

BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
AND  
DISCIPLINARY COMMISSION

In the Matter of:	)	
	)	
ANDREW FRANKLIN,	)	
	)	Commission No. 2022PR00087
Attorney-Respondent,	)	
	)	
No. 6320628.	)	

**NOTICE OF FILING**

To: Evette Ocasio (eocasio@iardc.org) ([ardceservice@iardc.org](mailto:ardceservice@iardc.org))  
 Matthew D. Lango (mlango@iardc.org)  
 Attorney Registration & Disciplinary Commission  
 130 East Randolph Drive, #1500  
 Chicago, Illinois 60601-6219

PLEASE TAKE NOTICE that on **January 27, 2023**, we filed with the Clerk of the Attorney Registration & Disciplinary Commission: **ANSWER TO COMPLAINT**, a copy of which is served upon you herewith.

Adrian Vuckovich ([av@cb-law.com](mailto:av@cb-law.com))  
 Kathryne Hayes ([khayes@cb-law.com](mailto:khayes@cb-law.com))  
 COLLINS BARGIONE & VUCKOVICH  
 One North LaSalle Street, Suite 300  
 Chicago, Illinois 60602  
 Telephone: 312-372-7813

By: /s/ Adrian Vuckovich  
 Counsel for Respondent

**CERTIFICATE OF SERVICE**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that they served the foregoing document(s) by causing copies to be delivered to the above stated SERVICE LIST by **email** on **January 27, 2023**.

/s/ Monica Nunez  
 Monica Nunez

FILED  
 1/27/2023 2:21 PM  
 ARDC Clerk

BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
AND  
DISCIPLINARY COMMISSION

FILED  
1/27/2023 2:21 PM  
ARDC Clerk

In the Matter of:	)	
	)	
ANDREW FRANKLIN,	)	
	)	Commission No. 2022PR00087
Attorney-Respondent,	)	
	)	
No. 6320628.	)	

**ANSWER TO COMPLAINT**

COMES the Respondent, Andrew Franklin, by his attorneys, Adrian Vuckovich and Kathryne Hayes, denying any prefatory allegations and for his Answer to the Administrator's Complaint, states as follows:

**STATEMENT PURSUANT TO COMMISSION RULE 231**

Respondent was licensed to practice law in the State of Illinois on November 5, 2015. Respondent is not admitted to practice in other jurisdictions and has no other professional licenses.

**COUNT I**

*(Alleged Unlawful Possession of a Controlled Substance)*

1. At all times related to this complaint, Respondent resided in Chicago and worked, at most times throughout his legal career, as an associate or a contract attorney at various law firms in the Chicago area.

**ANSWER: Admitted.**

2. In or about 2019, Respondent used a fake South Carolina driver's license to rent a United States post office box ("PO box") in Chicago, Illinois, under the name "Joseph Borrel."

**ANSWER: Respondent admits that in the past he had in his possession a South**

**Carolina driver's license. Respondent admits having a PO Box at some point, in Chicago, Illinois and believes it was registered under the name Joseph Borrel. Any remaining allegations are denied.**

3. Beginning in 2019, Respondent began acquiring ecstasy pills (MDMA) on the dark web. Respondent would purchase the pills using cryptocurrency and have the package shipped to Joseph Borrel at the PO box. Generally, there would be approximately 10 days between Respondent placing an order and receiving the package. After obtaining the pills, Respondent would then sell them to a known dealer for a net profit of approximately \$5,000 per transaction.

**ANSWER: Admitted that Respondent purchased, possessed and consumed ecstasy pills and admitted to such conduct in a criminal pleading. Respondent admits he has had a substance abuse problem for which he has sought treatment. The remaining allegations are vague and cannot be answered as alleged.**

4. Between 2019 and October 2020, Respondent ordered ecstasy pills from the dark web approximately 15 times, and with each transaction Respondent kept no more than 10 pills.

**ANSWER: Admitted that Respondent purchased ecstasy pills. Respondent has acknowledged a substance abuse problem and sought treatment. Any remaining allegations are vague and cannot be answered as alleged.**

5. On or about October 13, 2020, Cook County Sheriff Investigator John Riggio was notified that a Customs and Border Protections Officer at the O'Hare International Airport Foreign Mail Unit conducted a border search on a parcel from Great Britain, and addressed to Joseph Borrel at a P.O. box in Chicago, Illinois. Upon examination, the parcel contained a vacuum sealed bundle of approximately 424 gray "Grimm Reaper" pills, suspected to be ecstasy

(MDMA). Subsequent field tests were conducted and it was determined the pills were positive for MDMA.

**ANSWER: Respondent lacks personal knowledge of the allegations contained in paragraph 5 and therefore neither admits nor denies the allegations.**

6. On October 22, 2020, Judge Timothy Chambers signed an anticipatory search warrant and orders for a GPS and alarming devices to be installed on the parcel.

**ANSWER: On information and belief, a warrant to allow monitoring measures was executed.**

7. On October 23, 2020, investigators were alerted that Respondent had retrieved the parcel from the PO box. Investigators followed Respondent's vehicle to a parking garage. Shortly thereafter, investigators received an alert from the alarming device, notifying them that the parcel had been opened. As an investigator approached the rear of Respondent's vehicle, they observed Respondent with a bundle of pills in his hand and the open parcel in the trunk. Respondent was then arrested.

**ANSWER: Admitted Respondent was arrested. Respondent lacks personal knowledge of the remaining allegations and therefore, neither admits nor denies the allegations.**

8. On December 18, 2020, the Cook County State's Attorney's Office filed a bill of indictment in the Circuit Court of Cook County charging Respondent with unlawful possession with the intent to deliver a controlled substance and unlawful possession of a controlled substance, arising out of his arrest on October 23, 2020. Count I of the indictment charged Respondent with knowingly possessing with the intent to distribute 200 or more pills, but less than 600 pills of MDMA, a Class X felony, in violation of 720 ILCS 570/401(a)(7.5)(B)(ii).

Count II of the indictment charged Respondent with knowingly possessing with the intent to distribute 200 or more pills, but less than 600 pills of MDMA, a Class X felony, in violation of 720 ILCS 570/401(A)(.5)(A)(ii). Count III of the indictment charged Respondent with knowingly possessing 200 or more pills, but less than 600 pills of MDMA, a Class 1 felony, in violation of 720 ILCS 570/402(a)(7.5)(B)(ii). Count IV of the indictment charged Respondent with knowingly possessing 200 or more pills, but less than 600 pills of MDMA, a Class 1 felony, in violation of 720 ILCS 570/402(a)(7.5)(A)(ii). The matter was docketed as the People of the State of Illinois v. Andrew Franklin, case number 21 CR 0001601.

**ANSWER: Denied. See Exhibit A.**

9. On or about May 25, 2022, following plea negotiations between Respondent's counsel and the Cook County State's Attorney's Office, Count IV of the indictment was amended to a Class 4 felony for possession of a controlled substance, in violation of 720 ILCS 570/402(c). On that date, Respondent entered a plea of guilty to the amended Count IV of the indictment. The Cook County State's Attorney's Office entered a nolle prosequi to Counts I, II, and III, dismissing those counts of the indictment.

**ANSWER: Admitted that Respondent entered a plea of guilty for possession of a controlled substance on amended count IV (possession of less than 15 pills). (See Exhibit B, p. 10.) Any remaining allegations are denied.**

10. At all times alleged in this complaint, 720 ILCS 570/401 provided, in part, that it is unlawful for any person to knowingly possess with intent to manufacture or deliver a controlled substance.

**ANSWER: The allegations of paragraph 10 state a legal conclusion and therefore, require no answer. See also Exhibit B, p. 3; Exhibit C.**

11. At all times alleged in this complaint, 720 ILCS 570/402 provided, in part, that it is unlawful for any person to knowingly possess a controlled substance.

**ANSWER: The allegations of paragraph 11 state a legal conclusion and require no answer.**

12. On May 25, 2022, Judge Neera Walsh sentenced Respondent to 24 months of probation, pursuant to 720 ILCS 570/410, which provides that if Respondent completes his probation without incident, the court shall discharge Respondent and dismiss the proceedings against him. The statute further provides that a disposition of probation is a conviction for purposes of imposing the conditions of probation and for appeal. Respondent was also ordered to undergo a mental health assessment and treatment, ordered to perform 30 hours of community service, and required to submit to random drug testing.

**ANSWER: Paragraph 12 purports to summarize Judge Walsh's determination of the underlying matter. The Report of Proceedings taken on May 25, 2022 and Sentencing Order entered on May 25, 2022, controls over the allegations. See Exhibit B. The allegations concerning 720 ILCS 570/410 state a legal conclusion and therefore, do not require an answer. Paragraph 12 of the Complaint appears to reference, in part, 720 ILCS 570/410(i), which is not relevant. No judgment of conviction was entered. Any remaining allegations are denied.**

13. As a result of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including possessing with the intent to distribute 200 or more pills, but less than 600 pills, of MDMA in violation of Illinois Statutes 720 ILCS 570/401(a)(7.5)(B)(ii) and 720 ILCS 570/401(A)(.5)(A)(ii); and possession of a controlled substance in

the form of 200 or more pills, but less than 600 pills, of MDMA, in violation of Illinois Statutes 720 ILCS 570/402(a)(7.5)(B)(ii), 720 ILCS 570/402(a)(7.5)(A)(ii), and 720 ILCS 570/402(c) and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010);

- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including using a fake driver's license to rent a U.S. post office box under a fictitious name in order to conceal his receipt of illegal drugs, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

**ANSWER: Paragraph 13 is denied.**

**AFFIRMATIVE MATTERS, PLED IN THE ALTERNATIVE**

**A. Violation of Rule 761/Failure to State a Cause of Action.**

1. The Administrator brings this proceeding against Respondent pursuant to Illinois Supreme Court Rule 761(c).
2. The Complaint violates Illinois Supreme Court Rule 761(f), which provides, in part, that the conviction of a crime by an attorney is conclusive proof.
3. Respondent pled guilty to possession of a controlled substance in the form of 15 or fewer pills. See **Exhibit B** and **Exhibit C**.
4. Respondent was not convicted on a charge of intent to distribute a controlled substance.
5. Respondent was not convicted of engaging in fraud with respect to the PO BOX referenced in the Complaint.
6. The Complaint contains allegations at paragraphs 13(a) and 13(b) and elsewhere which refer to and seek discipline based on a conviction which did not occur rather than the actual adjudication, in violation of Rule 761(f).
7. Those portions of the Complaint which violate Rule 761 fail to state a claim.

**B. Violation of the Double Jeopardy Clause.**

1. Attorney disciplinary proceedings are quasi-criminal proceedings.
2. Respondent pled guilty to a crime, possession of a controlled substance.
3. Respondent was not convicted of a crime based on an intent to distribute a controlled substance or distribution of a controlled substance.
4. Respondent was not convicted of fraud or other crime with respect to the PO Box referenced in the Complaint.
5. The adjudication of a crime involving the possession of a controlled substance is conclusive, pursuant to Illinois Supreme Court Rule 761(f).
6. Respondent cannot be prosecuted or tried a second time for an alleged crime of which he was not convicted.
7. Accordingly, the Complaint, which seeks to discipline Respondent for the crime of intent to distribute a controlled substance, possession of a certain quantity, and fraud, violates the Double Jeopardy Clause of the United States Constitution.

WHEREFORE, the Respondent respectfully requests that the Complaint be dismissed or in the alternative, that in the event the Panel finds that Respondent has violated the Rules of Professional Conduct, that Respondent be reprimanded or censured.

Adrian Vuckovich ([av@cb-law.com](mailto:av@cb-law.com))  
Kathryne Hayes ([khayes@cb-law.com](mailto:khayes@cb-law.com))  
COLLINS BARGIONE & VUCKOVICH  
One North LaSalle Street, Suite 300  
Chicago, Illinois 60602  
Telephone: 312-372-7813

By: /s/ Adrian Vuckovich  
Counsel for Respondent



**Exhibit A**  
to Answer to Complaint

\*\* INFORMATION INDICTMENT RETURN SHEET\*\*

CASE NO.	IR	DEFENDANT	NO.	ARRAIGNMENT DATE
21CR0001601	2434702	Andrew Franklin	001	01/08/2021

GJ- 508      FBI-425236ED8      SEX:Male      RACE:White      DOB: [REDACTED]  
ISB-40688281      Add:2138 S. Indiana Ave, Unit 2711, Chicago,  
IL 60616  
~~Municipal-20-1121093~~  
CB-20006438      Arrest Agy:COOK COUNTY SHERIFF  
RD/AR-SH20-      Arrest Unit:  
00394396  
Arrest Date:10/23/2020  
DL State:      DL#:  
Hgt:511      Wgt:180  
Hair:Brown      Eyes:Brown

True Bill      12/15/2020  
ASA: Kellyn D Doyle-Coakley

001 MFG 200>600 PILLS ECSTASY/ANLG  
720 ILCS 570/401(a) (7.5) (B) (ii)  
0015303 Class: X  
002 MFG 15>200 PILLS ECSTASY/ANLG  
720 ILCS 570/401(a) (7.5) (A) (ii)  
0015301 Class: X  
003 POSS 200>600 PILL ECSTASY/ANLG  
720 ILCS 570/402(a) (7.5) (B) (ii)  
0012802 Class: 1  
004 POSS 15>200 PILLS ECSTASY/ANLG  
720 ILCS 570/402(a) (7.5) (A) (ii)  
0012800 Class: 1

\*\*\*

MA

IRIS Y MARTINEZ  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY

20 DEC 18 PM 1:39

FILED

**Exhibit B**  
to Answer to Complaint

1 STATE OF ILLINOIS )  
2 ) SS:  
COUNTY OF C O O K )  
3  
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - CRIMINAL DIVISION  
5 THE PEOPLE OF THE )  
STATE OF ILLINOIS, )  
6 )  
Plaintiff, )  
7 ) Case No. 21 CR 00016-01  
8 )  
ANDREW FRANKLIN, )  
9 )  
Defendant. )  
10  
11 REPORT OF PROCEEDINGS held in the hearing  
12 in the above-entitled cause before the HONORABLE  
13 NEERA WALSH, Judge of said court, on the 25TH day  
14 of MAY, 2022.  
15 APPEARANCES:  
16 HONORABLE KIMBERLY M. FOXX,  
STATE'S ATTORNEY OF COOK COUNTY, by:  
17 KELLY COAKLEY, Assistant State's Attorney  
on behalf of the People;  
18  
TODD PUGH, Attorney-at-Law,  
19 appeared on behalf of the Defendant.  
20  
21 TONJA R. JENNINGS BOWMAN  
License #084-002995  
22 Official Court Reporter  
2650 South California  
23 Chicago, IL  
24

1 THE COURT: Good morning. You are Andrew  
2 Franklin; is that correct?  
3 THE DEFENDANT: Yes.  
4 THE COURT: You're on bond.  
5 Go ahead, Counsel.  
6 MR. PUGH: Good morning, your Honor. Todd  
7 Pugh on behalf of Andrew Franklin.  
8 THE COURT: Go ahead, State.  
9 MS. COAKLEY: Kelly Coakley, C-O-A-K-L-E-Y,  
10 for the People.  
11 THE COURT: And my recollection is that back  
12 on 4/25, there was a 402 -- admonishments that were  
13 given and there was a 402 conference that was  
14 commenced and continued as to Count 1, the Class 4  
15 felony. I think both sides were going to look into  
16 some other matters. And where are we on that?  
17 MR. PUGH: We are ready to continue the  
18 conference with you when you have time.  
19 MS. COAKLEY: I think it was on Count 4, which  
20 was a Class 1 felony. But that is part of what I  
21 needed to look into.  
22 THE COURT: I'm sorry. I switched those  
23 numbers around. Count 4, a Class 1 felony. Okay.  
24 We'll pass it and we will do that.

1 MR. PUGH: Thank you, Judge.

2 (Case was passed and later  
3 recalled.)

4 THE COURT: This is Andrew Franklin. And we  
5 were going to have a 402 conference. His attorney  
6 is present. The State is present.

7 And, State, before we continue that  
8 402 conference, is there something else you need to  
9 add?

10 MS. COAKLEY: Judge, at this time I'd like to  
11 amend Count 4 to a Class 4 felony, making it a less  
12 than 15 pills of MDMA, Section 57 -- I'm sorry --  
13 720 at 570, Section 402(c), striking A, 7.5(A)(ii).

14 MR. PUGH: And I've seen those amendments.  
15 Waive re-swearing, re-execution.

16 THE COURT: So now it's a Class 4 felony.

17 And Mr. Franklin, before I had given  
18 you your admonishments on a 402 conference. And  
19 before it, it was a Class 1 felony. Now it's a  
20 Class 4 felony. I just want to tell you a little  
21 bit more about that. You heard what the state's  
22 attorney said. I'm going to allow that amendment.  
23 And now as a Class 4 felony, the sentencing range  
24 is one to three years in the Illinois Department of

1 Corrections, three to six years extended term, a  
2 fine of up to \$25,000, and one year of mandatory  
3 supervised release. It is probationable also, sir.  
4 And it's probationable up to 30 months.

5 Do you understand what the new  
6 sentencing range is on this amended charge?

7 THE DEFENDANT: I do.

8 THE COURT: And you understand what the  
9 amended charge is now?

10 THE DEFENDANT: I do.

11 THE COURT: And you understand what the  
12 sentencing range is, sir?

13 THE DEFENDANT: I do.

14 THE COURT: All right. And you still want us  
15 to continue with that 402 conference?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. And we are going to  
18 have that 402 conference. We'll have it now.

19 Let the record reflect that in  
20 anticipation of the amendment, the Court and the  
21 attorneys did engage in a 402 based on the  
22 amendment.

23 And so, Mr. Franklin, as to this  
24 amended charge, based on what your attorney and

1 what the State have told me about this, and since  
2 the purpose of any kind of punishment on a case is  
3 supposed to be rehabilitation, and not to mark you  
4 for life so that you cannot go on with your life  
5 and move on from this -- not to forget about this  
6 by any means, but to understand and to hopefully  
7 learn from it and not repeat and come back to the  
8 criminal justice system.

9                   Having heard everything and the  
10 Court, I believe the State and the defense are  
11 amenable that the Court's recommendation, if you  
12 are to plead to this amended Class 4 felony of  
13 possession of a controlled substance, that the  
14 Court would recommend two years of 410 probation,  
15 which is a probation that you could have removed  
16 from your record if you successfully complete it.  
17 And I do stress the word "it." And what I mean by  
18 that is, there are some conditions, and these are  
19 some very stringent conditions. I'm telling you,  
20 if you don't do any one of these things, you'll be  
21 back in front of me. And that sentencing range we  
22 are talking about, that will be the least of your  
23 concerns because it will be a conviction on your  
24 record, and I think your livelihood will go away.



1 Do you understand that, sir?

2 THE DEFENDANT: Yes.

3 THE COURT: And so if you were to plead  
4 guilty, you would have to provide to the Adult  
5 Probation Department a mental health assessment, a  
6 treatment plan, and to follow all of the treatment  
7 recommendations.

8 It's my understanding that you are  
9 already in treatment at this point, so that should  
10 not be an issue with Dr. Stafford Henry. Is that  
11 correct?

12 THE DEFENDANT: Yes.

13 THE COURT: And Stafford is S-T-A-F-F-O-R-D,  
14 Henry, H-E-N-R-Y.

15 And you are already in treatment  
16 with him, correct, as you already had a session; is  
17 that right?

18 THE DEFENDANT: That's right.

19 THE COURT: So it shouldn't be an issue to  
20 have a treatment plan and to be following his  
21 recommendations, correct?

22 THE DEFENDANT: That's correct.

23 THE COURT: All right. And that you are also  
24 to do 30 hours of self-directed community service

1 that needs to be set up and started within 30 days.  
2 You have to provide also that you have done these  
3 things with Dr. Henry to the Adult Probation  
4 Department within 30 days.

5                   Self-directed community service  
6 means this: That you can do it at a not-for-profit  
7 agency. Cannot get paid for it, hence, the  
8 not-for-profit. And that needs to be letterhead,  
9 what you are doing there, who is going to be  
10 supervising you, and how you're going to get that  
11 30 hours done. And that you need to have started  
12 that within the next 30 days; again, could be a  
13 basis for a violation, that is, if you didn't do  
14 any of that within the next 30 days. Do you  
15 understand that?

16           THE DEFENDANT: Yes.

17           THE COURT: And then also you are subject to  
18 random urine drops, such as random drug testing.  
19 And if that comes back at any time as being  
20 positive, that could result in a new sentence also.  
21 And that you are going to have check dates, meaning  
22 that in 30 days -- which is the next court date --  
23 it's going to be on June 30th of 2022 -- that  
24 you'll be in person to let me know if you are in

1 compliance with your probation; and then,  
2 thereafter, I'll see you on a three-month date, a  
3 six-month date, a one-year date, and an 18-month  
4 date. These will all be in person. Do you  
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Pugh may or may not be here.  
8 Maybe his colleague may be here. And as to Ms.  
9 Coakley, she may not be here, but her colleagues  
10 will be here representing the State.

11 So do you understand what the  
12 Court's offer is?

13 THE DEFENDANT: I do.

14 THE COURT: And did you have an opportunity to  
15 talk to your attorney about it?

16 THE DEFENDANT: Yes, I did.

17 THE COURT: And what did you decide, do you  
18 want to accept or reject the Court's offer?

19 THE DEFENDANT: I want to accept.

20 THE COURT: All right. And, sir, are you  
21 ready to go forward with the plea today?

22 MR. PUGH: We are, your Honor.

23 THE COURT: So, sir, I'm going to continue to  
24 ask you a series of questions. If you understand

1    them, please answer them out loud; if you don't,  
2    let me know and I will explain them to you.  All  
3    right, sir.

4                       Remind me, sir, how old are you?

5           THE DEFENDANT:  Thirty-five.

6           THE COURT:  And you went to law school,  
7    correct?

8           THE DEFENDANT:  That's right.

9           THE COURT:  And you graduated from law school,  
10   right?

11          THE DEFENDANT:  Yes.

12          THE COURT:  All right.  And you obviously went  
13   to undergrad.  And you graduated from high school  
14   also, correct?

15          THE DEFENDANT:  Yes.

16          THE COURT:  So at any time if you don't  
17   understand any of my questions, you let me know and  
18   I'll explain them to you.  All right, sir?

19          THE DEFENDANT:  All right.

20          THE COURT:  State's proceeding on that amended  
21   Count 4.

22                       As to Counts 1 through 3, it's  
23   motion State nolle pros.  Defendant demands trial,  
24   for what it's worth?

1 MR. PUGH: Yes, Judge.

2 MS. COAKLEY: Yes.

3 THE COURT: So count number four as amended  
4 reads as follows:

5 That on or about October 23rd of  
6 2020 at and within the County of Cook that Andrew  
7 Franklin committed the offense of possession of a  
8 controlled substance, and that he unlawfully and  
9 knowingly possessed otherwise than is authorized in  
10 the Illinois Controlled Substances Act of said  
11 State of Illinois, then in force and effect, less  
12 than 15 pills, tablets, caplets, capsules or  
13 objects but less than 200 pills, tablets,  
14 caplets --

15 MS. COAKLEY: Judge, if you can just strike  
16 that. Should be less than 15. I'm sorry.

17 THE COURT: That's fine. Less than 15. Less  
18 than.

19 Mr. Pugh, I'm making that amendment  
20 from the 200 to the 15.

21 MR. PUGH: Without objection.

22 THE COURT: Thank you. That will be allowed.

23 So it will be for -- that last  
24 phrase will be less than 15 pills, tablets, caplets

1 capsules, or objects of any substance or which  
2 contain salts, isomers and salts of isomers, or any  
3 analog or derivative thereof a certain controlled  
4 substance, to wit -- the long phrase of MDMA  
5 spelled out. And that this is in violation of the  
6 Illinois Compiled Statutes.

7 Do you understand what this amended  
8 charge is, sir?

9 THE DEFENDANT: Yes.

10 THE COURT: As charged now, as I told you  
11 before, this is a Class 4 felony. A Class 4 felony  
12 is punishable by one to three years in the Illinois  
13 Department of Corrections, three to six years  
14 extended term, a fine of up to \$25,000, and one  
15 year mandatory supervised release -- which is  
16 commonly referred to as parole -- that you'll serve  
17 at the end of any time in the penitentiary.

18 Do you understand what the  
19 sentencing range is, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: I'm now going to talk to you about  
22 collateral consequences. Collateral consequences  
23 are things that could happen -- I'm not telling you  
24 they are going to happen, except for one -- you

1 can't have a gun.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: The sentence for any future  
5 conviction may be increased, and there may be a  
6 high possibility of the imposition of consecutive  
7 sentences. There may be an impact on your ability,  
8 among other things, to get certain licenses,  
9 certain jobs, and certain housing.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: How do you plead; guilty or not  
13 guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: Do you understand you have the  
16 right to plead not guilty and have a trial before a  
17 jury or a judge?

18 THE DEFENDANT: I do.

19 THE COURT: Do you understand that a jury  
20 trial is 12 people that are chosen by you, your  
21 attorney and the prosecutor? Those 12 people would  
22 hear the evidence and decide your guilt or  
23 innocence. Their decision would have to be  
24 unanimous, that is, they'd all have to agree before

1 a verdict can be entered against you.

2 THE DEFENDANT: I understand.

3 THE COURT: How many people are on a jury?

4 THE DEFENDANT: Twelve.

5 THE COURT: How many people have to vote you

6 guilty before you can be found guilty?

7 THE DEFENDANT: All of them.

8 THE COURT: Right. Which is how many?

9 THE DEFENDANT: Twelve.

10 THE COURT: Do you want to have a jury trial

11 in this case?

12 THE DEFENDANT: No.

13 THE COURT: I'm showing you this piece of

14 paper. It's a formal method of waiving your right

15 to a jury trial. It has a line for you to sign if

16 you want to give up your right to a jury trial.

17 Did you sign it?

18 THE DEFENDANT: Yes.

19 THE COURT: Is that your signature?

20 THE DEFENDANT: Yes.

21 THE COURT: And it has today's date above it?

22 THE DEFENDANT: Yes.

23 THE COURT: And what's the date today?

24 THE DEFENDANT: June -- May 25th.



1 THE COURT: And May 25th of what year?

2 THE DEFENDANT: 2022.

3 THE COURT: Right. I'm going to accept you  
4 knowingly and intelligently made a jury waiver at  
5 this time.

6 Sir, in addition to giving up your  
7 right to a jury trial, you're giving up your right  
8 of a trial of any kind, even a trial before a judge  
9 like myself. You are giving up your right to see  
10 and hear witnesses testify against you, to  
11 cross-examine them, present your own witnesses,  
12 remain silent and have the State prove you guilty  
13 beyond a reasonable doubt.

14 Do you understand that?

15 THE DEFENDANT: I do.

16 THE COURT: Anyone threaten you or promise you  
17 anything to get you to plead guilty?

18 THE DEFENDANT: No.

19 THE COURT: You're pleading guilty of your own  
20 free will?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand what the Court's  
23 offer is?

24 THE DEFENDANT: I do.

1           THE COURT: All right. And if you are not a  
2 citizen of the United States, you are hereby  
3 advised that a conviction of the offense for which  
4 you've been charged may have the consequences of  
5 deportation, exclusion from admission to the United  
6 States, or denial of naturalization under the laws  
7 of the United States.

8                     Do you understand that?

9           THE DEFENDANT: I do.

10          THE COURT: State, is there a factual basis?

11          MS. COAKLEY: There is.

12                     Your Honor, if the State were to  
13 proceed to trial, the State would call John Riggio,  
14 R-I-G-G-I-O, Star 647 of the Cook County Sheriffs  
15 Police Department. He would testify he is on a  
16 task force, and that on the date of October 13th of  
17 2020, Customs and Border Protection officers at  
18 O'Hare International Airport intercepted a package  
19 from Great Britain, under the authority of Homeland  
20 Security did a border search. Once opened, they  
21 found it to contain a toy which inside had a  
22 vacuum-sealed bag with 424 gray Grim Reaper pills.  
23 They field tested positive for  
24 Methylenedioxy-methamphetamine, also known as

1   Ectasy or MDMA. They formulated a plan to do a  
2   controlled delivery. They obtained an anticipatory  
3   search warrant for that package that would allow  
4   the package to be wired to an alarming device that  
5   would trigger and notify investigators when the  
6   package was opened. They dusted a luminescent  
7   powder over the items inside there so that when you  
8   look under a black light, you can tell somebody  
9   touched those once the package is opened.

10                   They then placed those items into  
11   the original container and did a control delivery  
12   to the address that it was addressed to, which was  
13   Post Office Box 9723 located at 4101 South Halsted  
14   in Chicago. They delivered it to that post office  
15   box and set up surveillance. The defendant  
16   appeared at 11:38 on October 23rd and brought the  
17   slip that he retrieved from that box to the desk  
18   and received the package.

19                   At that time they followed the  
20   defendant and eventually maintained surveillance on  
21   his car until he went to 2138 South Indiana and  
22   parked in the parking garage there. It was at that  
23   time they -- he would make an identification of the  
24   defendant in court and he would testify the

1 defendant exited the car with the package, opened  
2 the trunk to that car; and at that time they  
3 received the alert, that the package had been  
4 opened at 11:53 a.m. at that location.

5                   They then executed the search  
6 warrant, recovered the bundle of pills and also the  
7 key to the post office box from this defendant's  
8 pocket. They were inventoried pursuant to rules  
9 and regulations of the Cook County Sheriffs Police.  
10 They also recovered a protector 1206(i) bug  
11 detector from the trunk, which is a  
12 counter-surveillance device for detecting audio  
13 bugs and a GPS tracker and video cameras. Those  
14 narcotics that were then sent to the Northeastern  
15 Illinois Regional Crime Lab for testing and  
16 analysis.

17                   They would next call Gina Havlik,  
18 H-A-V-L-I-K. She would testify she's a forensic  
19 scientist qualified in the area of drug chemistry,  
20 and she received those items through the proper  
21 chain of custody, and that she tested less than 15  
22 of those tablets and found those to be positive for  
23 methalyne -- MDMA.

24                   So stipulated?

1 MR. PUGH: So stipulated.

2 THE COURT: Let the record reflect that the  
3 defendant understands the nature of the amended  
4 charge against him, the possible penalties of this  
5 case under the law; the plea has been given freely  
6 and voluntarily. A factual basis exists for the  
7 plea, and the plea will be accepted. And there  
8 will be a finding of guilty on this amended Class 4  
9 felony as read into the record. And the Court is  
10 going to withhold judgment on the findings at this  
11 time.

12 State and defense, is there anything  
13 further in aggravation, mitigation that I did not  
14 hear in that 402 conference?

15 MS. COAKLEY: No, your Honor.

16 MR. PUGH: Judge, in terms of mitigation for  
17 the purpose of the record, I thought I should  
18 establish as follows:

19 Prior to the 402 conference in this  
20 case, we made a very comprehensive submission to  
21 the State's Attorney's office, which they  
22 considered. And non-privilege forms of that is the  
23 following:

24 That following Mr. Franklin's

1 arrest, he immediately enrolled in an intensive  
2 outpatient program. He completed that program and  
3 has verified participation in meetings of  
4 Alcoholics Anonymous and other 12-step meeting  
5 participation four times a week, and his sentence  
6 shortly following his arrest, verification of that  
7 has been provided to the State. In addition, I did  
8 provide previous verification of treatment at Shans  
9 (phonetic) Medical Center at the University of  
10 Florida that was provided to the State, as well as  
11 eight letters of reference for Mr. Franklin.

12 In addition, he has no criminal  
13 history. He has a verified work history. He is  
14 currently employed. He is also engaged with the  
15 Illinois Supreme Court Attorney Registration and  
16 Disciplinary Commission, their LAP program, L-A-P.  
17 And he has participated in that since shortly after  
18 his arrest.

19 We know that all those matters were  
20 spread during the conference, but I thought it very  
21 important that mitigation also be on the record as  
22 well.

23 THE COURT: I appreciate that.

24 Mr. Franklin, it's your turn now, if

1 you want to say anything to the Court before I  
2 impose sentence.

3 THE DEFENDANT: No. Just thank you for the  
4 opportunity.

5 THE COURT: Sir, you have the right before  
6 sentencing to a presentence investigation, which is  
7 an investigation into your background and history.

8 Because this is an agreed-upon  
9 disposition, you may waive your right to this  
10 presentence investigation.

11 Do you understand that, sir?

12 THE DEFENDANT: I do.

13 THE COURT: Do you want to have a presentence  
14 investigation?

15 THE DEFENDANT: No.

16 THE COURT: I'm showing you this piece of  
17 paper. It's a formal method of waiving your right  
18 to the presentence investigation. It too has a  
19 line for you to sign if you want to give up your  
20 right to the presentence investigation. Did you  
21 read it?

22 THE DEFENDANT: Yes, I did read it. That is  
23 my signature. That's today's date.

24 THE COURT: All right. I'm going to accept

1 your knowingly-made waiver of the presentence  
2 investigation also.

3                   Sir, I am going to sentence you as I  
4 said I would, if you pled guilty to this amended  
5 Class 4 felony. And you are going to receive two  
6 years of 410 probation. You have to provide to the  
7 Adult Probation Department your mental health  
8 assessment, your treatment plan, and to follow all  
9 of the treatment recommendations within 30 days.  
10 You have to do 30 hours of self-directed community  
11 service, which I've explained to you that you need  
12 to set up and start within 30 days. You are  
13 subject to random urine drops, and you are going to  
14 have check dates that are in 30 days, so this is  
15 the first one. So your next court date will be  
16 motion defendant 6/30 of 22. And it will be here  
17 in person for status on your probation compliance.  
18 You then will have one in three months, a six-month  
19 date, a one-year, and an 18-month one; and that  
20 will all be in person. You get credit for two days  
21 time considered served/time actually served in the  
22 Cook County Jail.

23                   And Mr. Pugh has asked for your  
24 court costs to be satisfied by your time actually



1 served, and it will be. However, there are  
2 probation fees that you are going to have to pay.

3 Do you understand that?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: And, sir, do you ever play sports?

6 THE DEFENDANT: No.

7 THE COURT: All right. Do you know what the  
8 phrase "The ball is in your court" means?

9 THE DEFENDANT: I do.

10 THE COURT: What's it mean?

11 THE DEFENDANT: It means it's up to me whether  
12 this plan succeeds.

13 THE COURT: Exactly. And so it's a tennis  
14 term. So it is up to you what's going to happen  
15 next.

16 Right now if you successfully  
17 complete this, this will not be a conviction on the  
18 record. And your attorney will talk to you more  
19 about how to have it removed from your record. But  
20 if you don't, it's going to become a felony  
21 conviction on your record. And there may be prison  
22 time that's associated with it.

23 Do you understand that?

24 THE DEFENDANT: I do.

1           THE COURT: All right. And all warrants are  
2 quashed and recalled as to this defendant, as to  
3 this case only.

4                       Sir, you have a right to appeal.  
5 However, before you can appeal my decision within  
6 30 days of today's date you must file with the  
7 clerk of the Court a written motion to withdraw  
8 your plea of guilty and vacate the judgment. In  
9 the motion you must state all the reasons why you  
10 want to withdraw your guilty plea.

11                      Do you understand that, sir?

12           THE DEFENDANT: I do.

13           THE COURT: If I grant the motion, I'll set  
14 your guilty plea, sentence and judgment aside and  
15 set your case for trial. Any charges, however,  
16 that were dismissed as a part of the plea agreement  
17 would be reinstated at the State's request, and  
18 also set for trial.

19                      If I deny your motion, you have 30  
20 days from the date of that denial to file a written  
21 Notice of Appeal.

22                      Do you understand that, sir?

23           THE DEFENDANT: I do.

24           THE COURT: Any issue or claim of error not

1 raised in the motion to withdraw your plea of  
2 guilty and vacate the judgment would be waived for  
3 appeal purposes.

4 If you can't afford to pay for it, a  
5 copy of the transcript of the proceedings at the  
6 time of your plea of guilty will be provided to you  
7 free of charge; and you will be provided an  
8 attorney to assist you in the preparation of that  
9 motion.

10 Those are your appeal rights. Do  
11 you understand them?

12 THE DEFENDANT: I do.

13 THE COURT: All right.

14 Ms. Lucenti, do you want him to just  
15 come down to the probation department or do you  
16 want to meet him somewhere else?

17 PROBATION OFFICER: Judge, I'm going to need  
18 to call him.

19 THE COURT: So the phone number that you have  
20 on the probation specs that you signed, the  
21 probation officer, Ms. Lucenti, is going to call  
22 you in about 20 minutes or so. So make sure you  
23 answer that phone call.

24 It's your responsibility to make

1 sure that you have contacted the Probation  
2 Department today to make sure that you have that  
3 all in place so that when I see you back on  
4 June 30th, that you will be able to tell me where  
5 we are, and the status of this, as will the  
6 Probation Department. All right, sir?

7 THE DEFENDANT: All right.

8 MR. PUGH: Good luck to you.

9 (Which were all the proceedings  
10 had in the above-entitled cause  
11 on the above-mentioned date.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 STATE OF ILLINOIS)  
2 ) SS:  
COUNTY of C O O K)

3

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 MUNICIPAL DEPARTMENT - CRIMINAL DIVISION

6

7 I, Tonja R. Jennings Bowman, Official  
8 Court Reporter for the Circuit Court of Cook  
9 County, Illinois Criminal Division, do hereby  
10 certify that I reported in machine shorthand the  
11 proceedings had on the hearing in the  
12 above-entitled cause, and transcribed the same by  
13 Computer-Aided Transcription, which I hereby  
14 certify to be a true and accurate transcript of the  
15 proceedings had before the HONORABLE NEERA WALSH,  
16 judge of said court.

17

18

19 ***Tonja R. Jennings Bowman, CSR.***

20

21 Dated this 13th day  
22 of OCTOBER, 2022.

23

24

**Exhibit C**  
to Answer to Complaint

CB No. 200006438

It is further ordered Defendant shall comply with the conditions specified below.

**STANDARD CONDITIONS**

- ☒ If reporting is ordered, the Defendant shall report immediately to the Social Service or Adult Probation Department as indicated in the above Sentencing Order and pay that department such sum as determined by the department in accordance with the standard probation fee guide. Said fee not to exceed \$50.00 per month.
- ☒ Pay all fines, costs, fees, assessments, reimbursements and restitutions (If applicable, Additional Order Required.).
- ☒ Not violate the criminal statutes of any jurisdiction.
- ☒ Refrain from possessing a firearm or any other dangerous weapons.
- ☒ Notify monitoring agency of change of address.
- ☒ Not leave the State of Illinois without consent of the court or monitoring Agency.
- ☒ Comply with reporting and treatment requirements as determined by the Adult Probation or Social Service Department's assessment. Any treatment requirements not specified elsewhere on this order that would cause a financial hardship shall be reviewed by the court after being imposed.

**DRUG/ALCOHOL/DUI RELATED CONDITIONS**

- ☐ Complete drug/alcohol evaluation and treatment recommendations.
- ☒ Submit to random drug testing as determined by the monitoring agency or treatment provider.
- ☐ Zero Tolerance for Drugs/Alcohol.
- ☐ Remote Alcohol Monitoring.
- ☐ Transdermal Alcohol Monitoring.
- ☐ Breath Alcohol Ignition Interlock Device.
- ☐ Complete Traffic Safety School.
- ☐ Complete TASC Program.
- ☐ DUI Offenders Classified Level A Monitoring, report immediately to Central States Institute of Addictions and commence the following treatment intervention program within sixty (60) days of this order:
  - ☐ Minimum ☐ Moderate ☐ Significant
- ☐ DUI Offenders Classified Level B or C Monitoring, report immediately to:
  - ☐ Social Service Department ☐ Adult Probation Department and complete a drug/alcohol evaluation within thirty (30) days, fully comply with the intervention plan and commence the following treatment intervention program within sixty (60) days of this order:
    - ☐ Minimum ☐ Moderate ☐ Significant ☐ High
- ☐ Attend a Victim Impact Panel.
- ☐ File proof of financial responsibility with the Secretary of State.
- ☐ Surrender Driver's License to Clerk of the Court.
- ☐ Pay all Driver's License reinstatement fees.

**SPECIAL CONDITIONS**

- ☐ Home Confinement through Adult Probation until \_\_\_\_\_ (Additional Order Required).
- ☐ GPS device through Adult Probation until \_\_\_\_\_ at \$10 per day (Additional Order Required).

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)



☒ ~~Submit to searches by Adult Probation of person and residence when there is reasonable suspicion to require it (high risk probationers only).~~ FOR

☐ Obtain a GED.

☒ Perform 30 hours of community service as directed by the ☐ Social Service or  
☒ Adult Probation Department Community Service Program. "ICS" TO BE STARTED w/ 30 days

☐ Perform \_\_\_\_\_ days of Sheriff's Work Alternative Program (S.W.A.P.) (773) 674-0716.

☐ Avoid contact with: \_\_\_\_\_

☐ Complete mental health evaluation and treatment recommendations.

☐ Register as a Violent Offender Against Youth.

☒ DNA Indexing.

☐ Complete Anger Management Counseling and any other recommendations per assessment, which may include an evaluation and/or treatment for alcohol and drug abuse, mental health, parenting or sexual abuse.

### DOMESTIC VIOLENCE

☐ Comply with all lawful court orders including an Order of Protection.

☐ Complete Domestic Violence Counseling and any other recommendations per assessment, which may include an evaluation and/or treatment for alcohol and drug abuse, mental health, parenting or sexual abuse.

### SEX OFFENDER

☐ Complete evaluation and treatment recommendations for sex offenders.

☐ Register as a sex offender.

☐ STD/HIV Testing.

### RESTITUTION

☐ Make restitution to:

\_\_\_\_\_ in the amount of \$ \_\_\_\_\_, payable through the  
Social Service Department or Adult Probation Department at the rate of \$ \_\_\_\_\_,  
per \_\_\_\_\_ with final payment due on or before \_\_\_\_\_.

☒ OTHER 2 days CCOCC TCS/TB

### ☒ ADDITIONAL ORDERS

Assessment and treatment provider Dr. Stafford Henry, 105 W.

Madison, Chicago IL 60602. Defendant to provide treatment plan and

follow all recommendations within 30 days. Subject to check dates, 30 days, 3 months

☒ Next Court Date: 1 year and 18 months in person  
6/30/22

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

I acknowledge receipt of this Order and agree to abide by the specified conditions. I agree to accept notices by regular mail at the address provided to the monitoring agency and to answer questions asked by the Court related to my behavior. I understand that a failure to comply with the conditions of this Order, or refusal to participate, or withdrawal or discharge from a required program, plan, or testing will be considered a violation of this Order and will be reported to the Court; and may result in a re-sentencing imposing the maximum penalty as provided for the offense.

Andrew Franklin

(Defendant's Name)

[Signature]

(Defendant's Signature)

Defendant DOB: [REDACTED]Address: 2138 S. INDIANA #2711 City: ChicagoState: IL Zip: 60614Telephone: 407-453-0727 Email: Andrew Franklin Esq @ gmail . comPrepared by: Kellyn D. Coakley

ENTERED:

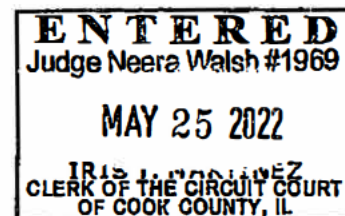
Dated: \_\_\_\_\_

[Signature]

Judge

1969  
Judge's No.

Atty. No.: \_\_\_\_\_ ARDC No.: \_\_\_\_\_

Atty Name: Kellyn CoakleyAtty. for: People of the State of IllinoisAddress: 2650 S California AveCity: ChicagoState: IL Zip: 60608Telephone: 7736742872Primary Email: kellyn.coakley@cookcountyil.gov

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org