

# Civil Liberties Violation Complaint

I'm not an attorney, just an ordinary American citizen and tech worker with a clean record. I've read parts of the Constitution and simply want to be left alone.

On April 11, 2024, while stopped at a red light, I initiated a brief, one-minute call to my property manager to determine where to meet. I either pressed two buttons on my smartphone to initiate the call, or initiated the call with a voice command. I then took the phone from the cradle, and held it to my ear. I was pulled over by Officer Ronaldo Monte De Oca for "being on my cell phone" and received a ticket for violating [625 ILCS 5/12-610.2](#). On June 18, 2024, I contested the ticket in court with Hon. Christopher L. Wetzel, Associate Judge of the Fifth Judicial Circuit Court of Illinois presiding, and lost the case.

The Constitution, the supreme law of the land recognizes the people's natural, God given right to free speech. I believe the statute for which I'm cited also recognizes the right to free speech. The right to free speech is clearly established. I presented overwhelming evidence of this right as well as their responsibilities in upholding this right.

I believe the evidence may indicate a conspiracy involving Officer Ronaldo Monte De Oca, Hon. Christopher L. Wetzel, Associate Judge of the Fifth Judicial Circuit Court of Illinois, and possibly others. This conspiracy aims to intimidate me out of enjoying my constitutional right to free speech, freedom of press, the right to assemble, and freedom of religion.

I strongly feel it is my civic duty to correct this injustice, not only for me, but for my fellow residents of the great town of Mattoon, as well as the greatest country to ever exist, the United States of America.

According to the Mattoon Police Department's [press release](#), the Illinois Department of Transportation, the Illinois State Police, and 200 local law enforcement agencies also participated in this conspiracy using federal funds. Additionally, the statute limits the fine to \$75, but I was required to pay \$164.

I'm concerned that when a stranger moves in to and refuses to leave a property I own, an activity that clearly violates a whole host of private property rights, that matter is considered a civil matter. But when I exercise a constitutionally protected right, local law enforcement considers that a criminal matter that comes with a whole bunch of headaches. When I bring this fact up, it's used against me in court.

"The fight for free speech is a matter of victory or death for America and for the survival of Western civilization itself." - Donald Trump

## Freedom of Speech

- On July 4, 1776, America was founded with the Declaration of Independence. The preamble famously states: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." Liberty has been defined in many ways, including "freedom from arbitrary rules".

- On June 21, 1787, the Constitution was ratified as the supreme law of the land.
- On December 15, 1791, the Constitution was amended to include the Bill of Rights, with the First Amendment recognizing the natural, God-given right to freedom of speech.
- Free speech is the bedrock of Democracy.
- "Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved, and tyranny is erected on its ruins." -Benjamin Franklin.
- Article VI of the Constitution of the United States of America declares that the Constitution is the supreme law of the land and that state judges are bound by it. It requires those with power in the government to swear an oath or affirmation to uphold the Constitution. The Constitution and its amendments recognize my rights to freedom of speech, freedom of the press, the right to assemble, and freedom of religion. No subordinate laws can abrogate these rights.
- According to U.S. Citizenship and Immigration Services, one of the key responsibilities of American citizens is to support and defend the Constitution of the United States of America. I intend to fulfill my responsibilities.
- It is considered a civic duty to respect and uphold the laws and principles the constitution embodies.
- Good citizenship requires citizens to know, understand and follow the laws. To comprehend the laws, citizens must first understand the hierarchy of authority in the legal system. There are lower laws such as state and local regulations that govern the actions of its members where not already regulated. There are also higher laws like the United Nations International Bill of Rights that regulate the actions of a larger group of individuals. However, the Constitution of the great United States of America remains the supreme law of the land, which in part, protects its citizens from government interference.
- The [Illinois Constitution \(section 4\)](#) as well as the [United Nations International Bill of Rights \(article 19\)](#) both recognize the right to freedom of speech or expression.
- President Trump, the 47th President of the United States of America, recently elected by both a majority in the Electoral College and the popular vote, has made a statement on this very topic. [Presidential Statement Backup](#)
- In Coles County, 63.26% (13,606 individuals) voted for President Trump and his position on the freedom of speech.
- All items involved in the incident were legally purchased and taxed in Mattoon, IL. The truck was purchased from Pilson Automotive and is insured by First Mid Insurance. The smartphone was

bought at the Verizon store, and the gas was purchased at Walmart. My driver's license was obtained from the Mattoon DMV.

- AI says Montana does not have cell phone texting laws because some legislators believe it infringes on people's rights. My understanding of The Equal Protection Clause in the 14<sup>th</sup> amendment is that if the people of Montana are protected from government overreach into my cell phone use, then I am equally protected from that government overreach in Illinois.
- If we don't have free speech, then we just don't have a free country, it's as simple as that. - Donald Trump

## Statute 625 ILCS 5/12-610.2

- **Subsection (d)(3)** reads: This Section does not apply to: a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset
  - o This exception likely exists as a constitutional cutout for the First Amendment right to the freedom of speech. Voice-operated is a form of speech.
  - o I was operating my smartphone almost entirely by voice which is not a valid reason for being pulled over.
- **Subsection (a):** "Electronic communication device" is in quotes because it is defining a new term as it is to be used in this statute. The definition is "any electronic device," followed by four examples and four exclusions. The device I was using is a smartphone.
  - o **Included examples**
    - **Hand-held wireless telephone**
      - This is a device used in a house. They connect to a landline. Some people still use them. Young people use smartphones.
    - **Hand-held personal digital assistant**
      - I saw one of these once. An Amish guy was using it.
    - **Tablet**
      - This is a larger device that connects via wi-fi. Smartphones connect via cellular technology and are designed to be highly portable.
    - **Portable or mobile computer**
      - Computers have keyboards as inputs and use Wi-fi. Smartphones use touchscreens, use cellular technology and are designed to be highly portable.
  - o **Excluded devices**
    - **Global positioning system**
      - There are three elements of a global positioning system: satellites, a base station to control them, and a receiver. My smartphone is a GPS receiver. It is a component of the global positioning system, and I was using it that way at the time. This excludes my device from the definition of an "electronic communication device" as defined in this statute.  
[Smartphone definition link](#).

- **Navigation system**
  - A global positioning system is a navigation system. This exception was likely included because early cell phones were specified as having navigation as opposed to a global positioning system. [Cell Phone Definition Link](#).
- **A device that is physically integrated into the motor vehicle**
  - Officer Ronaldo points out in the [bodycam](#) that I have a smartphone cradle add-on. Does that device qualify as physically integrated into the vehicle? I don't recall if my phone was plugged in at the time. Is that physically integrated?
- **A device that is electronically integrated into the motor vehicle**
  - I have a Bluetooth dongle that allows me to play music through my vehicle's speakers, but it doesn't have a microphone in it. It is clearly visible in the [bodycam](#). I don't recall if the dongle was connected at the time. Does that device qualify as electronically integrated into the motor vehicle?
- My smartphone device does not match any of the included device examples but strongly fits the definition of at least two excluded devices. Therefore, my smartphone does not meet the definition of an "Electronic communication device" as defined in this statute.
- **Subsection (d)(1) reads:** This Section does not apply to: a law enforcement officer or operator of an emergency vehicle while performing his or her official duties
  - At the time, I was operating one of my emergency vehicles and performing my official duties of protecting and defending the Constitution of the United States of America.
- **Subsection (d)(7) reads:** This section does not apply to: a driver using two-way or citizens band radio services
  - At a basic level, a cellular network works as a two-way radio.
- **Subsection (d)(9) reads:** This Section does not apply to: a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication
  - This is what I did. I pressed a button on the text message that popped up over the Google Maps app. This opened the message. I then pressed the phone button on the message to initiate a call back to the texter. Or, it is entirely possible I used a voice command to call back. I don't recall 100%.
- **Subsection (d)(10) reads:** This section does not apply to: a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited by this Section.

- This is a smartphone, and I track all my rental mileage on it. I also use it for: Amber alerts, emergency weather alerts, nuclear attack warnings, silver alerts, local emergencies, presidential alerts, national emergencies, and for taking notes, pictures and videos. I am also seen listening to the police scanner on it in the [bodycam footage](#).
- **In summary:**
  - I was licensed and insured for this activity
  - I was already well-versed in this statute once it was identified
  - My vehicle was bone stock and perfectly legal
  - My device doesn't meet the definition of an electronic communication device
  - My device was used in a way explicitly allowed in many ways
  - I was pulled over, ticketed, and lost my case anyway

## In-Depth Event Recap

### INTRODUCTION

In 2024, I was pulled over and ticketed for engaging in the constitutionally protected activity of speaking, which the statute explicitly permits, using a device that the statute explicitly allows. I contested the ticket at a bench trial and lost, resulting in a black mark on my record and a \$164 fine. I am now concerned that exercising my right to free speech again could result in harsher punishment. Additionally, I worry that I will need to explain to prospective employers that my record indicates I used technology illegally, which could be disqualifying in certain situations. I am filing this complaint to restore civil liberties for my fellow citizens and to clarify the record for potential future employers. Also, I'm actively developing a system designed in part to be used in an operating motor vehicle. I need clarity on this issue.

### THE INCIDENT (April 11, 2024)

In early 2024, a squatter appeared in one of my rental properties, partly due to my property manager's extended vacation and partly due to compassion. On April 11, 2024, I drove to the Coles County Sheriff's Office and Courthouse to inquire about how to legally resolve this issue post-Covid. I was given an eviction packet with an eviction hotline number. Before leaving the courthouse, I texted my property manager: "I have a packet and a phone number. Where can we meet and make a call?" I then activated my GPS smartphone app with the voice command, "Hey Google, navigate to home," and began to drive back to Mattoon.

At around 4:20 pm, at a red light between the hospital and Walmart, my property manager replied via text, "I'm not sure what you mean." While the text popup was still on the screen layered over the navigation app, I clicked the text message, then the phone icon on the text message, which opened the phone app and dialed my property manager, or I used a voice command to call my property manager. I don't remember 100%. With one hand, I removed my smartphone from the cradle, held it to my left ear, and informed my property manager about the eviction packet and hotline number, asking where we could meet to call the hotline together. The call log reports it was a one-minute phone call.

At the intersection of Charleston Ave E and Dettro Dr in Mattoon, I noticed a car with police lights on the roof. This car then made a U-turn and began following me. I almost immediately ended the conversation with my property manager. Once the police emergency lights were activated, I pulled onto the next available side road, approximately two blocks from my house.

The rest of the interaction is on [bodycam](#). I knew immediately that I had the right to freedom of speech. I slowly began to recall that the last time I checked, Illinois cell phone laws recognized this right. I was given a ticket, but I couldn't read it, and I had other more important legal matters to address.

### **PREPARATION FOR TRIAL**

A couple of days later, I found the case on Judici and became aware of the specific statute I was cited for: 625 ILCS 5/12-610.2, regarding Electronic Communication Devices. I have read this statute many times since its creation. I have a bachelor's degree in Computer Science and a professional interest in laws involving our rights and technology. I'm confident in my understanding of the purpose of the law and that a state statute cannot override a right recognized by the federal government. While a local law enforcement official may not agree, I believed a learned judge would understand and be bound by this fact.

A few days later, I drove to the courthouse and informed someone there that I planned to fight the ticket. Over the next few days, I used the Microsoft Copilot app, which suggested filing a motion to dismiss on the grounds of failure to state a claim. The Copilot app then generated the motion for me, and I drove to the courthouse a second time to submit it.

### **TRIAL (June 18, 2024)**

On June 18, 2024, I arrived at the courthouse for trial. Officer Rolando Monte De Oca did not show up. Judge Wetzel didn't make any decisions and rescheduled the trial for July 24, 2024. I requested a transcript of the event, which cost \$60. I was told I could request a copy of the video from the chief judge, so I chose that route instead. I made that request but was denied. I am aware that some laws allow me to make my own recordings. However, since this is a relatively new and contentious issue, I didn't push it.

### **TRIAL (July 24, 2024)**

On July 24, 2024, I arrived at the courthouse for trial. Everyone was finally there. We watched the [bodycam](#) footage. Prosecutor Manning asked Officer Rolando some basic questions. I was finally allowed to ask some questions. I intended to demonstrate that the statute had a constitutional cutout for the First Amendment and both officer Ronaldo and Judge Wetzel either swore to uphold it or are bound to it, but they didn't make it easy on me. My skill set involves knowing things and working with a group of people striving for truth and trying to accomplish a common goal. Arguing with public officials about whether the exhibits I'm holding up are properly facing the prosecutor is not a skill I've chosen to hone. I expected an attempt to get to the truth, not the childish game that was played. I'm honestly quite disappointed in the process.

My goal for fighting this ticket wasn't to weasel out of it. I had already discussed how to do that with a public defender in Champaign. My goal always was to stop this violation of rights that was

happening in my hometown. I honestly expected more out of local law enforcement. Judge Wetzel ruled against me. He cited “The People of the State of Illinois v. Bethany Austin” as the reason why my right to freedom of speech can be taken away. He claimed my right to free speech can be taken away in the same way it can be taken away for child pornography. Judge Wetzel said “they” want to treat this like a DUI. He sentenced me to three months of government supervision and a fine of \$164, even though the statute has a maximum \$75 fine for a first offense.

### **COMPLETION OF GOVERNMENT SUPERVISION (October 23, 2024)**

On October 23, 2024, I went to the courthouse for the fifth time. I had been told to be there, but upon arrival, I was informed that my presence was not necessary. Since I was already there, I asked why the fine was more than \$75. Judge Wetzel explained that it was authorized under a provision I didn't jot down. He mentioned that he had, in fact, given me a discount.

## **Notable Leaders**

Quotes from notable Illinois Democratic leaders who have praised freedom of speech, civil liberties, technology, simple American freedom or the importance of public confidence in law enforcement:

### **1. Dick Durbin (Illinois Senator and Ranking Member of the Senate Judiciary Committee)**

- **Quote:** “Honored to join 2,000+ people committed to defending civil liberties at today’s #ACLUlunch” [Source](#)

### **2. Tammy Duckworth (United States Senator from Illinois)**

- **Quote:** “One day, our nation’s flag will drape my coffin, just as it did my Dad’s and will my husband’s and brother’s. I will always stand on these legs for the flag and anthem, but it was ALSO my honor to defend people’s right to free speech...” [Source](#)

### **3. Don Harmon (President of the Illinois Senate)**

- **Quote:** “Happy Fourth of July! May freedom ring!” [Source](#)

### **4. Chris Welch (Speaker of the Illinois House of Representatives)**

- **Quote:** “This Country has gone through a Civil War and a Civil Rights Movement. The constant through both, our Constitution. Although not perfect, we must always strive for that more perfect Union. We the People must never support demagoguery and tyrants. Anyone who suggests otherwise, is a threat to Democracy and unfit for office.” [Source](#)

### **5. JB Pritzker (Governor of Illinois)**

- **Quote:** "Illinois should be a leader on this bipartisan issue – we must keep the internet open, fair, and free for all and I urge the General Assembly and the governor to act quickly to protect consumers." [Source](#)

### **6. Lisa Hernandez (Chair of the Democratic Party of Illinois)**

- **Quote:** "Let folks say what they have to say. I think it's a respect to their freedom of speech." [Source](#)

## **7. Kwame Raoul (Attorney General of Illinois)**

- **Quote:** " This is not just about police officer accountability, but restoring public confidence so police can do their jobs, you have a heightened level of cooperation when you have a heightened level of confidence" [Source](#)

## **8. Chris Welch (Speaker of the Illinois House of Representatives)**

- **Quote:** "I am proud to stand in the same chamber and uphold the democratic values of one of our nation's great leaders, President Abraham Lincoln. Today, we continue his fight for freedom, equality, and justice for all. We continue his work to create a more perfect union." [Source](#)

## **9. Mary Miller (U.S. Representative 15<sup>th</sup> distractive of Illinois) (My representative)**

- **Quote:** "Free speech and honest debate make our country great." [Source](#)

## **10. Mike Bost (U.S. Representative 12<sup>th</sup> district of Illinois) (Nearly my representative)**

- **Quote:** "Americans cherish our right to free speech & peaceful protest." [Source](#)

## **11. Dr. Jordon B Peterson**

- **Quote:** I have freedom of speech so that I can think. [Source](#)

## **Links to supporting evidence**

### **Court Case**

- **Judici Case History:** [Link to Case](#)

### **Statute**

- **Illinois Statute:** [Link to Statute](#)

### **Recordings of the Incident**

- **Bodycam:** [Watch here](#)
- **Radar Gun Cam:** [Watch here](#)
- **Dash Cam:** [Watch here](#)

### **Rights**

- **Illinois State Constitution:** [Link to Constitution](#)
- **United States Constitution:** [Link to Constitution](#)
- **United Nations International Bill of Rights:** [Link to Declaration](#)

## Definitions

- **Smartphone:** [Link to Smartphone](#)
- **Cell phone:** [Link to Cell Phone](#)
- **Global Positioning System:** [Link to GPS](#)

## Amazon Searches

- **Hand-held wireless telephone:** [Link to search Trends](#)
- **Hand-held personal digital assistant:** [Link to search Trends](#)
- **Tablet:** [Link to search Trends](#)
- **Portable or mobile computer:** [Link to search Trends](#)

## Mattoon Police Press Release

- **Enforcement Announcement:** [Link](#)
- **Enforcement results:** [Link](#)

## Investigation

While at the Illinois Supreme Court building, I mentioned this rights violation to the guards. One guard, a recent academy graduate, mentioned that she was taught drivers can't have anything in their hands. It's unclear if she meant specifically technology or more generally that nothing can be in my hand. I reviewed the bodycam footage from my stop, and Officer Ronaldo made a similar claim, stating that my phone couldn't be in my hand. However, this interpretation does not align with the actual text of the statute.

There are several issues with this claim. For instance, Mattoon has at least 25 active drive-thru stores, including three built this year. How can it be dangerous to have something in drivers' hands while simultaneously having a local economy significantly based on putting something into drivers' hands?

I mentioned to Judge Wetzel, "If the law says it can't be in my hand, we need to get it changed." Wisely, he responded that I would need a corporate sponsor. I've compiled an initial list of local businesses that profit from putting something in the hands of motor vehicle operators. I know several of these businesses have mobile apps. Some of these approached me to build it for them.

## Restaurant and Chains with active drive-thru's in Mattoon

1. **Angelo's Pizza:** 1020 Lake Land Blvd, Mattoon, IL 61938
2. **Arby's:** 815 Charleston Ave, Mattoon, IL 61938 – Estimated Valuation: **\$1,700,000,000**
3. **Burger King:** 1508 Charleston Ave, Mattoon, IL 61938 – Estimated Valuation: **\$12,000,000,000**
4. **Chick-fil-A:** 1320 Fort Worth Way, Mattoon, IL 61938 – Annual Revenue > **\$1,000,000,000**

5. **Chipotle Mexican Grill**: 1400 Fort Worth Way, Mattoon, IL 61938 – Market Cap: **\$50,000,000,000**
6. **Dairy Queen**: 320 N 19th St, Mattoon, IL 61938 – Estimated Valuation: **\$10,400,000,000**
7. **Domino's Pizza**: 1001 Charleston Ave, 61938 - Estimated Valuation: **\$15,064,000,000**
8. **Dunkin'**: 514 Broadway Avenue East, Mattoon, IL 61938 – Private Valuation: **\$8,077,000,000**
9. **El Vaquero**: 200 Holiday Rd, Mattoon, IL 61938 - **Priceless**
10. **Express Drive-Thru's Inc**: 1012 Charleston Ave, Mattoon, IL 61938
11. **Freddy's Frozen Custard & Steakburgers**: 917 Charleston Ave E, Mattoon, IL 61938– Est Val: **\$1,000,000,000**
12. **Hardee's**: 1117 Lake Land Blvd, Mattoon, IL 61938 – Annual Revenue **\$4,800,000**
13. **Jimmy John's**: 900 Charleston Ave, Mattoon, IL 61938 – Per stores sales: **\$977,000**
14. **KFC**: 1000 Charleston Ave, Mattoon, IL 61938 – Estimated Valuation: **\$6,700,000,000**
15. **Little Caesars**: 1906 Western Ave Ste B, Mattoon, IL 61938 -
16. **McDonald's**: 103 Detro Dr, Mattoon, IL 61938 – Market Capitalization: **\$208,045,000,000**
17. **McHugh's Double Drive-Thru**: 801 Charleston Ave, Mattoon, IL 61938
18. **Qdoba Mexican Eats**: 1720 7th Street, Charleston, IL 61920
19. **Sonic Drive-In**: 601 Lake Land Blvd, Mattoon, IL 61938 Est. Valuation: **\$5,500,000,000**
20. **Starbucks**: 1023 Charleston Ave E, Mattoon, IL 61938 – Market Cap: **\$104,041,000,000**
21. **Steak and Shake**: 1400 Broadway Ave E, Mattoon, IL 61938
22. **Subway**: 1100 Lake Land Blvd, Mattoon, IL 61938 – Est. Valuation: **\$14,007,000,000**
23. **Taco Amigos**: 3300 Marshall Ave, Mattoon, IL 61938
24. **Taco Bell**: 105 Swords Dr, Mattoon, IL 61938 – Market Cap: **\$38,069,000,000**
25. **Wendy's**: 1209 Broadway Ave E, Mattoon, IL 61938 – Market Cap: **\$3,049,000,000**

## Banks with active drive-thru's in Mattoon

1. Land of Lincoln Credit Union – Approximate Assets under management: **\$460,000,000**
2. Casey State Bank – Approximate Assets under management: **\$485,127,000**
3. First Neighbor Bank – Approximate Assets under management: **\$502,600,000**
4. Washington Savings Bank – Approximate Assets under management: **\$588,000,000**
5. Prairie State Bank & Trust – Approximate Assets under management: **\$800,000,000**
6. First Mid Bank & Trust – Approximate Assets under management: **\$7,600,000,000**
7. U.S. Bank Branch – Approximate Assets under management: **\$669,043,000,000**

## Things I've had in my hand while driving.

1. Candy cane and flyer at the Mattoon Christmas lights
2. Gear shifter on a manual transmission vehicle
3. Plug in cigarette lighter
4. Sunglasses
5. Remote control for battery-powered Christmas lights
6. Baseball hat
7. Toll pass or ticket
8. Quarters or dollars
9. Cup of coffee
10. Bottle of water
11. My wallet
12. My ID
13. My seatbelt
14. The car manual
15. A paper map from the rest area
16. A compass
17. Hand wipes
18. A booger
19. A tissue or napkin
20. Squeeze cheese and crackers
21. Twizzlers
22. A CD
23. My CD holder book thing
24. A garage door opener
25. A flashlight
26. A notebook and pen
27. Gloves
28. My smartphone charger
29. My smartphone holder that fell off my windshield

30. Air freshener spray
31. A wedding ring
32. Travel pillow or blanket
33. A tire pressure gauge
34. An electric nose hair trimmer
35. A band aid
36. A headset or headphones
37. A bumble bee that flew in the window
38. Spiders
39. A mouse that came out of the dash
40. My insurance card
41. Vehicle registration
42. Dental floss
43. Mouth wash
44. An old orange juice bottle that fits perfectly in my van's cup holder that holds human waste
45. A cigarette
46. Chewing tobacco
47. A cigar
48. A wad of my dog's hair
49. A paper towel with some Windex on it
50. An ice scraper for when the wind blows the snow from the hood onto the windshield
51. Lay's potato chips
52. Combos
53. Electric weed killer sprayer
54. A credit card
55. A debit card
56. Donuts