



ILLINOIS STATE POLICE
Office of the Director

JB Pritzker
Governor

Brendan F. Kelly
Director

February 25, 2022

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

Dear Governor Pritzker:

In accordance with 430 ILCS 65/11, a report listing “all final decisions by a court of this State upholding, reversing, or reversing in part, any administrative decisions made by the Department of State Police” concerning the Firearm Owners Identification (FOID) Card Act must be submitted to you and the General Assembly. The Illinois State Police (ISP) received 35 relevant decisions from the Illinois courts during calendar year 2021, with respect to FOID card litigation. Enclosed is a summary of those cases, including information regarding one case that remains pending on appeal.

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

Very respectfully,

Brendan F. Kelly
Director

Enclosure

cc: House Minority Leader James Durkin
Senate President Don Harmon
Senate Minority Leader Dan McConchie
House Speaker Emanuel "Chris" Welch

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

Petitions for Relief Brought Under 430 ILCS 65/10

In 35 relevant cases, the petitioner sought relief from the relevant firearm prohibition and/or an order directing ISP to issue a FOID card in the Circuit Court under the provisions of 430 ILCS 65/10, although several were incorrectly styled as complaints for administrative review. Of the Section 10 cases, the court denied or dismissed the petitioner's request for issuance of a FOID card in 20 instances.

John W. Cook v. Illinois State Police -- John W. Cook was convicted of Possession of Cannabis in 1987. His FOID card was denied as issuance is contrary to federal law. Mr. Cook alleged he filed an appeal of his FOID card revocation and did not receive a response. Mr. Cook filed a Complaint in Will County seeking relief. On February 9, 2021, the case was dismissed as moot. ISP decision upheld.

Alfred Evans III v. Illinois State Police -- Alfred Evans III alleges he was convicted of a Simple Assault on an unknown date and he was denied his Second Amendment right to possess a concealed firearm. His FOID card was denied as issuance is contrary to federal law. Mr. Evans III filed a Complaint for Administrative Review in Cook County seeking relief. On December 20, 2021, the case was dismissed for want of prosecution. ISP decision upheld.

John Gillenwater v. People of the State of Illinois -- Gillenwater was convicted of Aggravated Driving on a Revoked License in 2010. His FOID card was denied as issuance is contrary to federal law. Mr. Gillenwater filed a Petition in Winnebago County seeking relief. On January 25, 2021, the case was dismissed for lack of subject matter jurisdiction. ISP decision upheld.

Wesley Hollingsead v. People of the State of Illinois, Illinois State Police -- Wesley Hollingsead was convicted of Theft/Control/Intent/>300/1stand Forgery/Make/Alter Document on unknown dates. His FOID card was denied as issuance is contrary to federal law. Mr. Hollingsead alleges he appealed for relief approximately two years ago and ISP has not responded. Mr. Hollingsead filed a Petition in Macon County seeking relief. On January 22, 2021, the case was dismissed without prejudice. ISP decision upheld.

Catherine Hunter v. David Torres, Sr. -- An order was entered on October 26, 2020. Mr. David Torres, Sr., is the subject of the order which states that Mr. Torres' FOID card restrictions from the Civil No Contact Stalking order are vacated. Illinois State Police shall return Respondent's FOID card immediately. However, 430 ILCS 65/8.2 explicitly provides that ISP shall revoke and seize a FOID card if the Department finds that the person is the subject of an existing order of protection. We filed a motion to vacate and reconsider the order. On January 6, 2021, the case was dismissed. ISP decision upheld.

Timothy Joseph v. Illinois State Police Firearm -- Timothy Joseph was convicted of an unknown offense. His FOID card was revoked as issuance is contrary to federal law. He filed a Complaint in Cook County seeking relief. On January 5, 2021, Mr. Joseph's petition was denied. ISP decision upheld.

Joseph T. Kasimir v. Brendan F. Kelly, Jessica Trame, and James W. Glasgow -- Joseph T. Kasimir was convicted of Possession of a Controlled Substance in 2000 and 2001. His FOID card was denied as issuance is contrary to federal law. Mr. Kasimir filed a Complaint in Will County seeking relief. On November 3, 2021, the case was dismissed with prejudice. ISP decision upheld.

Frederick King v. Stewart Umholtz, State's Attorney of Tazewell County, et al. -- Frederick King was convicted of Theft in 1992 and Retail Theft in 1993. His FOID card was denied as issuance is contrary to federal law. Mr. King filed a Summons and Petition in Tazewell County seeking relief. On May 28, 2021, the case was dismissed. ISP decision upheld.

Lee E. Martin Jr., v. Brendan F. Kelly, Jessica Trame, James W. Glasgow -- Lee E. Martin Jr. was convicted of Battery in 1988. His FOID card was denied as issuance is contrary to federal law. Mr. Martin alleges he filed a FOID appeal and did not receive a response. Mr. Martin filed a Complaint in Will County seeking relief. On June 28, 2021, the case was dismissed for want of prosecution. ISP decision upheld.

In Re the Application of John J. McCauley for the Issuance of a Firearm Owners Identification Card -- John J. McCauley was convicted of Battery in 2010 and had an order of Protection entered against him on an unknown date. His FOID card application was denied as issuance is contrary to federal law. Mr. McCauley filed a Petition in Kane County seeking relief. On July 6, 2021, the case was dismissed with prejudice. ISP decision upheld.

Diunte Lamont Moon v. Cook County State's Attorney, Illinois State Police -- Diunte Lamont Moon was convicted of an unknown offense. Mr. Moon filed a Motion seeking an immediate court date for the approval of his FOID card as his employment and safety depend upon the approval. Mr. Moon filed a Motion in Cook County seeking relief. On February 4, 2021, the case was dismissed. ISP decision upheld.

Frank Nyiri, Jr. v. Illinois State Police -- Frank Nyiri alleged FOID Card Act, Due Process, Right to Bear Arms, and Firearms Concealed Carry Act violations and that his Illinois Constitutional rights were violated. Mr. Nyiri, Jr. alleges his FOID card was revoked due to a voluntary mental health admission in July 2018. Mr. Nyiri further alleges he filed an administrative FOID appeal on July 27, 2018, but did not receive a response. Mr. Nyiri filed a Complaint in Cook County seeking relief. On July 6, 2021, the motion for a voluntary non-suit was granted. ISP decision upheld.

Scott O'Connor v. Director of Illinois State Police Firearms Bureau Jessica Traume, and the Illinois State Police -- Scott O'Connor was subject to a Stalking No Contact order on July 13, 2020. His FOID card was revoked as issuance is contrary to federal law. Mr. O'Connor filed a Petition in Lake County seeking relief. On January 12, 2021, the case was dismissed with prejudice. ISP decision upheld.

David Pinta v. Illinois State Police -- David Pinta was convicted of Unlawful Delivery of a Controlled Substance in 1975. The charge was expunged on March 20, 2003. A Pardon was issued in 2002, but it did not restore firearm rights. A FOID card was issued to Mr. Pinta in 2003 and 2005 when FOID did not act on sealed records. However, Mr. Pinta's FOID card was revoked in 2009. As a result, Mr. Pinta filed a Petition for Reinstatement of Firearm Privileges in Sangamon County seeking relief. Mr. Pinta was issued a FOID card in 2015. On August 31, 2021, the case was dismissed as moot. ISP decision upheld.

Jared Renner v. Illinois State Police and Illinois Attorney General's Office -- Jared Renner was involuntarily committed to Barnes Hospital in 2010. He alleges his right to own and possess firearms was been violated. Mr. Renner filed a Petition in St. Clair County Court seeking relief. On June 16, 2021, the case was dismissed. ISP decision upheld.

Albert B.D. Saffold v. Illinois State Police Admin -- Albert B.D. Saffold was convicted of an unknown offense in 1993. His FOID card was denied as issuance is contrary to federal law. Mr. Saffold filed a Summons and Petition seeking relief in Cook County. On February 10, 2021, the case was dismissed with prejudice. ISP decision upheld.

Mark R. Sanders v. Illinois State Police -- Mark R. Sanders was convicted of Disorderly Conduct in 2004 in Ohio. His FOID card was denied as issuance is contrary to federal law. He filed a Petition in DuPage County seeking relief. On December 28, 2021, the case was dismissed with prejudice. ISP decision upheld.

Walter Stanula v. Winnebago County State's Attorney's Office -- Walter Stanula was convicted of Domestic Battery in 1995. His FOID card was revoked as issuance is contrary to federal law. Mr. Stanula filed a Petition in Winnebago County seeking relief. On April 23, 2021, the case was dismissed. ISP decision upheld.

Bianca Treadwell v. Illinois State Police, Firearm Services Bureau -- Bianca Treadwell was convicted of an unknown offense. Ms. Bianca Treadwell alleges a false order of Protection was filed against her and dismissed. Her FOID card was revoked as issuance is contrary to federal law. Ms. Treadwell filed a Complaint in Cook County seeking relief. On April 7, 2021, the case was dismissed for want of prosecution. ISP decision upheld.

Jerome Wilkes v. Illinois State Police -- Jerome Wilkes was convicted of Manufacture/Delivery of a Controlled Substance in 1993. His FOID card was denied as issuance is contrary to federal law. Jerome Wilkes was issued a Pardon on November 25, 2009. Mr. Wilkes filed a Complaint in Cook County seeking relief. On April 7, 2021, the case was dismissed with prejudice. ISP decision upheld.

The court granted relief and/or directed ISP to issue a FOID card to the petitioner in 15 instances. In 14 of those cases, ISP determined that the Courts had proper authority to grant relief and did not oppose the orders. One appeal filed by ISP is pending.

Leon S. Baine v. James Glasgow, Will County State's Attorney -- Leon Baine was convicted of simple Battery in 1997 and Driving under the Influence in 1984 His FOID card was revoked as issuance is contrary to federal law. Mr. Baine filed a Petition in Will County seeking relief. On January 8, 2021, Will County ordered ISP to issue a FOID card to Baine. ISP decision reversed.

Raymond D. Barton v. Rick Amato, State's Attorney of DeKalb County -- Raymond D. Barton was convicted of Aggravated Assault in 2007. His FOID card was denied as issuance is contrary to federal law. Mr. Barton filed a Petition in DeKalb County seeking relief. On April 2, 2021, DeKalb County ordered ISP to issue a FOID card to Mr. Barton. ISP abandoned its appeal. ISP decision reversed.

Thomas D. Brown v. People of the State of Illinois, Illinois State Police -- Thomas Brown was convicted of Infliction of Corporal Injury: Spouse/Cohabitant in California in 2001. His FOID card was revoked as issuance is contrary to federal law. Mr. Brown filed a Petition for Administrative Review in Putnam County seeking relief. On May 31, 2018, Putnam County ordered ISP to issue a FOID card to Mr. Brown. ISP decision reversed. ISP filed an appeal that is still pending.

John M. Daniels v. State's Attorney of Cook County, Illinois -- John M. Daniels was convicted of misdemeanor Domestic Battery in 2000. His FOID card was denied as issuance is contrary to federal law. Mr. Daniels filed a Petition in Cook County seeking relief. On March 22, 2021, Cook County ordered ISP to issue a FOID card to Mr. Daniels. ISP decision reversed.

Alfred Evans, Jr. v. Illinois State Police, Lisa Madigan, and Cook County State's Attorney Kim Foxx -- Alfred Evans was convicted of Manufacture/Delivery of 15+ Grams Cocaine/Analog and Manufacture/Delivery of a Controlled Substance in 1994. His FOID card was denied as issuance is contrary to federal law. Mr. Evans filed a Complaint in Cook County seeking relief. On November 20, 2018, Cook County denied Mr. Evans' Petition. Mr. Evans appealed. The Illinois Supreme Court remanded the case for further proceedings on the merits. On June 1, 2021, Cook County ordered ISP to issue a FOID card to Mr. Evans. ISP decision reversed.

David K. Fuller v. Illinois State Police -- David Fuller was convicted of Burglary in 1979. Mr. Fuller's FOID card application was denied as issuance is contrary to federal law. He filed a Motion to Restore Firearm Rights in Cook County seeking relief. On November 14, 2017, Cook County granted the Cook County State's Attorney's motion to dismiss Fuller's Section 10 petition on the grounds that it was untimely filed. Mr. Fuller appealed. On February 15, 2019, the Judgement of the circuit court was reversed, and the cause was remanded for further proceedings on the merits. On March 27, 2019, a Mandate was issued. On October 19, 2021, Cook County ordered ISP to issue a FOID card to Mr. Fuller. ISP decision reversed.

Jeremy C. Gallup v. Greene County State's Attorney's Office -- Jeremy C. Gallup filed a Motion for Joinder requesting the Illinois State Police be added as a defendant in his Petition for Relief from Prohibition from Possessing a FOID card. On April 22, 2021, Green County ordered ISP to issue a FOID card to Mr. Gallup. ISP decision reversed.

Stacy Goodman v. Dru Goodman -- Dru Goodman's FOID card was revoked due to an active Order of Protection that is set to expire September 6, 2019. On September 6, 2017, Lake County ordered ISP to issue a FOID card to Mr. Goodman. Mr. Goodman's Protective order ended and ISP will issue his FOID card when he files his FOID card revocation appeal. A mandate was issued on March 4, 2021. On March 9, 2021, Lake County ordered the extension of the Plenary order of Protection is vacated and the Order of Protection shall be removed from the LEADS system, instant. ISP decision reversed.

Ashley A. Hopper v. Douglas E. Dyhrkopp and Brendan F. Kelly -- Ashley A. Hopper was convicted of Possession of a Controlled Substance in 2005. Her FOID card was denied as issuance is contrary to federal law. Ms. Hopper filed a Petition in Gallatin County seeking relief. On April 28, 2021, ISP was ordered to issue a FOID card to Ms. Hopper. ISP decision reversed.

People of the State of Illinois v. Justin C. Kaiser -- Justin C. Kaiser was convicted of a misdemeanor crime of Battery in 2019. His FOID card was revoked as issuance is contrary to federal law. On June 3, 2021, Champaign County entered an order directing ISP to issue a FOID card to Mr. Kaiser. ISP filed a Motion to Vacate the June 3, 2021 order. On October 14, 2021, Champaign County ordered ISP to reinstate Mr. Kaiser's FOID card. ISP decision reversed.

Daniel J. Kalina v. Winnebago County State's Attorney's Office -- Daniel J. Kalina alleged ISP was ordered to issue a FOID card to him on August 9, 2021, failed to do so. Mr. Kalina filed a Petition in Winnebago County seeking relief. Mr. Kalina was issued a FOID card. On December 7, 2021, the case was dismissed. ISP decision reversed.

John A. Lee v. IL State Police -- John A. Lee was convicted of Manufacture/Deliver Controlled Substances in 1997 and Manufacture/Deliver Controlled Substances and Possession of Controlled Substance in 1993. His FOID card was revoked as issuance is contrary to federal law. Mr. Lee filed a Complaint in Cook County seeking relief. On April 15, 2021, Cook County ordered ISP to issue a FOID card to Mr. Lee. ISP decision reversed.

Adam E. Taylor v. DeKalb County State's Attorney -- Adam E. Taylor was convicted of Battery in 2011. His FOID card was denied as issuance is contrary to federal law. Mr. Taylor filed a Complaint in DeKalb County seeking relief. Mr. Taylor was issued a FOID card. On December 7, 2021, the case was dismissed without prejudice. ISP decision reversed.

Damarrius Tolliver v. Illinois State Police, Illinois Firearm Bureau -- Damarrius Tolliver was a patient in a mental health facility on or about in 2009. His FOID card was denied as issuance is contrary to federal law. Mr. Tolliver filed a Summons and Complaint in Cook County seeking relief. Mr. Tolliver was issued a FOID card. On April 12, 2021, the case was dismissed. ISP decision reversed.

Keith Wilkerson and Colette Wilkerson v. Illinois State Police -- Keith Wilkerson was convicted of Manufacturing/Delivering Cannabis in 1994, and Attempted Burglary in 1985. Colette Wilkerson was convicted of Manufacturing/Delivering Cannabis in 1994. Their FOID cards were revoked as issuance is contrary to federal law. Mr. Wilkerson and Ms. Wilkerson filed a Complaint in Cook County seeking relief. On December 9, 2020, Ms. Wilkerson's case was dismissed. On October 27, 2021, Cook County granted relief to Mr. Wilkerson. ISP decision reversed.