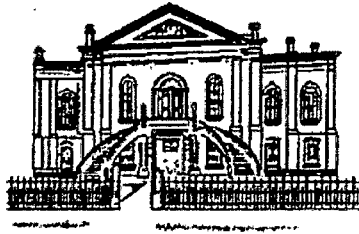
Enclosed please find a copy of the mandate that has issued in your case. It is the formal document that tells the Effingham County Circuit Court what the appellate court decided in your case. This means that the appellate court's decision in your case is now final.

Sincerely,

LEVI S. HARRIS
Assistant Appellate Defender

Encl.

CORTNEY KUNTZE
CLERK
(618) 242-3120



APPELLATE COURT, FIFTH DISTRICT
14TH & MAIN ST., P.O. BOX 867
MT. VERNON, IL 62864-0018

STATE OF ILLINOIS, FIFTH DISTRICT APPELLATE COURT MANDATE

Panel: Honorable Judy Lynn Cates
Honorable Mark M. Boie
Honorable Michael D. McHaney

BE IT REMEMBERED, that on 17th day of October, 2023 the final judgment of said Appellate Court was entered of record as follows:

THE PEOPLE OF THE STATE OF
ILLINOIS,
Plaintiff-Appellee,

v.

CHRISTOPHER E. GLASS,
Defendant-Appellant.

General No: 5-21-0267
County/Agency: Effingham County
Trial Court/Agency Case No.: 20CF111

AFFIRMED

In accordance with Supreme Court Rule 368, this Mandate is issued. As Clerk of the Appellate Court and keeper of the records, files and Seal thereof, I certify that the foregoing is a true statement of the final Order of said Appellate Court in the above cause of record in my office. Pursuant to Supreme Court Rule 369, the clerk of the circuit court shall file the Mandate promptly.

IN WITNESS WHEREOF, I hereunto set my hand
and affix the Seal of the Illinois Appellate Court
this 29th day of February, 2024.

A handwritten signature in cursive script that reads "Cortney Kuntze".

Clerk of the Appellate Court

1 A. Yes.

2 Q. Christopher?

3 A. Yeah.

4 Q. Do you have a middle initial?

5 A. E.

6 Q. And Glass G-l-a-s-s?

7 A. Uh-huh. (Affirmative).

8 Q. I've got 11:38 p.m. Today is the 29th.

9 Do you need more water or anything?

10 A. No. Huh-huh.

11 Q. No. If you could, what I would like you to

12 do is sign here so you understand, stating that I read this

13 to you verbatim and you understand your rights?

14 A. Do I have to do this for a parole violation?

15 Q. What's that?

16 A. Do I have to do this for parole?

17 Q. Unfortunately, man. Any time I talk to

18 somebody on a warrant we have got to read that stuff.

19 It's kind of silly.

20 All right. So what I'm going to do is I

21 just want to get some demographic information from

22 you. This is just really stupid fucking questions

23 that they make me ask. So we will just blow, blow

24 through this and then we will get to, you know,

1 that a little bit, you know. One, how do you know
2 Chastity? How did you get over here?

3 A. No... I told him know Chastity's location

4 Q. Where were you going this evening when we
5 arrested you? Just all that kind of stuff. he initiated em

6 A. I have known Chastity since she was 12 and I
7 a was a few years older.

8 Q. Okay. So you guys grew up together same
9 time?

10 A. Yeah.

11 Q. In Neoga?

12 A. Well, no. She bounced around a lot, but we
13 always kept in touch.

14 Q. Okay.

15 A. And I looked after her a few times when she
16 was in a hard spot with drugs so when...

17 Q. So you guys are good friends?

18 A. Yeah.

19 Q. You guys are a good support system?

20 A. Yeah.

21 Q. Yeah. So when...so you've known her for,
22 you said you were 36?

23 A. Uh-huh. (Affirmative).

24 Q. So you have known her, what, like 20 years

1 following statement, "You sound like your telling the story
2 and I'm just agreeing with you. You can tell the story
3 anyway you want. Let's stop this whole conversation. I am
4 done with this conversation, sir." Do you recall that?

5 A. Yes. I remember a similar encounter, yes.]

6 Q. And before I forget, Your Honor, at this time, I
7 need to move People's Exhibit No. 2 into evidence?

8 THE COURT: Any objection to the admission of
9 People's Exhibit No. 2, which is the Miranda Warnings?

10 MR. SCHMIDT: No.

11 THE COURT: They will be admitted without objection.
12 You may inquire further.

13 [Q. The Defendant made that statement, and did you
14 continue questioning the Defendant?

15 A. Yes.

16 Q. Why did you keep questioning the Defendant?

17 [A. Well, one, the language he used was almost phrased
18 in a question. He said to me, you tell the story. You know
19 what, let's just stop the whole conversation. How about
20 that? I'm done with this conversation, sir.) So it was said
21 in a tone that was aggressive. And again, the way it was
22 worded was almost as if a question were sarcastic to bait me
23 into some sort of a further disagreement, which is what had
24 initiated that comment from Mr. Glass.

1 Q. So you didn't feel he had invoked his Miranda right
2 against self-incrimination or making statements?

3 A. No.

4 Q. Now, during your interview about 12 minutes after
5 that, about the 1-22-35 mark, do you recall the Defendant
6 stating as follows: "That's what it sounds like, man.
7 Let's explicative do it. Let's get this over with. I'm
8 done stop explicative talking." Do you recall the Defendant
9 making that statement?

10 A. I do.

11 Q. And did you continue questioning him after he made
12 that statement?

13 A. I'll say, yes, I did continue the interview.
14 However, there was an exchange between Mr. Glass and myself
15 where he was asking questions of me versus my questions of
16 him at that time.

17 Q. So did you feel he was invoking his Miranda rights
18 at that point in time?

19 A. No. Based on the content prior to those statements
20 and the content after, it was very ambiguous. To me, the
21 statement itself was contradictory. Let's get this. Let's
22 blank do it. Let's get this over with. Prior to him making
23 that statement, to me, it seemed like he was ready to just
24 be done. And the way I perceived that was he was ready to

1 just get the information I needed to me so he could be done
2 and move on with his day.

3 Q. So you did not believe that was an invocation of
4 his Miranda rights?

5 A. No.

6 Q. Now, a little after or close to the two hour mark,
7 do you recall the Defendant making the following statement,
8 "I don't want to talk anymore. I don't know if the evidence
9 is against me or for me. I don't know what's going on. But
10 I do know that I didn't fire more than one shot." Do you
11 recall that statement being made by the Defendant?

12 A. Yes.

13 Q. And did you continue to question Mr. Glass after he
14 made the statement?

15 A. Yes.

16 Q. And why did you continue to question Mr. Glass
17 after he made that statement?

18 A. Well again, it was ambiguous to me. He may have
19 indicated he didn't want to talk anymore. And I believe
20 there was a pause of silence for maybe two or three seconds,
21 and then he continued to talk about the case and provide
22 case facts to me. And I think if you went further into that
23 dictation of the interview, he also starts talking about how
24 Kim, the victim, wasn't making any noise when he returned to



Illinois State Police
Division of Forensic Services
Springfield Forensic Science Laboratory
825 N. Rutledge, SCLF 4th Floor
Springfield, Illinois 62702-9611
(217) 782-4975 (Voice) * (800) 255-3323 (TDD)

LABORATORY REPORT
Firearms/Toolmarks

Wendy Westfall
Illinois State Police, Zone 5
2125 S. First Street
Champaign, IL 61820-7401

DFS Case #: DFS20-012172
Report #: 7
Report Date: 09/22/2020

Agency Case #: 20-39108100008
Offense(s): Death Investigation
Offense Category(s): Other Offenses
Victim(s): Kimberly Mattingly
Suspect(s):

Item(s) Submitted:

LAB ITEM#	SECTION DESIGNATION	AGENCY ITEM#	ITEM(S) DESCRIPTION
13	13-1, 13-2, 13-3	13	(3) 44 S&W Special fired cartridge cases
13	13-4, 13-5, 13-6, 13-7	13	(4) 44 S&W Special cartridges
34	34-1	34	(1) fired bullet 44 caliber 6 land and groove impressions Undetermined twist
34	34-2	34	(1) fired bullet fragment Caliber and rifling characteristics could not be determined.
34	34-3	34	(1) metal fragment
34	34-4	34	(1) metal fragment

Results:

Firearm, Magazine, Cartridges, Accessories, Other



Illinois State Police
Division of Forensic Services
Forensic Sciences Command
Springfield Forensic Science Laboratory

DFS Case #:	DFS20-012172
Agency:	Illinois State Police, Zone 5
Agency Case #:	20-39108100008
Assignment #:	8
Analyst:	Hali Carls-Miller
Start Date:	09/11/2020 End Date: 9/22/2020

Firearms/Toolmarks Laboratory Worksheet

Fired Bullet Panel

Item(s)#	34-1
Packaging	One sealed brown paper bag containing four smaller coin envelopes: one containing a fired bullet (Item #34-1), one containing a fired bullet fragment (Item #34-2) and two that contain a metal fragment each (Items #34-3 and #34-4)
Lab Mark	Initials, Case # and Item #

Trace	apparent blood and tissue	Decontaminated	10% bleach solution
--------------	---------------------------	-----------------------	---------------------

Item(s) Description	Caliber	# of Land and Groove Impressions	Direction of Twist	Polygonal Rifling
(1) fired bullet	44	6	Undetermined	No

Type	Jacketing	Cannelures
LRN	Not Applicable	(2) knurled

Weight (grains)	Measured Using	Diameter (inches)	Measured Using
237.24	Mettler Toledo (#301727)	0.429	Caliper Serial #A19264094 (#1)

Land Impressions (inches)	Groove Impressions (inches)	Measured Using
0.104 (0.103, 0.105)	0.110 (0.109, 0.111)	micrometer Serial #67717484 (#1)

Notes
intact base apparent damage to nose and portion of bearing surface 6 GIMPs and 6 GIMPs are visible Item #34-1 consists of apparent lead material = dull, grey, malleable unable to determine direction of twist due to damage/distortion, some of the LIMPs/GIMPs look like a left twist while others look like a right twist compared base to base with Laboratory Fired Reference Sample: "Ruger New Model Super Blackhawk 44 Magnum 6R SF02003 S1481" to confirm caliber/rifling

Reported Remarks
N/A

Repackaging	Original
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Illinois State Police
Division of Forensic Services
Forensic Sciences Command
Springfield Forensic Science Laboratory

DFS Case #:	DFS20-012172
Agency:	Illinois State Police, Zone 5
Agency Case #:	20-39108100008
Assignment #:	8
Analyst:	Hali Carls-Miller
Start Date:	09/11/2020 End Date: 9/22/2020

Firearms/Toolmarks Laboratory Worksheet

Fired Bullet Panel

Item(s)#	34-2
Packaging	See packaging for Item #34-1
Lab Mark	Initials and Item #

Trace	apparent blood and tissue	Decontaminated	10% bleach solution
--------------	---------------------------	-----------------------	---------------------

Item(s) Description	Caliber	# of Land and Groove Impressions	Direction of Twist	Polygonal Rifling
(1 fired bullet fragment	Undetermined	Undetermined	Undetermined	Undetermined

Type	Jacketing	Cannelures
Not Applicable	Not Applicable	Not Applicable

Weight (grains)	Measured Using	Diameter (inches)	Measured Using
12.48	Mettler Toledo (#301727)	Not Applicable	Not Applicable

Land Impressions (inches)	Groove Impressions (inches)	Measured Using
Not Measured-damaged	Not Measured-damaged	Not Applicable

Notes
there is a possible LIMP/GIMP on Item #34-2 there are also striations present on Item #34-2 there is also a half moon shaped detail present on Item #34-2 that is a possible cannellure or base Item #34-2 consists of apparent lead material = dull, grey, malleable

Reported Remarks
N/A

Repackaging	Original
--------------------	----------



Illinois State Police
Division of Forensic Services
Forensic Sciences Command
Springfield Forensic Science Laboratory

DFS Case #:	DFS20-012172
Agency:	Illinois State Police, Zone 5
Agency Case #:	20-39108100008
Assignment #:	8
Analyst:	Hali Carls-Miller
Start Date:	09/11/2020 End Date: 9/23/2020

Firearms/Toolmarks Laboratory Worksheet

Fired Bullet Panel

Item(s)#	34-4
Packaging	See packaging for Item #34-1
Lab Mark	Initials, Case # and Item # on white notecard that Item #34-4 was taped to

Trace	none apparent	Decontaminated	10% bleach solution
-------	---------------	----------------	---------------------

Item(s) Description	Caliber	# of Land and Groove Impressions	Direction of Twist	Polygonal Rifling
(1 metal fragment	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Type	Jacketing	Cannelures
Not Applicable	Not Applicable	Not Applicable

Weight (grains)	Measured Using	Diameter (inches)	Measured Using
0.02	Mettler Toledo (#301727)	Not Applicable	Not Applicable

Land Impressions (inches)	Groove Impressions (inches)	Measured Using
Not Applicable	Not Applicable	Not Applicable

Notes
Item #34-4 is a metal fragment there is no rifling characteristics or any other feature to determine that Item #34-4 came from a fired bullet

Reported Remarks
N/A

Repackaging	Original
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Illinois State Police
Division of Forensic Services
Forensic Sciences Command
Springfield Forensic Science Laboratory

DFS Case #: DFS20-012172
Agency: Illinois State Police, Zone 5
Agency Case #: 20-39108100008
Assignment #: 8
Analyst: Hali Carls-Miller
Start Date: 09/11/2020 End Date: 9/22/2020

Firearms/Toolmarks Laboratory Worksheet

Findings

Group/Item(s)#	Item Type	To Group/Item(s)#	Item Type	Comparison Microscope Used
34-1, 34-2	Fired Bullet evidence	N/A	N/A	(Tag #268391)

Finding

Inconclusive

Reason/Notes

Items #34-1 and #34-2 could not be identified or eliminated as being fired from the same firearm

A microscopic comparison was performed; however, there is insufficient detail of the class and/or individual characteristics for an identification or elimination finding.

THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
EFFINGHAM COUNTY, EFFINGHAM, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

VS

Christopher Earl Glass,
DOB: 07/13/1983
978 North Madison
Mason, IL 62443

20-CF- ()

WARRANT OF ARREST
TO ALL PEACE OFFICERS:

You are hereby commanded to arrest

CHRISTOPHER EARL GLASS

and bring said person without unnecessary delay before the Honorable Presiding Judge of the Circuit Court of the Fourth Judicial Circuit, Effingham County, in the Courtroom usually occupied by him/her in the Effingham County Government Center, City of Effingham, or if he is absent or unable to act, before the nearest or most accessible court in said County, to answer a charge made against said person for the offenses of

FIRST DEGREE MURDER, in violation of 720 ILCS 5/9-1 (a) (1) (Separate Class);
FIRST DEGREE MURDER, in violation of 720 ILCS 5/9-1 (a) (2) (Separate Class); and,
CONCEALMENT OF HOMICIDAL DEATH, in violation of 720 ILCS 5/9-3.4(a) (Class 3)

and hold said person to bail. The amount of bail is \$ 5,000,000

ISSUED AT EFFINGHAM, EFFINGHAM COUNTY, ILLINOIS this 29th day of
April, 2020


JUDGE

STATE OF ILLINOIS
COUNTY OF _____

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with the provisions of 725 ILCS 5/110-9, defendant released on bail in the sum of \$ _____, with security: _____

(Description of Security)

(Surety: _____ this _____ day of _____, 2020

Name _____ Address _____
to appear in Court on _____, the _____ day of _____, 2020, at _____ M,
Central _____ Time _____
Standard or Daylight

FEES: Service & Return \$ _____; Mileage (_____ mi. @ _____) \$ _____; Total: \$ _____

Date of Service _____

Peace Officer

ILLINOIS DEPARTMENT OF CORRECTIONS
Parole Violation Report

Section A: Violation Details

Offender: Glass, Christopher E. Alias: N/A ID#: Y33532
Parent Facility: Vandalia Correctional Center County of Violation: Shelby County Date of Birth: 07/13/1983
Gender: ☒ Male ☐ Female Race: ☒ Caucasian ☐ African American ☐ Asian ☐ Hispanic ☐ Native American ☐ Other _____
FBI#: 49093NB6 I.R.#: N/A CCJ#: N/A
Release Date: 11/15/2019 Discharge Date: 11/16/2020 Violation Date: 12/23/2019
Custody Facility: Effingham County Jail Custody Date: 04/29/2020
Offense(s): Failure to Comply with MSR Rules 1, 3, 4, 5, 8, 9, 11, 12, 15, and 16 - Arrest for First Degree Murder and Concealment of Homocidal Death
IDOC Warrant #: VA 2002883 Date Warrant Issued: 04/29/2020

List all arrests and/or alleged Parole/Mandatory Supervised Release violations that have occurred since the most recent release from IDOC custody. Include those that have had sanctions issued. NOTE: All boxes checked in the Notice of Charges section must be explained in detail in the narrative below (include date, time, place and description of the violation; description and method of any weapons used; identity and injury to any victim(s); arrest date and arresting agency; criminal charges; and custody/court/bond information): On 4/29/20, The Circuit Court of the Fourth Judicial Circuit, Effingham County, issued a warrant on the offender for First Degree Murder and Concealment of Homocidal Death, which is a violation of MSR Rule 1. The offender is currently AWOL and last FTF contact was 1/24/20, which is a violation of MSR Rules 3 and 4. On 4/29/20, Illinois State Police reported the offender was in Terre Haute, Indiana, which is a violation of MSR Rule 8. On 1/20/20, the offender was sanctioned for moving without permission, which is a violation of MSR Rule 9. On 12/23/19 and 1/24/20, the offender was drug tested with positive results, which is a violation of MSR Rules 11 and 12. On 4/13/20, the offender admitted to being at the residence of a person he had been served a MSR Rule 15 to have no contact with, which is a violation of MSR Rule 15. To date, the offender never completed PRB mandated order for substance abuse, which is a violation of MSR rules 5 and 16.

On 11/15/19, offender Christopher Glass (Y33532) was released from Vandalia Correctional Center to reside with a friend at 978 S. Madison, Mason, IL. Upon release the offender was mandated by the Prisoner Review Board (PRB) to participate in substance abuse counseling. On 11/15/19, assigned agent completed initial Face To Face (FTF) contact with the offender. This contact included a referral to Heartland Human Services in Effingham to address PRB mandate for substance abuse counseling. On 12/23/19 FTF visit, the offender indicated that he had not started substance abuse counseling yet. The offender was administered a urinalysis test and was positive for methamphetamines, amphetamines, and marijuana. The offender was issued a verbal reprimand and referred to Heartland Human Services for substance abuse counseling. On 1/20/20, assigned agent attempted a host site visit and was advised the offender had not been at the residence for two weeks. On 1/20/20, assigned agent talked to the offender by phone. The offender claimed to still be residing at the listed host site. The offender eventually confessed to living at a new address at 2458 E 950th Rd, Strasburg, IL. The offender was issued a verbal reprimand for moving without permission and lying to his parole agent. On 1/20/20, the previous host also reported the offender had stolen her car and made threats to her. On 1/24/20 FTF visit, the offender was served a MSR Rule 15 to have no contact with the previous host/victim 1. The offender was administered a urinalysis test and was positive for marijuana. The offender was issued a verbal reprimand for drug use and referred to Shelby County Community Services in Shelbyville for substance abuse counseling. On 3/11/20, this agent attempted to locate the offender at the listed host site with no offender contact. On 3/22/20, this agent attempted to call the offender with no answer and a Hold and Page was placed on the offender. This agent attempted to call the offender with no answer on 3/25/20, 3/29/20, and 3/31/20. On 4/8/20, Shelby County Sheriff's Office reported the offender was a person of interest in a missing person case. The deputy attempted to locate the offender at the host site and was advised the offender had not been present at the host site for a month. This agent attempted to call the offender with no answer on 4/8/20 and 4/12/20. On 4/13/20, Paris Police Department reported the missing person/victim 2 was a 28 year old female from Paris and had now been missing for 8 days. On 4/13/20, this agent was connected to the offender via AMS due to Hold and Page. Initially the offender claimed to be living at the listed host site. The offender finally confessed to bouncing around from place to place and was currently at the previous host site. The offender had been served a MSR Rule 15 on 1/24/20 prohibiting contact with the previous host/Victim 1. On

Distribution: Offender; Releasing Authority; Offender's Case File;
Parent Field Services Representative; AMS;
Hearing Officer; if FOS, Interstate Compact

ILLINOIS STATE POLICE
INVESTIGATIVE REPORT

Case Number 20-39108100008	Case Title CHRISTOPHER GLASS AND AARON KAISER	Report Type <input type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle			
Report Purpose TO DOCUMENT THE REQUEST TO ASSIST WITH A VERIZON LIVE GEO-LOCATE (LEAD 145)	Report Date 05/01/2020	Activity Date 04/29/2020			
Lead Number 145	Drug Buys	Arrest Warrants	Search Warrants	Overhear Admin	Overhear Warrant
Reporting Agent HANRATTY, ZACHARY	ID Number 6051	Zone/Office ISPZ7EF			
Case Agent WESTFALL, WINDY	Case Agent ID Number 5210	Case Agent Zone/Office ISPZ5CP			

NARRATIVE

The purpose of this report is to document the request for Intelligence Support assistance by Illinois State Police Zone 5 Investigations in reference to a missing person/homicide case in Effingham County, IL by setting up a Verizon cell phone live geo-location.

On 04/29/201, Tpr. Z. Hanratty #6051 with the Illinois State Police Intelligence Support Unit, was requested by Zone 5 Investigations to assist in locating a suspect, Christopher Glass, in the missing person case of Kimberly Mattingly which eventually became a homicide investigation as the day progressed.

At approximately 9:30 AM I arrived to assist Zone 5 with the search of a 16.5-acre property, 15852 N. 1st St. Beecher City, IL, that was possibly the last location that Mattingly had been seen. Early in the search a body was found on the property and at that point the case turned into a homicide investigation.

Soon after the body was found, A Zone 5 Agent was able to acquire approval from the Effingham County States Attorney, Brian Kibler, to declare finding Glass as an exigent situation due to his possible involvement in the concealment of the body and the fact that he may or may not have been on or near the premises and present the threat of clear and imminent danger to the Agents while they were still actively searching the rest of the property.

Glass was known to have used three separate phone numbers at times and they asked if I would be able to assist in locating these phones by use of a live geo-location. The three numbers in question were (618) 335-8391, (618) 359-1492, (217) 994-6840. All of these phone numbers were found to be provided service by Verizon Wireless. At approximately 12:17 PM I contacted Verizon and asked that they begin to provide live geo-location information, due to the exigent circumstances, for each of these phone numbers in 15-minute intervals which they began to do so at approximately 12:56 PM. The phone number ending in 6840 was found to be used primarily by Glass's roommate, Michelle Meyer, whose whereabouts were already known and it was later confirmed she was in possession of that phone. The phone number ending in 1492 was said by Verizon to no longer be in service. The number ending in 8391 was active and believed to be in the possession of Christopher Glass according to Meyer, who was able to contact him at that number.

Once I started to receive these live geo-locations it appeared that the phone number believed to be in the

Approved By
Dumonceaux, Chad #5352

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possession of Glass was in Terre Haute, IN. This continued to be the location for several geo-location notifications after. At this time a search warrant for the phone as well as a parole violation warrant were applied for with the Effingham County States Attorney. It was also at this time that the Terre Haute, IN Police Department and the Indiana State Police were made aware that the now wanted individual was likely in the Terre Haute area. They advised that they would assist in apprehending Glass using the information that we had provided up to this point about his location. Myself and other ISP Agents traveled to Terre Haute, IN to offer any further assistance they may have needed. Glass was eventually apprehended by the Terre Haute PD SWAT Team and brought into custody.

Approved By
Dumonceaux, Chad #5352

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ILLINOIS STATE POLICE INVESTIGATIVE REPORT

Case Number 20-39108100008	Case Title *JUVENILE*CHRISTOPHER GLASS AND AARON KAISER	Report Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle
Report Purpose CUSTODIAL INTERVIEW OF CHRISTOPHER GLASS 4/29/2020. EXHIBIT #116 & 123. (LEAD 146)	Report Date 04/30/2020	Activity Date 04/29/2020
Lead Number 146	Drug Buys	Arrest Warrants
	Search Warrants	Overhear Admin
		Overhear Warrant
Reporting Agent ROSSITER, DANIEL	D Number 6230	Zone/Office ISPZ5BT
Case Agent WESTFALL, WINDY	Case Agent ID Number 5210	Case Agent Zone/Office ISPZ5CP

NARRATIVE

Synopsis:

On April 14, 2020, the Shelby County Sheriff's Office (SCSO) contacted the Illinois State Police, Zone 5 Investigations and requested assistance with a Missing Persons investigation. Kimberly Ann Marie Mattingly (F/W, DOB: 02/10/1991) was last seen on April 4, 2020, by her mother, Gena Holbrook in Paris, Illinois. Holbrook filed a missing persons report with the SCSO on April 8, 2020.

The purpose of this report is to document the interview of Christopher Glass conducted on 4/29/2020 in Terre Haute Indiana.

Details:

On April 29, 2020, I, Sergeant D. Rossiter #6230, and Special Agent Jennifer Smit #6725 interviewed Christopher E. Glass (M/W, DOB: 7/13/1983, 978 N. Madison Street, Mason IL, TX: (618) 335-8391). It is important to note all times referenced in this report reflect Indiana eastern time zone for April 29, 2020. Glass was arrested by Terre Haute Police and Indiana State Police as he left the residence of Chastity Oakley located at 2945 S. 5th Street, Terre Haute, IN 47802. The following is only a synopsis of the interview, and unless otherwise noted, should not be taken as verbatim.

At approximately 11:30 pm, I entered the interview room and introduced myself as a Sergeant with the Illinois state police. I observed Glass had a glass of water sitting on the table. I asked Glass if he needed a refill and he stated he was fine. I advised Glass he had been arrested on an IDOC parole violation warrant and I wanted to speak to him. At 11:38 pm, I read the Illinois State Police statement of constitutional rights and waiver rights form verbatim. Glass stated audibly he understood his rights after each Miranda Warning was read and signed the form.

I advised Glass the room was audio and video recorded and began my portable audio recording for back up purposes. Glass began by answering my questions pertaining to his personal and demographic information that included Glass admitting to a methamphetamine addiction.

I explained to Glass the Illinois Department of Corrections had issued a warrant today (4/29/2020) for

Approved By

Dumonceaux, Chad #5852

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1 there in Illinois?

2 A. No one really. Nobody in particular. Just
3 people locally there.

4 Q. People what?

5 A. In Effingham County.

6 Q. Like who?

7 A. Nobody.

8 Q. Nobody?

9 A. I ain't going to tell you everything.

10 Q. Huh?

11 A. I ain't going to tell you that.

12 Q. Why not?

13 A. I can't, I ain't going to involve everybody
14 else in this.

21:55-
22:17
15 - Q. Hey, look, this is a parole thing, man. I'm
16 just trying to figure out your story. Trying to
17 figure out, you know, I don't know what parole is
18 going to do, but I know when I look at shit I like to
19 see the reason why. If you are trying to get away
20 from something to keep your self clean, whatever, stay
21 out of trouble, to me, that makes a difference. So to
22 hear that story, to hear why you are leaving Illinois.

23 A. ...just local people.

24 Q. Okay. Like who?

1 Police Department in handcuffs. Yes, sir.

2 Q. And when you found him there in the interview room,
3 he was alone and handcuffed; is that right?

4 A. Yes, sir.]

5 Q. So you knew him to be on parole from the Illinois
6 Department of Corrections?

7 A. Yes. That's correct.

8 Q. Now, when prisoners are released on parole from
9 IDOC, they have certain, there are certain limits to their
10 rights when they are out on parole. You're aware of that,
11 right?

12 A. Yes, sir.

13 Q. For example, they are told that they have to submit
14 to searches?

15 A. Yes, sir.

16 Q. And it's a violation of their parole if they don't
17 consent to search by law enforcement?

18 A. I'll agree with that. Yes.

19 Q. Now, when you sat down with Mr. Glass to review the
20 Miranda rights and the waiver, you told him, just give me an
21 audible yes after I read each one of these?

22 A. Yes. That's correct.]

23 Q. And you told him about his right to remain silent?

24 A. Yes, sir.]

1 Q. And his right to a lawyer?

2 A. Yes, sir.

3 Q. And his right to appointed counsel if he can't
4 afford his own lawyer?

5 A. Yes, sir.

6 Q. And then you presented him with the written waiver
7 form?

8 A. That's correct.

9 Q. And then he asked you, do I have to do this for a
10 parole violation?

11 A. I believe the content he was asking me if I had to
12 read Miranda Warnings to someone who was on a parole
13 violation, and I explained to him that it is our policy to
14 read the Miranda Warning to anyone arrested on a warrant.

15 Q. Did he ask you, do I have to do this for a parole
16 violation?

17 A. I don't recall him asking if he had to do this or
18 if I had to do this --

19 Q. I'm sorry to interrupt you officer, and we do have
20 a pretty bad lag here with the computer, so I'm not trying
21 to talk over you. In fact, it looks like you're frozen
22 right now on my monitor.

23 A. Can you hear me?

24 Q. I can hear you now. I can see you now and it looks

Perjured
State ment
Parole warrant
issued
of murder warrant

1 A. I don't believe the first degree murder warrant was
2 signed at the time of the interview. The only warrant I
3 knew I had at the time was the parole violation warrant from
4 the Department of Corrections.)

5 Q. Bare with me because I need to then move to the,
- 6 virtually to the end -- when did you find out about the
7 first degree murder warrant?

- 8 A. After the interview was over.)

9 Q. How long after the interview was over?

- 10 A. I couldn't say. I don't know if I was told after I
11 left the room or if I was told while I was driving home from
12 Terre Haute. I don't know. I don't recall.)

13 MR. SCHMIDT: A moment, Your Honor.

14 THE COURT: You're fine.

- 15 Q. I'm going to refer to Page 158 of the transcript
16 starting at Line 6. Sergeant Rossiter, did you tell
17 Mr. Glass they are going to come in. They are probably
18 going to take you over to the cell. They'll book you in.
19 There is a warrant for the parole violation and there is
20 also a warrant for first degree murder?)

- 21 A. If it's in the transcript then, yes, I said that.

22 Q. Back to the early part of the interview you told,
23 and I'm now for the benefit of Court and Counsel I'm
24 referring to Page 19 of the transcript, starting at Line 15.

1 A. No. He did not.

2 Q. In regards to your job, in regards to the Kim
3 Mattingly case, what was your job on April 29, 2020?

4 A. Well, initially, my job was to help with perimeter
5 search on a search warrant at the property. That was
- 6 quickly changed, and I was tasked with identifying the
- 7 location of Mr. Glass, who was a person of interest in the
8 case, which led us to Terre Haute, Indiana.

9 Q. At the time you did that perimeter search, was
10 there a warrant that you were aware of for first degree
11 murder?

12 A. No.

13 Q. What was the active warrant for?

14 A. It was my understanding from our briefing that it
15 was to search the property for Kim Mattingly or the elements
16 that would identify her whereabouts.

17 Q. I think I asked a bad question. When it relates to
18 Mr. Glass, what kind of existing warrants were out there for
19 him?

20 A. The parole violation warrant was the only warrant I
21 had when we were in Terre Haute.

22 Q. So they shifted you from Effingham to Terre Haute
23 real quick?

24 A. Well, I was tasked to identify where Mr. Glass was.)

was present
during Kaiser
search, knew of
circumstances of
death

false
statement

1 offers, is your client aware of any plea offers that were
2 tendered?

3 MR. SCHMIDT: We attempted to get engaged in plea
4 negotiations. We announced at the last pretrial that we
5 were engaged in plea negotiations. Without getting into the
6 details of that, our overtures, if the State doesn't mind me
7 saying, have been rebuffed.

8 MR. SCALES: I think that's an accurate assessment,
9 Your Honor.)

10 THE COURT: Has discovery all been tendered?

11 MR. SCALES: The State has tendered all of it's
12 discovery.

13 MR. SCHMIDT: I'll be filing a formal discovery
14 answer but at this time, we don't have witnesses as such or
15 affirmative defenses to disclose.

16 THE COURT: Have you already filed a formal
17 compliance.

18 MR. SCHMIDT: I think they filed a number of formal
19 disclosures.

20 MR. SCALES: I know Mr. Kibler and Miss Read have
21 been handling that in our office. I believe there were
22 formal disclosures as well as informal.

23 THE COURT: With regards to witnesses then, State,
24 have you tendered the suspected witnesses to Counsel as

Aug 1 5
22

1 THE COURT: Calling 20-CF-111 People of Illinois vs.
2 Christopher Glass. Show that the State is present by
3 Mr. Scales and Mr. Kibler. Show that the Defendant is
4 present in custody with Mr. Schmidt. This cause was
5 originally set today for sentencing hearing.

6 In the meantime on June 28th there was a motion
7 filed for acquittal or in the alternative a new trial by
8 the defense.

9 Court noted that last week when I was preparing
10 for the sentencing, that involves a Motion to Suppress
11 that this Court did not hear. So the Court has asked
12 for the transcripts. The transcripts have not been made
13 available yet. I indicated this to the attorneys I
14 believe on, well the State on Friday and confirmed with
15 Mr. Schmidt on Monday. For that reason, the Court needs
16 to or the Court needs to hear the or rule on the Motion
17 for Acquittal and New Trial before I proceed to
18 sentencing. I need to have the transcripts of that
19 Motion to Suppress because I did not hear that motion.
20 So for that reason sir the sentencing hearing is going
21 to be continued on the Court's motion while I wait for
22 that transcript.

23 Mr. Schmidt and Mr. Kibler, my suggestion is, I
24 do not want to continue this for a lengthy continuance.

Pretrial
Motion
to Supp.
Hear for
trial

W. Schmidt
Transcripts

Prosecutor withheld transcripts
from Trial Judge

Withheld
transcripts
1 June 16th in the afternoon I have been assured that I
2 will have the transcripts in time.

3 MR. SCHMIDT: August Your Honor?

4 THE COURT: Yes. Is that agreeable?

5 MR. KIBLER: It is Your Honor. And we do have the
6 officer from probation who prepared the report is
7 unavailable starting September 1st for awhile, so if we
8 could have it before the end of the month.

9 THE COURT: Okay. And I know I told the State in
10 advance. Mr. Schmidt I didn't officially indicate to
11 you until yesterday. As far as any witnesses that are
12 available as far as the State were aware for
13 August 16th.

14 MR. KIBLER: The one I was going to call is. If
15 not, I can make it happen.

16 THE COURT: All right. So August 16th at 1 o'clock.
17 August 16th at one p.m. That will be for any pending
18 motions as well as sentencing, if it's warranted after
19 rulings on the motions. All right. Anything else from
20 either of the parties?

21 MR. KIBLER: No, sir. Again that was 1 o'clock.

22 THE COURT: For any of the parties I know there is
23 parties here on behalf of both the Defendant and the
X24 State. I apologize for the delay. But this Court again

X1 did not hear that Motion to Suppress so I need to review
2 those transcripts before I can appropriately rule on the
3 pending motion. Thank you.

4 MR. KIBLER: Thank you Judge.

5 THE COURT: If I did not state all subpoenas
6 continued, if there are any out. Court's in recess.
7 Thank you.

8 (End of proceedings.)

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Aug 14, 2021

THE COURT: Good afternoon. My name is Chris Matoush. I am handling the criminal call this afternoon. Calling 20-CF-111. People of Illinois vs. Christopher Glass. Show that the Defendant is present in custody with Mr. Schmidt. The State is present by Mr. Kibler and Mr. Scales.

This comes on first for a Motion For Acquittal or in the alternative Motion For a New Trial that was filed by Mr. Schmidt. Are the parties ready to proceed on that motion?

MR. KIBLER: Yes, Your Honor.

MR. SCHMIDT: Yes, Judge.

THE COURT: All right. Before getting into the merits of the motion, I would just note with regards to--and this was continued for a couple of weeks approximately for the Court to address--to have the ability to review items with regards to one of the allegations in the acquittal motion by the defense.

I would note for all parties that I have reviewed--obviously I saw the interview with regards to the Defendant's interview during the trial. Since then I have also been provided transcripts of the Motion to Suppress hearing that was heard December 7th of 2020.

Outside of observing the interview at the

1 anything this Court imposes on the murder. Thank you.

2 THE COURT: Thank you Mr. Kibler. Mr. Schmidt.

3 MR. SCHMIDT: Your Honor I will be brief. The
4 primary factor in aggravation here is the deterrent
5 factor that gist of the State's argument is that
6 Mr. Glass based on the facts of this case and his prior
7 record and the evidence in aggravation is a dangerous
8 person and is--extended incarceration is necessary to
9 protect the public.

10 Mr. Glass is already 36 years old. Even a
11 minimal sentence, even the minimum sentence in this case
12 would likely mean that he spends the rest of his life in
13 prison. And in the unlikely circumstance he lives that
14 long, he would be a very old man and unlikely to pose
15 the kind of threat to the public that Mr. Kibler is
16 concerned about.

17 Any sentence beyond that we--would be based
18 only on the emotional content of this case, which is I
19 mean it's a terrible situation Judge. And this family,
20 their feelings about it are appropriate and I feel for
21 them.

22 The Court is called upon to impose a sentence
23 not based on sympathy or emotion or anger, but based on
24 the factors set forth in the sentencing statute. A

*Sympathy
for victim's
family*

1 of facts, it's alleged that Mr. Glass was taken to Vigo
2 County or taken to the Illinois State Police District 12
3 here in Effingham. That is not what happened. He was
4 actually, we believe, taken to the Vigo County Sheriff's
5 Department in Terre Haute, so we would move to strike that
6 first full sentence of Paragraph 3 of the statement of facts
7 on the first page of the motion.)

8 THE COURT: The State have any objection to that? I
9 would note as I was viewing it, it was clear to the Court
10 that he was in Indiana when he was being interviewed as
11 opposed to being in the State of Illinois. Any objection to
12 that amendment, Mr. Kibler?

13 MR. KIBLER: Not at all.

14 THE COURT: Any other changes or corrections?

15 MR. SCHMIDT: Not to the motion. I did want to
16 address this transcript. It was on my desk this morning
17 when I got to work. I don't see -- there is no indication
18 of who prepared this, so I did go and listen to the tape
19 again and read along with the transcript. There are a
20 number errors in the transcript. Some that I was able to
21 note. Some that I didn't. I'm sure if given more time,
22 there would be more that we could point out, but I would ask
23 that the Court find that although the transcript maybe
24 helpful, the audio videotape of the interrogation is the

Brady
Dec-7-20
11:29 AM
4-29-20

1 MR. SCHMIDT: And Mr. Houck?
2 MR. HOUCK: Yes.
3 MR. SCHMIDT: And Mr. Platz?
4 MR. PLATZ: Yes.
5 MR. SCHMIDT: And Miss Tappendorf?
6 MISS TAPPENDORF: Yes.
7 MR. SCHMIDT: Miss Jenne?
8 MISS JENNE: Yes.
9 MR. SCHMIDT: Mr. Wolff?
10 MR. WOLFF: Yes.
11 MR. SCHMIDT: Miss Saunders.
12 MISS SAUNDERS: Yes.
13 THE COURT: Mr. Sherrick?
14 MR. SHERRICK: Yes.
15 MR. SCHMIDT: Miss Hewing?
16 MISS HEWING: Yes.
17 MR. SCHMIDT: Miss Nelson.
18 MISS NELSON: Yes.
19 MR. SCHMIDT: And Mr. Koester?
20 MR. KOESTER: Yes.
21 MR. SCHMIDT: That all of you. ^x This case isn't a
22 drug case as such, but it's part of the story. Being a
23 lawyer, I have my experiences and perspective on that, but
24 I'm expecting your's is a little different and I want to

I-A-C
Presents
Presidential
Statement

FILED

AUG 16 2021

IN THE CIRCUIT COURT OF Effingham COUNTY, ILLINOIS
4th JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS

Vs.

Case No 20-CF-111Date of Sentence 8-16-2021Date of Birth 7-13-1983
(Defendant)CLERK OF THE CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
EFFINGHAM COUNTY, ILLINOISChristopher E. Glass
DefendantJUDGMENT - SENTENCE TO ILLINOIS DEPARTMENT OF CORRECTIONS

WHEREAS the above-named defendant has been adjudged guilty of the offenses enumerated below; IT IS THEREFORE ORDERED that the defendant be and hereby is sentenced to confinement in the Illinois Department of Corrections for the term of years and months specified for each offense.

COUNT	OFFENSE	DATE OF OFFENSE	STATUTORY CITATION	CLASS	SENTENCE	MSR
<u>1</u>	<u>Murder</u>	<u>4-6-20</u>	<u>720 ILCS 5/9-1(a)(2)</u>	<u>M</u>	<u>50</u> Yrs. <u>0</u> Mos. <u>3</u> Yrs.	
To run (concurrent with) (consecutively to) count(s) <u>4</u> and served at 50%, 75%, 85%, 100% pursuant to 730 ILCS 5/3-6-3						
<u>4</u>	<u>A Homicidal Death</u>	<u>4-6-20</u>	<u>720 ILCS 5/9-3.4(a)</u>	<u>3</u>	<u>5</u> Yrs. <u>0</u> Mos. <u>1</u> Yrs.	
To run (concurrent with) (consecutively to) count(s) <u>1</u> and served at (50%) 75%, 85%, 100% pursuant to 730 ILCS 5/3-6-3						
To run (concurrent with) (consecutively to) count(s) _____ and served at 50%, 75%, 85%, 100% pursuant to 730 ILCS 5/3-6-3						

This Court finds that the defendant is:

_____ Convicted of a class _____ offense but sentenced as a class X offender pursuant to 730 ILCS 5/5-4.5-95(b) on count(s) _____.

The Court further finds that the defendant is entitled to receive credit for time actually served in custody (of 474 days as of the date of this order) from (specify dates) 4/30/20 - 8/15/21. The defendant is also entitled to receive credit for the additional time served in custody from the date of this order until defendant is received at the Illinois Department of Corrections.

_____ The defendant remained in continuous custody from the date of this order.

_____ The defendant did not remain in continuous custody from the date of this order (less _____ days from a release date of _____ to a surrender date of _____).

_____ The Court further finds that the conduct leading to conviction for the offenses enumerated in counts _____ resulted in great bodily harm to the victim. (730 ILCS 5/3-6-3(a)(2)(iii)).

_____ The Court further finds that the defendant meets the eligibility requirements for possible placement in the Impact Incarceration Program. (730 ILCS 5/5-4-1(a)).

_____ The Court further finds that offense was committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and recommends the defendant for placement in a substance abuse program. (730 ILCS 5/5-4-1(a)).

_____ The defendant successfully completed a full-time (60-day or longer) Pre-Trial Program _____ Educational/Vocational _____ Substance Abuse _____ Behavior Modification _____ Life Skills _____ Re-Entry Planning - provided by the county jail while held in pre-trial detention prior to this commitment and is eligible and shall be awarded additional sentence credit in accordance with 730 ILCS 5/3-6-3(a)(4) for _____ total number of days of program participation, if not previously awarded.

_____ The defendant passed the high school level test for General Education and Development (GED) on _____ while held in pre-trial detention prior to this commitment and is eligible to receive Pre-Trial GED Program Credit in accordance with 730 ILCS 5/3-6-3(a)(4.1). THEREFORE IT IS ORDERED that the defendant shall be awarded 60 days of additional sentence credit, if not previously awarded.

_____ IT IS FURTHER ORDERED the sentence(s) imposed on count(s) _____ be (concurrent with) (consecutive to) the sentence imposed in case number _____ in the Circuit Court of _____ County.

X IT IS FURTHER ORDERED that D report to circuit clerk within 30-days of release from IDOC

The Clerk of the Court shall deliver a certified copy of this order to the sheriff. The Sheriff shall take the defendant into custody and deliver defendant to the Department of Corrections which shall confine said defendant until expiration of this sentence or until otherwise released by operation of law.

This order is (X effective immediately) (_____ stayed until _____).DATE: 8/16/21ENTER: Chris MatoushChris Matoush

(PLEASE PRINT JUDGE'S NAME HERE)