

**IN THE CIRCUIT COURT  
FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS**

**The Alton Telegraph,**

**Petitioner,**

**v.**

**The People of the State of Illinois,**

**Respondent.**

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**Cause No. 08-MR-548**

**IN RE GRAND JURY SUBPOENA**

**DIRECTED TO THE ALTON**

**TELEGRAPH**

**FILED**  
**OCT 01 2008**  
CLERK OF CIRCUIT COURT # 82  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**MOTION TO CONTINUE RETURN DATE  
ON GRAND JURY SUBPOENA**

Petitioner *The Alton Telegraph* ("The Telegraph") hereby moves to continue the return date on the grand jury subpoena (the "Subpoena") that was issued by the Madison County Third Judicial Circuit Court on September 18, 2008 and received by The Telegraph on September 22, 2008. A copy of the Subpoena is attached as Exhibit A to Petitioner's previously filed Motion to Quash Subpoena. In support of this Motion, The Telegraph states the following:

1. The Subpoena commands that "The Alton Telegraph, Attn: Jim Shrader" appear on September 2, 2008, before the Grand Jury at the Courthouse in Edwardsville, Illinois, and produce the following: "Any records leading to the full identity, including name, address and IP address of the following bloggers that have left messages and comments on the Alton Telegraph Web Page: john3418, puplebutterfly, mrssully, cstyle and pnbcrme."

2. In addition to the Subpoena, The Telegraph received a cover letter from William Mudge, Madison County State's Attorney, dated September 18, 2008, wherein

he indicated that the return date on the subpoena is October 2, 2008. A copy of the cover letter is attached as Exhibit A to Petitioner's previously filed Motion to Quash Subpoena.

3. In response to The People of the State of Illinois' ("Respondent") Subpoena, Petitioner initiated this miscellaneous remedy action and filed a Motion to Quash Subpoena on September 29, 2008. A copy of that motion was served upon Mr. Mudge. Petitioner moved to quash the Subpoena because it violates the statutory privilege newspapers and their editors and reporters have under Illinois law not to disclose newsgathering information, including the identity of confidential sources and other source material. *See* 735 Ill. Comp. Stat. 5/8-901. Petitioner also moved to quash the Subpoena because it violates The Telegraph's rights as secured by the First and Fourteenth Amendments to the United States Constitution.

4. Prior to filing its Motion to Quash, Petitioner's counsel contacted Mr. Mudge in an effort to continue the return date on the Subpoena thereby allowing the parties additional time to brief the privilege issues and obtain a hearing on Petitioner's Motion to Quash. At that time, Mr. Mudge indicated that Assistant State's Attorney Chris Hoele was handling the investigation related to the Grand Jury Subpoena and that he needed to confer with Mr. Hoele regarding Petitioner's request for a continuation.

5. After filing its Motion to Quash, Petitioner's counsel has attempted to contact Mr. Hoele regarding continuing the return date on the Subpoena but have been advised that Mr. Hoele is currently involved in a criminal trial. Thus to date, Petitioner has not received any response to its request for a continuation or its Motion to Quash.

6. Since Respondent's Subpoena threatens significant constitutional and statutory rights, the parties should be allowed sufficient time to brief the legal issues and argue the merits of Petitioner's Motion to Quash prior to the Subpoena's return date.

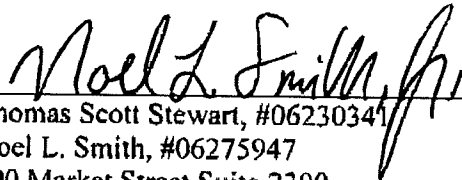
7. Additional time will also allow the parties to resolve the glaring inconsistencies between the return date of October 2, 2008 stated in Mr. Mudge's cover letter and the actual return date of September 2, 2008 on the Subpoena.

8. No prejudice will result by extending the return date for a short period of time to allow the parties to fully brief the legal issues, obtain a hearing date on Petitioner's Motion to Quash, and if necessary, clarify the return date on the Subpoena.

WHEREFORE, Petitioner respectfully requests that the Court extend the return date on Respondent's Subpoena for at least seven days to allow the parties sufficient time to resolve the outstanding issues regarding Petitioner's Motion to Quash. The Telegraph further requests that it have such other and further relief to which it is justly and equitably entitled.

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