

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

FILED
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ARDC Clerk

In the Matter of:)
)
 JOSHUA STUART WHITT,)
) Commission No. 2024PR00073
 Attorney-Respondent,)
)
 No. 6280038.)

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Rory Patrick Quinn, pursuant to Supreme Court Rule 761, complains of Respondent, Joshua Stuart Whitt, who was licensed to practice law in Illinois on November 6, 2003, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I
(Conviction for Violation of an Order of Protection)

1. On September 3, 2021, Kane County Judge Julia Yetter issued an emergency order of protection on behalf of E.T. against Respondent. The matter was captioned *People of the State of Illinois v. Whitt* and docketed in the circuit court of Kane County as case number 2021OP808. The emergency order of protection ordered Respondent to refrain from contacting E.T. “in anyway directly, indirectly or through third parties, including, but not limited to, phone, written notes, mail, email, or fax.” On September 4, 2021, Respondent was served with the emergency order of protection.

2. On September 6, 2021, Respondent sent multiple text messages to E.T. Respondent’s text messages included nonsensical statements, pictures, and YouTube video links.

3. On the same day, Respondent was arrested and charged by a signed and sworn criminal complaint with one count of violation of an order of protection. The matter was captioned *People of the State of Illinois v. Whitt* and docketed in the circuit court of Kane County as case number 2021CM1662. The one count complaint alleged that Respondent knowingly violated the order of protection by sending numerous text messages to E.T., in violation of 720 ILCS 26-1(a)(3.5).

4. On August 16, 2024, Respondent pled guilty to violation of the order of protection, in violation of 720 ILCS 26-1(a)(3.5). In his plea, he stipulated to the following facts:

[T]here was a stalking/no contact order in effect prohibiting the defendant from making any contact with an E.T. Despite that, he did text her in violation of that particular order.

5. On the same day, the Judge Yetter accepted Respondent's guilty plea and sentenced him concurrently on case number 2021CM1662 and two other cases to 24 months of conditional probation.

6. Judge Yetter ordered Respondent to not violate the criminal statutes of any jurisdiction, comply with his reporting requirements, continue his medical treatment, and he was ordered to pay fines, fees, and costs.

7. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on Respondent's honesty, trustworthiness or fitness as a lawyer, by conduct including his conviction for violation of an order of protection, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(*Conviction for Electronic Harassment*)

8. In February 2022, Respondent sent text messages and emails to an individual with the initials S.W. In those messages and emails, Respondent stated “I’ve got friends with some wicked IT skills, there [sic] all, over the country” and “You are going to need to get some help very, very soon unless you want to go to jail...”.

9. On April 26, 2022, Respondent was charged by a signed and sworn criminal complaint with one count of electronic harassment and one count of disorderly conduct. The matter was captioned *People of the State of Illinois v. Whitt* and docketed in the circuit court of Kane County as case number 2021CM533. Count one alleged that Respondent sent harassing text messages and emails containing obscene and harassing content to S.W. after receiving notice from S.W. to stop such contact, in violation of 720 ILCS 5/26.5-3. Count two alleged that Respondent alarmed and disturbed S.W. by sending the harassing text messages and emails, in violation of 720 ILCS 5/26-1(a)(1).

10. On August 16, 2024, Respondent pled guilty to electronic harassment, in violation of 720 ILCS 5/26.5-3. The charge of disorderly conduct was dismissed. In pleading guilty, Respondent stipulated to the following facts “[T]he [Respondent] at that time texted [S.W.] in that matter in violation of the law and in a harassing manner.”

11. On the same day, the Judge Yetter accepted Respondent’s guilty plea and sentenced him in case number 2021CM533 and two other cases concurrently to 24 months of conditional probation.

12. Judge Yetter ordered Respondent to not violate the criminal statutes of any jurisdiction, comply with his reporting requirements, continue his medical treatment, and he was ordered to pay fines, fees, and costs.

13. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on Respondent's honesty, trustworthiness or fitness as a lawyer, by conduct including his conviction for electronic harassment in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Conviction for Attempted Disorderly Conduct)

14. On April 12, 2023, Respondent sent an email to an individual with the initials J.W. in which he stated that the students at West Aurora School District 129 ("The District") would be in danger if his demand to close the school on the next day was not met.

15. Later the same day, Respondent sent an email to J.C., an employee of The District, and law enforcement in which he threatened bodily harm to J.C. if law enforcement did not arrest J.C.

16. On April 26, 2022, Respondent was charged by a signed and sworn criminal complaint with one count of electronic harassment, in violation of 720 ILCS 26-1(a)(3.5), and one count of disorderly conduct, in violation of 720 ILCS 5/26-1(a)(3.5).

17. On May 17, 2023, a Kane County grand jury charged Respondent with two counts of felony disorderly conduct. The matter was captioned *People of the State of Illinois v. Whitt*, docket number 2023CF753 pending in Kane County.

18. On August 16, 2024, Respondent pled guilty to an amended charge of attempted disorderly conduct, in violation of 720 ILCS 5/8-4(a). In his plea, Respondent stipulated to the following facts:

[Respondent] sent an email to several parties including the superintendent of schools which could be interpreted as a threatening message to that superintendent.

