

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
OGLE COUNTY, ILLINOIS

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff,

vs.

JOSHUA T. ANDERSON,

Defendant.

)
)
)
) NO. 2024 CF 70
)
)
) **FRANKS HEARING**

REPORT OF PROCEEDINGS of the hearing before
the Honorable JUDGE JOHN B. ROE, IV, commencing on
NOVEMBER 5, 2025.

APPEARANCES:

ATTORNEY MATTHEW LEISTEN,
Assistant State's Attorney,
for the People of the State of Illinois;

ATTORNEY MITCHEL JOHNSTON,
for the Defendant.

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1 (The following proceedings were held in
2 open court, commencing at 9:13 a.m.)

3 THE COURT: 24 CF 70, People vs. Joshua Anderson.
4 Present in court and is with Attorney ...

5 MR. JOHNSTON: Mitchel Johnston, Your Honor.

6 THE COURT: Thank you. And Assistant State's
7 Attorney Leisten for the State.

8 I had set this matter over on the defendant's
9 motion for a Franks hearing. That was the -- what was
10 considered by the Court from last -- the last hearing. I
11 took the matter under advisement, reviewed the case law,
12 statutory law, evidence that was presented.

13 At this time the Court finds that the omission
14 that the defendant had a medical cannabis card in the
15 search warrant affidavit, when considered with the
16 evidence that was presented at hearing, is sufficient to
17 meet the burden of the defendant for a Franks hearing.

18 So the motion for a Franks hearing is granted.
19 I had -- and I believe we had discussed at the last court
20 date, if the Court granted that Franks hearing, we'd be
21 prepared to move forward today. Is that correct?

22 MR. LEISTEN: Correct.

23 THE COURT: Perfect. So we'll move forward with the
24 Franks hearing at this time.

1 Is the defense ready?

2 MR. JOHNSTON: Yes, Judge. I think it's my burden.
3 Technically my witness.

4 THE COURT: Okay. Go ahead.

5 MR. JOHNSTON: Your Honor, first I would make a
6 motion to exclude, though I believe the two witnesses are
7 already out of the courtroom.

8 MR. LEISTEN: Yes, Judge. Sergeant Halfman and
9 Deputy Lee are in the hallway.

10 THE COURT: Okay.

11 MR. JOHNSTON: Judge, firstly I'd be calling Deputy
12 Joshua Lee to the stand.

13 THE COURT: Okay. If we could have Joshua Lee come
14 in.

15 (Brief pause.)

16 THE COURT: All right. It's Detective Lee. Is that
17 correct?

18 MR. LEE: Deputy.

19 THE COURT: Deputy Lee, you've been called to testify
20 by the defense in this hearing. If you'd could just come
21 forward, I'll swear you in before you're seated. If you
22 could raise your right hand.

23 (Oath administered.)

24 THE COURT: Please be seated. If you'd just make

1 sure you're speaking in the microphone clearly, I'd
2 appreciate it.

3 You may proceed.

4 JOSHUA LEE,
5 called as a witness on behalf of the Defendant, being
6 first duly sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. JOHNSTON:

9 Q. Good morning, Deputy.

10 A. Good morning.

11 Q. Could you please state and spell your name for
12 the record?

13 A. Deputy Joshua Lee, L-e-e.

14 Q. And, Deputy Lee, how are you employed?

15 A. With the Ogle County Sheriff's Office.

16 Q. How long have you been employed with the Ogle
17 County Sheriff's Office?

18 A. Just over two years now.

19 Q. And what are some of your -- as part of your
20 employment, what are some of the activities you're doing?

21 A. I am currently full-time in the special
22 operations unit, and we investigate mostly drug crime
23 activities. We also assist the detective bureau with
24 anything else that they need.

1 Q. And were you in a similar capacity with that unit
2 on or about early April 2024?

3 A. Yes. I was full-time on patrol but part-time in
4 that unit at the time.

5 Q. And explain to me -- well, I should restate this.
6 Do you know a Lieutenant Michael Halfman?

7 A. I do.

8 Q. And who is Lieutenant Michael Halfman to you?

9 A. Basically my boss. He's in charge of the -- at
10 the time, I believe he was a sergeant in charge of the
11 special operations unit. Now he's a lieutenant in charge
12 of the unit.

13 Q. Okay. So on or about April and February of 2024,
14 were you working with Lieutenant Michael Halfman on
15 investigations as part of that unit?

16 A. Yes.

17 Q. And with regard to those investigations, did you
18 become involved in an investigation that centered around
19 my client, Joshua Anderson?

20 A. Yes.

21 Q. Do you recall when you became involved in that
22 investigation?

23 A. I -- not exactly. I know there was several weeks
24 of investigation. At some point during that, they

1 informed me what they had going on as far as surveillance
2 and stuff.

3 Q. Were you part of that surveillance?

4 A. No.

5 Q. Were you asked to review some of Mr. Anderson's
6 history as part of that investigation?

7 A. Yes.

8 Q. And was part of that review centered around
9 whether or not he possessed a medical cannabis card?

10 A. Yes.

11 Q. And are you aware of the computerized database
12 through the Illinois Department of Public Health where law
13 enforcement is able to look up the registration of certain
14 cannabis patients?

15 A. At the time we did not know how we were supposed
16 to look it up. I believe I contacted them, and I was told
17 that they could not provide that information to me.

18 Q. Okay. So there came a time -- correct? -- when
19 you were looking into whether or not Mr. Anderson had a
20 valid medical cannabis card?

21 A. Yes.

22 Q. When was that time?

23 A. It was around the same time that we did the
24 search warrant, around April.

1 Q. And you would agree that search warrant was
2 executed on or about April 10th of 2024?

3 A. Yes.

4 Q. And when you say it was around the time of the
5 search warrant, April 10th, 2024, do you mean within weeks
6 of April 10th, 2024?

7 A. I would say within a week.

8 Q. Within a week? Okay.

9 A. I would believe so, yes.

10 Q. All right. How exactly did you come about this
11 information that Mr. Anderson was, in fact, a valid
12 medical cannabis cardholder?

13 A. I believe I was in contact with the Illinois
14 Cannabis Control Office through the state police.

15 Q. Is that part of STIC, by chance? The Statewide
16 Terrorism Intelligence Center of the Illinois State
17 Police?

18 A. I am aware of STIC, but I believe this is a
19 separate office.

20 Q. And you would agree that this was an
21 investigation into potential violations of the Cannabis
22 Control Act; correct?

23 A. Yes.

24 Q. You would agree, then, as well, that it would

1 have been important for you to ascertain whether the
2 homeowner subject to that investigation was indeed a valid
3 medical cannabis cardholder; correct?

4 A. Correct.

5 Q. And when you obtained this information, what did
6 you do with it? About his medical cannabis card status.

7 A. What do you mean what did I do with it? Like,
8 who did I tell?

9 Q. Did you tell anyone?

10 A. Yes.

11 Q. Who did you tell?

12 A. The other people involved in the investigation.

13 Q. All right. And by "people involved in the
14 investigation," do you mean other law enforcement officers
15 of the Ogle County Sheriff's Office?

16 A. Yes.

17 Q. And in particular, you told Sergeant Halfman --
18 at the time, at least, Sergeant Halfman -- about my
19 client's medical card status; correct?

20 A. I believe he was aware, yes.

21 Q. And he would have been aware prior to the
22 execution of the search warrant on April 10th of 2024?

23 A. Yes.

24 Q. And you're generally aware -- correct? -- of the

1 process for getting a search warrant, wherein you submit
2 an affidavit with the complaint for search warrant;
3 correct?

4 A. Yes.

5 Q. And you would agree that in a case like this, it
6 would have been reasonable and prudent to include the fact
7 that Mr. Anderson was a medical card cannabis holder in
8 that affidavit for search warrant; correct?

9 A. I would believe so. Typically, yes.

10 Q. And to your knowledge, that fact was not
11 disclosed to the judge issuing the search warrant;
12 correct?

13 A. To the knowledge I have now, correct.

14 Q. Were you present when the search warrant was
15 issued by the judge?

16 A. I don't believe so.

17 Q. But you were present on the day the search
18 warrant was executed; correct?

19 A. Yes.

20 Q. And you had testified, I believe, that prior to
21 April 10th of 2024 you were not conducting surveillance on
22 Mr. Joshua Anderson's residence as part of this
23 investigation; correct?

24 A. I don't believe so. I believe that Lieutenant

1 Halfman -- at the time sergeant -- and Deputy Shippert
2 were informing me of what was going on and asking me to
3 help as far as research-type stuff, but I don't believe I
4 physically did any surveillance on that residence.

5 Q. You mentioned Deputy Shippert. Was he also part
6 of this investigation?

7 A. Yes. He was in the special operations unit at
8 the time.

9 Q. And you had mentioned -- strike that.

10 You had testified previously that you had
11 informed members of the special operations unit of
12 Mr. Joshua Anderson's status as a valid medical cannabis
13 cardholder; correct?

14 A. Yes.

15 Q. And would one of the members of that special
16 operations unit you would have informed have been Deputy
17 Shippert?

18 A. I believe so. It was only him and Sergeant
19 Halfman at the time. So ...

20 Q. In other words, you would agree that at least a
21 minimum of three law enforcement officers of the Ogle
22 County Sheriff's Office possessed knowledge that
23 Mr. Anderson was a medical card cannabis holder prior to
24 the execution of the April 10th search warrant; correct?

1 A. Yes.

2 MR. JOHNSTON: That's all I have for this witness,
3 Judge.

4 THE COURT: Okay. Assistant State's Attorney
5 Leisten.

6 CROSS-EXAMINATION

7 BY MR. LEISTEN:

8 Q. Deputy Lee, in preparation for the search
9 warrant, did you personally believe that the eventual
10 arrestee Joshua Anderson was violating the conditions of
11 his medical marijuana card based on the things that you
12 guys had gathered during the investigation?

13 A. Yes.

14 Q. And how come you had that opinion?

15 A. I believe it was based off of information that
16 the other deputies gathered as far as Facebook posts and
17 other things that they had seen at the residence.

18 Q. And just to be clear, you are not the affiant on
19 the search warrant that was executed on April 10th of
20 2024; right?

21 A. I was not.

22 Q. And also just to be clear, you did a full
23 narrative report summarizing some of your work before the
24 investigation as well as what occurred during the search

1 warrant execution on April 10th; right?

2 A. I did.

3 MR. LEISTEN: No further questions, Judge.

4 THE COURT: Okay. Anything further based on those
5 questions?

6 MR. JOHNSTON: Very briefly, Judge.

7 THE COURT: Yes.

8 REDIRECT EXAMINATION

9 BY MR. JOHNSTON:

10 Q. That narrative report that you offered --
11 authored, excuse me, Deputy Lee, was that offered --
12 authored on or about April 10th of 2024?

13 A. Around that time, yes.

14 Q. And within that report, it's true -- is it
15 not? -- that you stated, "I discovered that Joshua
16 Anderson does have a valid medical cannabis card." Is
17 that correct?

18 A. Yes.

19 Q. And this was -- you discovered that during the
20 investigation to obtain the search warrant; correct?

21 A. Correct.

22 MR. JOHNSTON: That's all I have, Judge.

23 THE COURT: Anything further based on that from the
24 State?

1 MR. LEISTEN: No, Judge.

2 THE COURT: Okay. Does Deputy Lee need to stick
3 around?

4 MR. JOHNSTON: I can't see why he would, Judge.

5 MR. LEISTEN: Not on our end.

6 THE COURT: Okay. You're excused. Thank you,
7 Deputy Lee.

8 THE WITNESS: Thank you, Judge.

9 (Witness excused.)

10 MR. JOHNSTON: Judge, I would next call Lieutenant
11 Michael Halfman.

12 THE COURT: Okay. Thank you.

13 (Oath administered.)

14 THE COURT: Lieutenant Halfman, you've been called to
15 testify in this case. I'll swear you in first.

16 (Oath administered.)

17 THE COURT: Thank you. Please be seated. Make sure
18 you speak as clearly as you can in the microphone.

19 You may proceed.

20 MICHAEL HALFMAN,
21 called as a witness on behalf of the Defendant, being
22 first duly sworn, was examined and testified as follows:

23 DIRECT EXAMINATION

24

1 BY MR. JOHNSTON:

2 Q. Good morning, Lieutenant.

3 A. Good morning.

4 Q. Could you please state and spell your name for
5 the record?

6 A. It's Lieutenant Michael Halfman.

7 Q. And, Lieutenant, how are you employed?

8 A. The Ogle County Sheriff's Office.

9 Q. How long have you had employment with the Ogle
10 County Sheriff's Office?

11 A. Over 20 years.

12 Q. And have you been employed in any other law
13 enforcement capacities other than the Ogle County
14 Sheriff's Office?

15 A. A couple of small PDs.

16 Q. In total, how long have you been employed as a
17 law enforcement officer?

18 A. 25 years.

19 Q. And what is your current position again with the
20 Ogle County Sheriff's Office?

21 A. I'm a lieutenant, the operations commander.

22 Q. And when were you promoted to the rank of
23 lieutenant?

24 A. A few months ago.

1 Q. What was your rank and/or nameplate prior to that
2 lieutenant?

3 A. Sergeant.

4 Q. And as a sergeant in the Ogle County Sheriff's
5 Office, what are your duties?

6 A. At the time, I was the -- well, in the beginning
7 I was a patrol sergeant; so I supervised the patrol
8 deputies. And after that, I was in charge of the special
9 operations unit.

10 Q. And you would have been in charge of the special
11 operations unit on or about April 10th of 2024; correct?

12 A. Correct.

13 Q. And in the, I'll call it, three to four months
14 prior to April 10th of 2024, you also would have been the
15 sergeant who was heading the special operations unit?

16 A. Yes.

17 Q. And as part of the -- as part of your duties as
18 sergeant, it's correct that you're supervising others;
19 correct?

20 A. Correct.

21 Q. And at that time, at least -- perhaps it's
22 different now. But at that time how many law enforcement
23 deputies and otherwise were you supervising?

24 A. Two.

1 Q. And those deputies were Deputy Shippert and
2 Deputy Lee; correct?

3 A. Correct.

4 Q. All right. And please tell me a little bit about
5 what the special operations unit does.

6 A. Any special cases, drug cases. We do pretty much
7 anything extra that doesn't fall within the patrol
8 deputies and/or the detectives.

9 Q. And did there come a time when you began
10 investigating the residence of my client, Joshua Anderson?

11 A. Yes.

12 Q. And it's correct -- is it not? -- that that
13 residence was located at 700 Central Street in Woosung,
14 Illinois?

15 A. Correct.

16 Q. And ultimately, that investigation led to the
17 execution of a search warrant on April 10th of 2024;
18 correct?

19 A. Correct.

20 Q. And on that same date, you were present before an
21 Ogle County judge, presenting a complaint for a search
22 warrant with an attached affidavit; correct?

23 A. Correct.

24 Q. Prior to that April 10th, 2024, date, how long

1 had you been investigating the residence of my client,
2 Joshua Anderson?

3 A. I don't recall an exact time, how long we were
4 doing it.

5 Q. Would it have been years or months?

6 A. Months.

7 Q. And would it have been less than three months or
8 more?

9 A. Possibly. I mean, it's a year and a half ago. I
10 don't exactly remember how long it was we were
11 investigating it.

12 Q. You were sworn to uphold the Constitution,
13 correct, Lieutenant?

14 A. Correct.

15 Q. And in that capacity, as a law enforcement
16 officer who is sworn to uphold the Constitution, you
17 signed an affidavit for a search warrant of my client's
18 residence at that Woosung address; correct?

19 A. Correct.

20 Q. And you would agree, would you not, that it is
21 important to be truthful in that affidavit of search
22 warrant?

23 A. Yes.

24 Q. And you would agree that it is important to

1 include all material facts that might affect the judge's
2 finding of probable cause for issuance of said search
3 warrant; correct?

4 A. Correct.

5 Q. And you would agree that it is critical that
6 that affidavit in support of search warrant is accurate;
7 correct?

8 A. Correct.

9 Q. Because if it was inaccurate, you would not be
10 upholding your duty to uphold the Constitution; correct?

11 A. Correct.

12 Q. And this investigation into my client's residence
13 was based on perceived violations of the Cannabis Control
14 Act; correct?

15 A. Yes.

16 Q. In other words, you weren't investigating a
17 case of firearms or a robbery or a burglary. You were
18 investigating potential violations of the Cannabis Control
19 Act; correct?

20 A. Correct.

21 Q. During the course of that investigation, you
22 learned -- did you not? -- that my client was a valid
23 medical cannabis cardholder?

24 A. At some point we did, but I don't remember

1 exactly when that was.

2 Q. And the two deputies that you had below you that
3 you were supervising, those were Deputy Shippert and
4 Deputy Lee; right?

5 A. Correct.

6 Q. And one of them uncovered that information;
7 correct?

8 A. Correct.

9 Q. Do you know how they uncovered it?

10 A. He had a contact somewhere within the state
11 police that was able to get that information.

12 Q. By "he," do you mean Deputy Lee?

13 A. Yes, Deputy Lee.

14 Q. And do you recall having a conversation with
15 Deputy Lee about this fact?

16 A. It was -- he brought it to our attention at some
17 point. Like I said, I don't know when it was.

18 Q. But you would agree that you knew this -- and by
19 "this," I mean the fact that my client possessed a valid
20 medical cannabis card; you knew that information before
21 April 10th of 2024; correct?

22 A. It might have been on April 10th. I don't know.
23 Like I said, I could not tell you when I was informed of
24 that information. But I know that we knew he had a

1 medical marijuana card. Like I said, I can't tell you
2 when it was I knew that information.

3 Q. It would have had to have been either April 10th
4 of 2024 or before April 10th of 2024 when you learned that
5 information; correct?

6 A. Correct.

7 Q. And April 10th of 2024 is the date that you
8 signed your affidavit and complaint for search warrant;
9 correct?

10 A. Yes.

11 Q. And that is the date that you presented that
12 affidavit and complaint for search warrant to Judge
13 Clayton Lindsey of Ogle County; correct?

14 A. Yes.

15 Q. And you would agree that, when you are
16 investigating potential violations of the Cannabis Control
17 Act, that it's pretty important to know whether or not the
18 person you're investigating has a medical cannabis card;
19 correct?

20 A. Yeah. It's something we check on most every one
21 we do.

22 Q. In other words, a person that has a valid medical
23 cannabis card can possess cannabis in ways that a
24 nonregistered person cannot; correct?

1 A. Correct.

2 Q. And they can grow cannabis in ways that a
3 nonregistered person cannot; correct?

4 A. Correct.

5 Q. And they can possess different quantities and
6 instruments that perhaps a nonregistered cardholder
7 cannot; correct?

8 A. Correct.

9 Q. In other words, it is important, when you are
10 investigating a potential violation of the Cannabis
11 Control Act, to know whether a person has a medical
12 cannabis card; correct?

13 A. Yes.

14 Q. And despite this knowledge that Mr. Anderson had
15 such a card, you failed to include it in your affidavit
16 for search warrant; correct?

17 A. There were several things that weren't in there.
18 It says right on there that it doesn't have all the facts
19 that -- or --

20 Q. Sure. So I asked a very specific question,
21 Lieutenant. And that question is: Despite the fact that
22 you knew my client had a medical cannabis card, you went
23 before a judge with an affidavit in support of a search
24 warrant and you did not include that fact in the

1 affidavit; correct?

2 A. It was not in the affidavit, no. Like I said, I
3 don't know when I was advised of that information.

4 Q. Would you agree -- you would agree -- wouldn't
5 you? -- that, when you omit material facts from an
6 affidavit for search warrant and don't present those to
7 the judge, that can mislead a judge; correct?

8 MR. LEISTEN: Judge, I'm going to object. I believe
9 that calls for a legal conclusion for the Court and not
10 the testifying witness.

11 MR. JOHNSTON: I can rephrase the question, Judge.

12 THE COURT: Okay. Thank you.

13 BY MR. JOHNSTON:

14 Q. Would you agree that it is important to include
15 all material facts when you're asking a judge to find
16 probable cause for the issuance of a search warrant?

17 A. Again, not all the facts are put into those.

18 Q. Would you agree that the fact that my client is a
19 medical card cannabis holder is a very important fact in
20 an investigation like this?

21 A. Like I said, I don't know when I was advised of
22 that information. I would think that if I was advised of
23 that information prior to me writing the search warrant,
24 it would have been in the search warrant.

1 Q. In other words, that's a very important fact;
2 correct?

3 A. Had I known it at the time of writing the search
4 warrant, I probably would have put it in. Like I said, I
5 cannot tell you when I found out that information.

6 Q. Well, you had testified earlier that you would
7 have had to have found that information out either on
8 April 10th, the date the search warrant was issued, or
9 prior.

10 A. Correct. It could have been after I got the
11 search warrant signed. I don't know.

12 Q. But it's your job to know; correct?

13 A. It would appear that way, yes.

14 Q. In other words, the knowledge of your -- those
15 under you in investigations, it's your job to also have
16 that knowledge as part of that collaboration; correct?

17 A. Like I said, I don't know when Deputy Lee found
18 that information out. It could have been the day of the
19 search warrant after it was already signed. So, yes, I
20 knew about the medical cannabis card; I just cannot tell
21 you if it was after the warrant was signed or if it was
22 before.

23 Q. You stated many facts in your affidavit in
24 support of search warrant that you thought led to probable

1 cause that my client had committed a criminal offense;
2 correct?

3 A. Yes.

4 Q. One of those facts was with regard to a
5 confidential informant; correct?

6 A. Yes.

7 Q. And that confidential informant believed my
8 client was growing cannabis in his residence at 700 South
9 Central Street in Woosung, Illinois; correct?

10 A. Yes.

11 Q. And this confidential informant, according to
12 your affidavit, knew this because he was standing outside
13 the residence; correct?

14 A. He walked past the residence, yes.

15 Q. And he walked past the residence, and you stated
16 in your affidavit that he could smell cannabis, though the
17 confidential informant could not tell you when this took
18 place; correct?

19 A. Yes.

20 Q. And with regard to your affidavit, you would
21 agree that you provided no further information about the
22 confidential informant; correct?

23 A. Correct.

24 Q. In other words, you didn't provide any

1 information that would let the judge know that this
2 confidential informant was a reliable confidential
3 informant?

4 MR. LEISTEN: Judge, I would object. I believe the
5 purpose of today's hearing was regarding the medical
6 marijuana card and not anything regarding the confidential
7 informant part of the affidavit.

8 THE COURT: Any response?

9 MR. JOHNSTON: Well, Judge, it's my burden at this
10 hearing to show that, by a preponderance of the evidence,
11 not only was there a material omission but also that,
12 without that material omission, the rest of the facts
13 don't add up to probable cause.

14 So when I'm looking at the affidavit for search
15 warrant, I'm trying to get a little more information on
16 each individual fact alleged that it relates to that
17 probable cause. And I'm trying to, for lack of a better
18 term, prove up those facts. So I think it's relevant for
19 purposes of this hearing to have that testimony.

20 THE COURT: I'm going to -- anything further
21 regarding that?

22 MR. LEISTEN: Judge, we believe the search warrant
23 affidavit speaks for itself and Your Honor can interpret
24 the search warrant affidavit facts that don't involve a

1 medical marijuana card. And ultimately, it's not Sergeant
2 Halfman's opinion whether there's probable cause; it's
3 Your Honor's position.

4 THE COURT: I'm going to overrule the objection.

5 So you can repeat the question if you ...

6 MR. JOHNSTON: Sure, Judge.

7 BY MR. JOHNSTON:

8 Q. In your affidavit for search warrant, you did not
9 include any information about the confidential informant
10 that alleged my client's residence smelled like cannabis;
11 correct?

12 A. No, I didn't.

13 Q. You conducted surveillance on my client's
14 residence at the Woosung address; correct?

15 A. Yes.

16 Q. And that surveillance began in February of 2024;
17 correct?

18 A. I don't recall the exact date.

19 Q. Would that have been in the general vicinity of
20 when it began?

21 A. Yes.

22 Q. And as part of that surveillance, you viewed fans
23 in several windows in the residence; correct?

24 A. Yes.

1 Q. And you viewed a heating and A/C unit that was
2 installed in a window; correct?

3 A. Not in a window. It was a split A/C unit.

4 Q. Okay. Describe where this A/C unit was.

5 A. On the northwest corner of the house.

6 Q. Is it out of the ordinary to have an A/C unit on
7 a house?

8 A. No.

9 Q. And just, I guess, briefly going back to the
10 confidential informant.

11 You didn't include any information in your
12 affidavit that the confidential informant was ever inside
13 my client's residence; correct?

14 A. He was not.

15 Q. Did you ever step foot inside my client's
16 residence prior to April 10th of 2024?

17 A. I had been there for a call in the past, yes.

18 Q. In other words, were you at the front door? Did
19 you go in? Do you recall?

20 A. I do not recall.

21 Q. You had stated in your financial -- or excuse
22 me -- in your affidavit in support of search warrant that,
23 while you were in your vehicle in March of 2024, you
24 observed what you believed to be a silver-gray tent in one

1 of the rooms; correct?

2 A. Yes.

3 Q. You stated that you believed it was a silver-gray
4 tent; correct?

5 A. I don't recall my exact wording.

6 Q. In other words, what you observed in the window
7 looked like a silver-gray tent; correct?

8 A. It looked like a tent used for growing, yes.

9 Q. But you didn't know exactly what it was; correct?

10 A. Correct.

11 Q. It would have been -- would have been dark out at
12 the time you observed this?

13 A. It was dark, and the lights were on inside.

14 Q. And you had further stated in your affidavit that
15 there was a bright light on in a room during the night;
16 correct?

17 A. Yeah, same room.

18 Q. And did you -- during your surveillance, were you
19 present at the residence from dusk until the sun rose the
20 next morning?

21 A. No.

22 Q. And were you there for weeks and/or months on
23 end, observing this room?

24 A. No.

1 Q. You mentioned several Facebook posts in your
2 affidavit for a search warrant; correct?

3 A. Yep.

4 Q. And you were using these Facebook posts to
5 establish what you believed to be probable cause of a
6 potential offense; correct?

7 A. Yes.

8 Q. Did you witness Mr. Anderson make any of these
9 Facebook posts?

10 A. No.

11 Q. Is Mr. Anderson visible in any of the videos you
12 mentioned in those Facebook posts?

13 A. I don't recall exactly what was visible.

14 Q. Is there anything about those Facebook posts --
15 well, strike that. Let me rephrase.

16 There's pictures in those Facebook posts;
17 correct?

18 A. I believe so, yes.

19 Q. There's nothing identifiable about those pictures
20 to say they were taken within the residence in Woosung,
21 Illinois; correct?

22 A. At the time I wouldn't know because I was never
23 in his house. Is that what you're asking?

24 Q. Yeah. So in other words, if there's a picture of

1 cannabis seeds, you have no way of knowing whether those
2 seeds are located within his residence at that time;
3 correct?

4 A. I would suppose so, yes.

5 Q. And you never observed any cannabis plants during
6 your observations of my client's residence; correct?

7 A. Not with my eyes but with my nose I did, yes.

8 Q. You would agree, however, that the odor of
9 cannabis is a legal odor. Is it not?

10 A. Yes.

11 MR. JOHNSTON: That's all I have, Judge.

12 THE COURT: Okay. Any questions from the State?

13 MR. LEISTEN: Yes.

14 CROSS-EXAMINATION

15 BY MR. LEISTEN:

16 Q. Lieutenant Halfman, in the section of your
17 affidavit regarding the air conditioner units, why was
18 that suspicious to you during this investigation?

19 A. Because with all the fans pointed out the window
20 and that to show up in the exact statement spot as the
21 fans led us to believe there was a grow operation that
22 needed more cooling and dehumidification than just a small
23 grow.

24 Q. Is it fair to say that part of your investigation

1 before the search warrant was done in the cold weather
2 months?

3 A. Yes.

4 Q. In your experience, would -- is that another
5 reason why you found the air conditioner to be suspicious,
6 especially to be located at a house during those cold
7 weather months?

8 A. Yes. As well as the electrical bill that we
9 checked on.

10 Q. And just to sidetrack, can you explain to the
11 Court what was suspicious about the electrical bill that
12 you just mentioned?

13 A. So I contacted ComEd and asked them to do a -- to
14 tell me what the bill was for his residence and another
15 residence in the same town at about the same size. And he
16 was using roughly over 1,000 kilowatts more than that
17 house.

18 Q. During your investigation and as you were
19 gathering Facebook posts and your own observations and the
20 information from the confidential informant, were you
21 under the opinion that a resident Joshua Anderson was
22 possibly violating the Cannabis Control Act?

23 A. Yes.

24 Q. Why did you believe there were possible

1 violations of the Cannabis Control Act going on each month
2 as you were conducting this investigation?

3 A. Like I said, the abundant smell of the raw
4 cannabis, the several different fans, the split unit A/C
5 unit, the amount of power he was using, just didn't
6 coincide with what I believed to be what you would need to
7 do five plants.

8 Q. As you were conducting your investigation from
9 the informant, your own observations, and the various
10 Facebook posts that were attached as exhibits, were you
11 under the belief that Joshua Anderson was growing
12 marijuana either on his property or inside his residence?

13 A. Yes.

14 Q. And how come you believed that he was growing it
15 either on his property or inside his residence?

16 A. Again, by the smell, what we saw through the
17 window at night, the fans, the split unit, the ComEd bill.

18 MR. LEISTEN: No further questions, Judge.

19 THE COURT: Anything further from the defendant?

20 MR. LEISTEN: I forgot one question.

21 THE COURT: Go ahead.

22 BY MR. LEISTEN:

23 Q. Lieutenant, I forgot to ask you: What was
24 suspicious to you about the silver and gray tent that you

1 mentioned in your search warrant affidavit and you were
2 questioned by defense counsel?

3 A. Because prior indoor grows that we've dealt with
4 used the exact -- I don't know if exact brand, but it was
5 a lot alike from the other search warrants we did for the
6 same things.

7 Q. In your training and experience, what are tents
8 used for in the cannabis industry?

9 A. To create an environment suitable for the plant
10 to grow, to thrive.

11 MR. LEISTEN: No further questions.

12 THE COURT: Go ahead.

13 MR. JOHNSTON: Thank you, Judge.

14 REDIRECT EXAMINATION

15 BY MR. JOHNSTON:

16 Q. The A/C unit was a heating unit as well; correct?

17 A. They sometimes are, yeah. I don't know if it was
18 both, but probably.

19 Q. In other words, there wouldn't be an oddity in
20 having a heating unit installed in February or March of
21 2024 on a residence in Ogle County, Illinois; correct?

22 A. No.

23 Q. You would agree that you did not include any
24 allegations related to the electricity bill in your

1 affidavit in support of search warrant; correct?

2 A. Correct. Like I said, it states in there that
3 not all evidence -- or not all things known are in there.

4 Q. So you would agree that your determination was
5 based on the smell, several fans, a split A/C-heater unit,
6 and the amount of power being used, that my client had to
7 have been violating the Cannabis Control Act; correct?

8 A. That it was probable that he was.

9 Q. But you never observed any cannabis plants?

10 A. Not that I recall.

11 Q. And my client can possess cannabis plants;
12 correct?

13 A. Up to five plants, yes.

14 Q. And my client can also possess cannabis produced
15 from those plants; correct?

16 A. From five plants.

17 Q. And cannabis has an odor to it. Does it not?

18 A. Yes. It's also stronger when it's in plant form
19 and not bud form that's been picked off.

20 Q. But it would have been at this point pure
21 speculation as to whether or not there was more than five
22 plants; correct?

23 A. It was probable.

24 MR. JOHNSTON: That's all I have, Judge.

1 THE COURT: Okay. Anything further based on that?

2 MR. LEISTEN: Just one question.

3 RECROSS-EXAMINATION

4 BY MR. LEISTEN:

5 Q. Lieutenant Halfman, why in your opinion was it
6 probable for you to think there were more than five plants
7 at this residence?

8 A. Like I said, the fans, the addition of the split
9 unit, what we saw through the window, the smell, the
10 electrical use, I felt it was probable that he was growing
11 more than what he could have been growing if he did have a
12 medical marijuana card.

13 MR. LEISTEN: Thank you.

14 No further questions.

15 THE COURT: Anything further based on that?

16 FURTHER REDIRECT EXAMINATION

17 BY MR. JOHNSTON:

18 Q. You mentioned a tent that you saw through the
19 window. That tent could have been used by my client
20 legally to aid in a cannabis grow at his residence;
21 correct?

22 A. Yes.

23 MR. JOHNSTON: That's all I have.

24 THE COURT: Anything further?

1 MR. LEISTEN: No.

2 THE COURT: Okay. Does Lieutenant Halfman need to
3 stick around?

4 MR. LEISTEN: Not on our end.

5 MR. JOHNSTON: No.

6 THE COURT: You are excused.

7 THE WITNESS: Thank you, Your Honor.

8 (Witness excused.)

9 THE COURT: Did you have any further witnesses or
10 evidence?

11 MR. JOHNSTON: No, Judge.

12 THE COURT: Let's take a short break then and be back
13 ten after 10:00. Thanks.

14 (Recess taken.)

15 THE COURT: Attorneys and defendant all present in
16 court. Back on the record. Defense has rested their case
17 on this motion; correct?

18 MR. JOHNSTON: Yes, Judge.

19 THE COURT: All right. State?

20 MR. LEISTEN: Judge, we have no witnesses to call.

21 THE COURT: Okay. So just move to argument right now
22 if we're ready.

23 MR. JOHNSTON: I believe so.

24 THE COURT: All right. Just one moment. All right.

1 Go ahead.

2 MR. JOHNSTON: Thank you, Judge.

3 Last we were in court, I made an argument very
4 similar to that which I'm going to make now, but if you'll
5 just bear with me, I suppose. I'm going to lay out what I
6 believe the standards are for this hearing.

7 Firstly, Judge, I believe that, for the defense
8 to prevail on this claim that this search warrant
9 affidavit improperly omitted information, we must show by
10 a preponderance of the evidence -- relatively low
11 standard, more likely than not -- that a fact was
12 admitted -- excuse me -- omitted from the affidavit for
13 search warrant; that that fact was material to the finding
14 of probable cause; and that that omission was made with
15 knowing, intentional, or reckless disregard for the truth.

16 Obviously that fact here was my client's medical
17 cannabis cardholder status as a registered qualifying
18 patient.

19 The testimony from both law enforcement officers
20 today was that that was a highly probative and important
21 fact, and that that fact was known to those officers on or
22 before April 10th of 2024, and that that fact was not put
23 in the affidavit for search warrant and was not presented
24 to the judge who ultimately signed that search warrant.

1 It would be the defendant's argument that an
2 omission of this nature was at minimum reckless. And
3 based on the officer's testimony today, I believe it rises
4 to the level of knowing.

5 Now, I want to go on a brief tangent about the
6 imputation of information from one officer to another.
7 Because there was a little bit of pushback from Lieutenant
8 Halfman about, yeah, he knew, but he didn't know when he
9 knew or how he knew or who he knew it from. But it
10 doesn't matter.

11 According to that Heibenthal case that I've
12 already cited for Your Honor, if another officer in his
13 office, particularly one that's working on the
14 investigation, has this information, whether or not he
15 relays it, it's going to be automatically imputed onto the
16 affiant.

17 And just as a brief quote from that Heibenthal
18 case -- again, for the record 2024 Ill.App. 4th 221109,
19 paragraph 32, the statement is: We agree with Defendant.
20 Hinkle's apparently incorrect statement that Mallory did
21 not have a valid cannabis license does not avoid scrutiny
22 simply because it was relayed through Wilkey to the judge
23 issuing the warrant.

24 In other words, it's talking about the same

1 exact scenario where one officer discovers a fact but
2 another officer is the affiant for purposes of the search
3 warrant. And it's stating -- and it's listing here in
4 that paragraph 32 a whole list of federal case law
5 regarding the imputation of information between government
6 officials in cases just like this.

7 So, one, I think the testimony here today from
8 the lieutenant was that he did, in fact, have the
9 information. But even if he didn't and didn't include it
10 in the affidavit, I'm not so sure it matters. He's
11 responsible for the information that comes in during an
12 investigation. He's responsible for those under him
13 during the investigation. And clearly he had the
14 information and he omitted it.

15 And kind of the third prong here of what I'm
16 tasked to show today is that the affidavit in support of
17 search warrant, if supplemented by the omitted
18 information, would not support a finding of probable
19 cause.

20 Certainly, Your Honor is generally -- or is
21 aware of the probable cause standard. And it's a little
22 bit of a loose, liquidy standard. But generally speaking,
23 it's, given all the circumstances set forth in the
24 affidavit in support of search warrant, there is a fair

1 probability that contraband or evidence of a crime will be
2 found in a particular place. That place being the
3 address -- my client's address in Woosung, Illinois, on
4 the date and the time the search warrant was executed,
5 which would have been April 10th of 2024.

6 Now, for purposes of evaluating probable cause
7 that there was evidence of a crime in my client's house on
8 that date and at that time, I find it proper to walk Your
9 Honor through each and every allegation made in that
10 affidavit for search warrant in light of the fact that my
11 client has the card that he has.

12 The first one, Judge, that you heard testimony
13 about today, Sergeant -- excuse me -- now Lieutenant
14 Michael Halfman was informed by a confidential informant
15 that that informant believed Mr. Anderson was growing
16 cannabis in his residence because he was standing outside
17 of his residence and could smell cannabis.

18 By the wording of that affidavit, Judge, the
19 confidential informant could not tell the lieutenant when
20 this took place, and there is nothing further about this
21 confidential informant stated in the affidavit that would
22 show that this person is sufficiently reliable or that
23 would show any sort of detail that would bode toward this
24 person's liability.

1 Furthermore, Judge, you'll note that in that
2 allegation made by the lieutenant, the confidential
3 informant could not tell when he smelled this at the
4 residence. And, Judge, this is not a case that's stated
5 in my motion. But for the record, it's People vs. Jones,
6 2020 Ill.App.3d 170674. That is an Appellate Third
7 District case.

8 And I won't go deep into the case, but the
9 purpose of citing it is to cite the doctrine of staleness.
10 The standard for probable cause here is contraband in a
11 place at a particular time. If you have a confidential
12 informant that can't tell you when it is that they're
13 smelling these things they're smelling, then I think that
14 doctrine of staleness comes a bit into play. And it's
15 going to come into play with some of these Facebook posts
16 later as well.

17 Next allegation in the affidavit for search
18 warrant is that Halfman again observed fans, a heater-A/C
19 unit, and a tent. Again, fans, A/C units, heaters, and
20 windows, incredibly common as the officer -- or as the
21 lieutenant testified. He further testified that there was
22 a bright light on, and I saw it and it was on late into
23 the night. He did not, however, observe how late into the
24 night said bright light was on or how often it was on and

1 on what days and if and when it went off.

2 Essentially, these personal observations that
3 were made by Lieutenant Halfman, very limited probative
4 value. And you'll notice, Judge, that the entire rest of
5 the affidavit, the entire basis for probable cause:
6 Facebook posts.

7 So we have smell by a confidential informant.
8 We have windows and an A/C unit. We have a tent. And we
9 have Facebook posts. And based on those four things, we
10 are going to obtain a search warrant and enter my client's
11 home.

12 First Facebook post -- and I'll make this a
13 little more brief because I've already stated these
14 arguments on the record. First Facebook post: December
15 of 2022, a picture of cannabis seeds. Again, based on the
16 statutes I've previously cited, particularly 10-5(3) and
17 10-5(5), a medical card cannabis holder can possess
18 cannabis seeds; they can cultivate on their residential
19 property. And most importantly, with regard to these
20 seeds, that's stale evidence. December of 2022 is more
21 than two years prior to the execution of the search
22 warrant.

23 The next Facebook post is a video from October
24 of 2023 where, again, this officer testified there was

1 nothing about this video to indicate where it was taken or
2 who was taking it. And this video was from October 23rd
3 of 2023, more than five months prior to the execution of
4 the search warrant.

5 The video mentions the term "hash" on the title
6 of the video, as sworn to in the affidavit. Mentions
7 hash. As Your Honor knows and as I've already argued,
8 hash is a legal derivative of cannabis that my client may
9 legally possess and cultivate.

10 The next video, again, is in reference to hash.
11 This video was purportedly posted more than five months
12 prior to the execution of the search warrant. Again,
13 that's stale evidence.

14 The next Facebook post is from December 17th,
15 2023, almost four months prior to the execution of the
16 search warrant, wherein my client is alleged to have
17 stated -- again, the lieutenant testified that he's unable
18 to know whether or not it is actually my client making
19 these posts -- that "I can get my grow going again."
20 Legal for my client to grow and to get his grow, quote,
21 going again.

22 The next post, again from December of 2023,
23 four months prior to the execution of the search warrant,
24 talks about hydro pumps malfunctioning and looking for

1 grow equipment, equipment he can legally possess.

2 Another post from December about a seed popping.

3 The next post: Another post about a hash press,
4 three to four months prior to the execution of the search
5 warrant in January of 2024.

6 A January of 2024 post about lights my client
7 ordered from Spider Farmer. A March 24 post -- 2024 post
8 about Athena getting my client nutrients.

9 A March 25th, 2025, post a picture of a cannabis
10 plant. Again, a cannabis plant my client can legally
11 possess.

12 I think, Judge, my client has met his burden.
13 He has shown by far more than a preponderance of the
14 evidence that a fact crucial to the finding of probable
15 cause and a fact crucial to the issuance of this search
16 warrant was omitted either recklessly or knowingly. Each
17 and every fact contained within this affidavit for search
18 warrant that Lieutenant Halfman swore to is essentially
19 meaningless to the determination of probable cause, given
20 my client's status as a cardholder.

21 Now, if in that affidavit for search warrant --
22 I'm speculating a lit bit. But if, for instance, this
23 confidential informant was to have viewed violations
24 inside of the home, or perhaps they had went into the home

1 and my client had attempted to sell them narcotics of some
2 sort, I think maybe then we'd have a probable cause we
3 need. But this didn't happen, and I don't think the
4 Constitution allows the police to invade the privacy of
5 citizens' homes based on the strength of Facebook posts.

6 The Fourth Amendment requires real facts. It
7 requires verifiable facts. It does not require digital
8 rumors. It requires facts as the foundation for probable
9 cause. And as no such probable cause existed for the
10 issuance of the search warrant here, I believe the fruits
11 of the warrant must be suppressed. I believe that is the
12 remedy.

13 And that is all I have, Judge. Thank you.

14 THE COURT: Thank you.

15 State?

16 MR. LEISTEN: Yes, Judge.

17 In response, we believe at this point Your Honor
18 has to consider whether the defendant has established a
19 perjury or a reckless disregard for truth at the hearing
20 that we just held this morning. If Your Honor finds that,
21 then you have to consider whether the omitted information
22 about the medical marijuana card, when balancing that
23 against the rest of the information in the search warrant
24 affidavit, still allows for probable cause.

1 And we submit that there -- even when omitting
2 the information about the defendant's medical marijuana
3 card, there is still sufficient probable cause for the
4 search warrant to be issued.

5 Specifically, we would direct Your Honor's
6 attention to Lieutenant Halfman's testimony regarding why
7 he thought the tent was suspicious at the defendant's
8 residence. He explained it's used to cultivate plants.
9 And recall this tent was being displayed during the cold
10 winter months. That also correlates with the air
11 conditioner unit that Lieutenant Halfman explained -- I
12 believe he explained why it was used for cultivating
13 cannabis.

14 And again, it's very unusual to have an air
15 conditioner in these winter months. But based on
16 Lieutenant Halfman's testimony, Your Honor can reasonably
17 infer that the defendant was using those utilities for
18 growing cannabis.

19 Again, we would reassert that a medical
20 marijuana card does not allow the defendant to grow
21 unlimited amounts of hash, cannabis, or sativa plants.
22 There are restrictions. And we submit the investigation
23 showed he was likely violating those restrictions.

24 Even if Judge Lindsey had been aware the

1 defendant had a medical marijuana card, Lieutenant Halfman
2 explained his own observations, as well as the strong odor
3 of cannabis that he detected when he did in-person
4 surveillance on the defendant's residence.

5 We outlined in our written response why each of
6 the Facebook exhibits were relevant for the issuance of a
7 search warrant; so I won't go through them again. But
8 taking all of them together, along with Deputy Lee's
9 testimony and Lieutenant Halfman's testimony, still allows
10 for probable cause to exist for the search warrant to be
11 issued, even though the medical marijuana card was not
12 mentioned.

13 Specifically, I also like to address some of the
14 defense arguments on certain portions of the affidavit.
15 First, regarding the confidential informant, we submit
16 there is no rule of law cited that the confidential
17 informant's reliability has to be put into the search
18 warrant affidavit.

19 They also noted that some of the information
20 appeared to be stale in a vacuum. But when Your Honor
21 reads the search warrant affidavit, it's clear that
22 Lieutenant Halfman was establishing a pattern from 2022
23 through March or April of '24. He was very specific on
24 the dates of when certain things occurred regarding the

1 confidential informant, his own surveillance, plus
2 specific dates from the Facebook posts, and those posts
3 taken as a whole show a pattern.

4 So in other words, Lieutenant Halfman never
5 applied for the search warrant in 2024 based on something
6 that occurred solely in 2023 or 2022. Instead, the
7 investigation just revealed certain posts and -- again,
8 plus his own investigation showed a pattern of likely
9 violations of the Cannabis Control Act, and both deputies
10 explained why they believe these violations were occurring.

11 And, Judge, the State would also submit that the
12 officers had a good faith reliance on the issuance of the
13 search warrant. It's clear, you know, they -- Lieutenant
14 Halfman said he was unsure when he learned about the
15 defendant's medical marijuana card, but we submit that the
16 testimony you observed today showed that they were acting
17 in good faith. They believed the information they
18 provided to the judge was good information and that the
19 search warrant was a valid search warrant.

20 We submit this was not a situation where they're
21 trying to pull the covers down on the issuing judge or try
22 to deceive them in, you know, any way. We also emphasize
23 that Lieutenant Halfman did not include information about
24 the ComEd usage in his affidavit. And certainly, if he

1 had included that, that certainly would have lended more
2 argument for the probable cause. I mean, that's certainly
3 favorable evidence to him, and he did not include it.

4 So we submit he was not being reckless when he
5 did not include something that was favorable when he did
6 not include something that was arguably unfavorable. But
7 we believe he was acting in good faith. But we don't
8 believe they established a reckless disregard for the
9 truth. It's standard for recklessness, not, you know,
10 negligence, to use another standard, and we don't believe
11 there is any evidence that this was done knowingly.

12 So for all those reasons, we would ask that Your
13 Honor deny their remedy for a complete suppression of the
14 search warrant and the fruits that it derived from when
15 the search warrant was executed. Thank you.

16 THE COURT: Okay. I'm going to review everything
17 further and take it under advisement, and I'll have a
18 written decision on this matter.

19 And I'll set it for decision -- depending on
20 availability, I'm looking at -- any chance 11:00 a.m. on
21 December 5th would work.

22 MR. LEISTEN: Yes. I'm available.

23 THE COURT: Okay. Does that work?

24 MR. JOHNSTON: Yes.

1 THE COURT: Okay. So it will be December 5th at
2 11:00 a.m. That's a Friday. Decision on a motion. Okay?
3 Thank you. Defendant shall appear at that time.

4 (End of proceedings.)
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I, ANGELA M. MILLER, CSR, RPR, CRR, CET, an Official Court Reporter for the Fifteenth Judicial Circuit of Illinois, do hereby certify that the foregoing Report of Proceedings was reported in machine shorthand by me and is a true, correct, and complete transcript of my machine shorthand notes so taken at the time and place hereinabove set forth to the best of my ability.

Angela M. Miller
Official Court Reporter
IL License No. 084-04455

Dated this 11th day of December, 2025.