

IN THE COURT OF CLAIMS OF THE STATE OF ILLINOIS

TIMOTHY WILLIAMS,

*Claimant,*

vs.

STATE OF ILLINOIS,

*Respondent.*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No.

\$2,000,000

Amount Claimed

**FILED**  
COURT OF CLAIMS  
MAR 08 2019  
Secretary of State and  
Ex-Officio Clerk of Claims

VERIFIED COMPLAINT

Claimant, through his attorneys, RAPOPORT WEISBERG & SIMS, P.C. and WILLENS LAW OFFICES, P.C., states:

NATURE OF THE CLAIM

1. This is a tort claim alleging negligent conduct by the Illinois State Police ("ISP") that caused the claimant personal injuries and emotional distress for which compensatory damages are sought.

JURISDICTION

2. Jurisdiction is asserted under § 8(d) of the Court of Claims Act, 705 ILCS § 505/8 (d)(2018).

FACT ALLEGATIONS

3. In 1994, Gary Montez Martin was indicted in Marshall County, Mississippi, for physically abusing his girlfriend Chyreese Jones, including hitting her with a baseball bat and stabbing her several times with a kitchen knife.

4. At one point, Mr. Martin held Ms. Jones and her three-year-old daughter hostage inside her apartment and threatened to kill Ms. Jones with a box cutter.

5. On February 27, 1995, Mr. Martin entered a plea of guilty, admitting the facts in the indictment and that he was guilty of aggravated assault, a felony in Mississippi. This offense against his girlfriend was substantially similar to a domestic battery.

6. Mr. Martin was convicted of this felony and he remained incarcerated as a result until April 18, 1997.

7. In approximately May 2003, Mr. Martin moved to Aurora, Illinois, where he resided until his death on February 15, 2019.

8. On February 15, 2019, Mr. Martin utilized a .40 caliber Smith & Wesson handgun with a laser aim sight to commit a mass shooting rampage that started at approximately 1:25 p.m. at the Henry Pratt Company facility in Aurora, Illinois, initially killing five people and grievously wounding a sixth, the claimant Timothy Williams.

9. Mr. Martin shot the claimant three times, once in his right arm and twice in his back.

10. As first responders began to arrive at the Henry Pratt Company facility in response to the mass shooting, a running gun battle ensued between Mr. Martin and law enforcement officers.

11. During the gun battle, five police officers were struck by gunfire or otherwise wounded by shrapnel. A sixth police officer was indirectly injured during the melee.

12. According to Aurora Police Department Chief Kristen Ziman, quoted at a news conference following the mass shooting, “Absolutely he [Gary Montez Martin] was not supposed to be in possession of a firearm.”

13. Mr. Martin would have never possessed the firearm he used at the Henry Pratt Company mass shooting had the Illinois State Police properly followed and implemented their internal protocols intended to keep firearms out of the hands of citizens who meet certain criteria deemed by the legislature in the Firearm Owners Identification Card Act to be unfit for ownership of a firearm.

14. The Illinois legislature, in passing the Firearm Owners Identification Card Act of 2013 declared:

[A]s a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms, firearm ammunition, stun guns, and tasers within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the Criminal Code of 2012, from acquiring or possessing firearms and firearm ammunition and who are prohibited by this Act from acquiring stun guns and tasers.

15. In the State of Illinois, unlawful possession of a handgun is a Class 4 felony.

16. Approximately five years before committing the mass shooting, on January 9, 2014, Mr. Martin signed an application with the ISP for a Firearm Owner's Identification (FOID) card.

17. There is no evidence Mr. Martin owned a firearm before 2014.

18. In Illinois, a valid FOID card is required to own a firearm.

19. When someone tries to buy a firearm from a dealer, the status of the purchaser's FOID card must be checked by the dealer and approval is required through the Firearm Transfer Inquiry Program prior to the release of a firearm after a 72 hour delay.

20. When someone tries to buy a firearm from someone who is not a dealer, the seller must check the validity of the buyer's FOID card on the ISP's website before making the sale.

21. The ISP received Mr. Martin's application for a FOID card on January 17, 2014.

22. Answering the first question on the application, Mr. Martin stated he was born in Mississippi.

23. The second question on the application asked: "Have you ever been convicted of a felony?" Mr. Martin answered this question "No."

24. This "No" answer was false.

25. The ISP knew or should have known, long before January of 2014, that some applicants do not reveal their felony convictions in their FOID card applications.

26. Such lack of candor is one of the reasons that the ISP conducts criminal history background checks on all FOID card applicants, as opposed to taking applications on an honor system.

27. The ISP did not contact Mississippi and failed to discover Mr. Martin's violent felony conviction in the criminal history background check it performed for Mr. Martin's FOID card application.

28. Because of this failure, the ISP issued Mr. Martin a FOID card, enabling him to purchase and own a firearm even though he was statutorily ineligible to own one.

29. After this, on March 8, 2014, Mr. Martin completed 16 hours of concealed carry training given by an ISP approved instructor, as required by §§ 75(b) and (c) of the Illinois Firearm Concealed Carry Act.

30. Three days later, Mr. Martin used his FOID card to purchase the Smith & Wesson .40 caliber handgun from a local dealer that he used in his mass shooting rampage at the Henry Pratt Company.

31. After the three-day waiting period, on or about March 14, 2014, Mr. Martin took possession of the gun he later used to murder five people and wound seven others on February 15, 2019.

32. On March 16, 2014, Mr. Martin applied to the ISP for a Firearm Concealed Carry License.

33. As in his application for a FOID card, Mr. Martin once again revealed to the ISP he was born in Mississippi.

34. The first question on the application asked: "Have you ever been found guilty of a felony?" Mr. Martin answered this question "No."

35. This answer was false.

36. To expedite processing of his application for a concealed carry permit, Mr. Martin provided his fingerprints.

37. This time the ISP contacted law enforcement in Mississippi and an email string between the ISP and Mississippi law enforcement on March 26, 2014, reveals the ISP discovered and confirmed Mr. Martin's Mississippi violent felony conviction that day. The email string and associated documents are attached as Exhibit A and incorporated by reference.

38. Mr. Martin's concealed carry application was denied on March 26, 2014. But this was not communicated to Mr. Martin until April 15, 2014. Exhibit B, incorporated by reference.

39. In Exhibit B, besides the ISP telling Mr. Martin his application for a concealed carry license was denied under Illinois law because he is "no longer eligible to possess a" FOID card due to his Mississippi felony conviction; and because his Mississippi felony conviction is a "federal prohibitor;" the ISP told Mr. Martin "a letter concerning your FOID revocation will be forthcoming."

40. There is no evidence the ISP sent Mr. Martin the letter concerning his FOID card revocation that ISP promised "will be forthcoming."

41. In Exhibit B, the ISP also told Mr. Martin "you are responsible to surrender your FOID card and weapons under your possession," requesting that he "visit the Illinois State Police website at [www.isp.state.il.us](http://www.isp.state.il.us)" for details. In this letter the ISP did not explain to Mr. Martin when he was supposed to surrender his FOID card and weapons in his possession, or mention anything at all about his false answers on his application for a FOID card and concealed carry license.

42. In the applications for a FOID card and concealed carry license, the ISP informed Mr. Martin about the potential legal consequences of providing false information:

- a. The FOID card application contained a warning: “entering false information on an application for a FOID card is punishable as a Class 2 felony in accordance with Section 14(d-5) of the FOID Card Act.”
- b. Next to the signature block on the FOID card application, the ISP form stated the applicant signs “under penalties of perjury.”
- c. The FOID card applicant also certifies by signing he “examined all the information provided for my application” and, “to the best of my knowledge, it is true, correct and complete.”
- d. The concealed carry application contained a warning that “entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012.”

43. ISP records indicate the ISP may have revoked Mr. Martin’s FOID card on April 17, 2014. But this is not clear, because the ISP has produced no letter to Mr. Martin on or after April 17, 2014, addressing the revocation of Mr. Martin’s FOID card. On information and belief, no such letter was ever sent.

44. The ISP’s procedure in 2014 was to notify local, county, and state law enforcement of the revocation, where the FOID card holder resides, electronically with the Law Enforcement Agencies Data System (LEADS).

45. Prior to 2014, the Aurora Police Department had entered into a LEADS Agreement with the Illinois State Police, intending to enhance and foster the exchange of criminal justice data to assist officers and enhance public safety.

46. ISP records contain no copy of an electronic notification sent to law enforcement about Mr. Martin's FOID card revocation, if it was in fact revoked as the situation required.

47. ISP records contain no copy of an electronic notification sent to law enforcement for Mr. Martin's failure to surrender his firearm, a Class A misdemeanor.

48. ISP records contain no copy of an electronic notification sent to law enforcement for Martin's likely continued illegal possession of his .40 caliber Smith & Wesson handgun, a Class 4 felony.

49. Mr. Martin had subsequent encounters with law enforcement agencies in the years between the revocation or supposed revocation of his FOID card and the Henry Pratt Company mass shooting, including numerous encounters with the Aurora Police Department and the Oswego Police Department.

50. Had the ISP properly entered the information into the LEADS system regarding Mr. Martin's revoked FOID card, failure to surrender his firearm (a class A misdemeanor), and/or ongoing illegal ownership of a handgun (a class 4 felony), this information would have been known to the law enforcement officers who encountered Mr. Martin prior to the mass shooting at the Henry Pratt Company; as would his previous felony conviction.

51. As of March 16, 2015, notification to law enforcement regarding FOID revocations is made via a typed letter sent through the United States Postal Service.



52. Once an individual's FOID card is revoked, Illinois law requires a revoked FOID card holder to both surrender their FOID card and complete a Firearm Disposition Record within 48 hours of receiving notice of the revocation.

53. ISP paper and electronic records contain neither Mr. Martin's FOID card nor a related Firearm Disposition Record.

54. The FOID Act requires the ISP to notify local law enforcement when an individual's FOID card has been revoked.

55. The ISP has produced no evidence showing the ISP notified the Aurora Police Department, the Kane County Sheriff, or any other unit of local law enforcement, about the revocation of Mr. Martin's FOID card.

56. A revoked FOID card holder can lawfully transfer their firearm(s) to a valid FOID card holder or to the local law enforcement agency in the area in which the revoked FOID card holder resides. Such transfers must be reported to the Illinois State Police.

57. The Firearm Disposition Record requires that the revoked FOID card holder must obtain a signature from the local law enforcement agency receiving the Firearm Disposition Record. The local law enforcement agency must mail the completed form to the Illinois State Police.

58. Mr. Martin kept the handgun, never surrendered his FOID card, and provided no one with a Firearm Disposition Record for the handgun.

59. The Illinois State Police knew or should have known that Gary Martin likely continued to illegally possess his .40 caliber Smith & Wesson handgun, which Mr. Martin ultimately used in the mass shooting rampage on February 15, 2019.

60. It was the duty of the ISP in performing ministerial acts, at all times, to use ordinary care for the safety of the claimant and other members of the public.

61. Notwithstanding this duty, the Illinois State Police, through its agents and/or employees, were negligent in one or more of these ways:

- a. Conducting inadequate criminal history background checks regarding Mr. Martin's FOID card application;
- b. Issuing a FOID card to Mr. Martin when they should have known he was a convicted felon legally disqualified from firearm ownership under both state and federal law;
- c. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, by failing to properly notify Mr. Martin of his duties and responsibilities associated with the revocation;
- d. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, by failing to properly inform Mr. Martin he would not be prosecuted if he promptly turned in his FOID card and properly disposed of his firearm(s);
- e. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, to notify the Aurora Police Department of the revocation;
- f. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, to notify the Kane County Sheriff's office of the revocation; and
- g. Failing to follow up after no local law enforcement agency mailed a completed Firearm Disposition Record concerning Mr. Martin's firearm(s) to the ISP.

62. As a direct and proximate result of one or more of these negligent acts or omissions by the ISP, the plaintiff suffered serious injuries of a personal and

pecuniary nature, including gunshot wounds to his right arm, left upper back and right upper back. The bullet passed through claimant's right arm, destroying bone, tissue, vessels and skin, and the two bullets remain in claimant's back. The claimant has experienced, and will experience, pain, suffering, disability, loss of a normal life, medical expenses, lost earnings and a loss of earning capacity, all because of the injuries suffered due to the ISP's negligence. Many of claimant's losses are permanent.

63. It was also the duty of the ISP to refrain from engaging in willful and wanton conduct in exercising its obligations to conduct law enforcement operations and to protect the safety of the claimant and other members of the public.

64. Notwithstanding this duty, the Illinois State Police, through its agents and/or employees, acted willfully and wantonly in one or more of these ways:

- a. Conducting inadequate criminal history background checks regarding Mr. Martin's FOID card application;
- b. Issuing a FOID card to Mr. Martin when they should have known he was a convicted felon legally disqualified from firearm ownership under both state and federal law;
- c. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, by failing to properly notify Mr. Martin of his duties and responsibilities associated with the revocation;
- d. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, by failing to properly inform Mr. Martin he would not be prosecuted if he promptly turned in his FOID card and properly disposed of his firearm(s);
- e. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, to notify the Aurora Police Department of the revocation;

- f. Failing to follow proper procedures in and after revoking Mr. Martin's FOID card on April 17, 2014, to notify the Kane County Sheriff's office of the revocation; and
- g. Failing to follow up after no local law enforcement agency mailed a completed Firearm Disposition Record concerning Mr. Martin's firearm(s) to the ISP.

65. As a direct and proximate result of one or more of these willful and wanton acts or omissions by the ISP, the plaintiff suffered serious injuries of a personal and pecuniary nature, including gunshot wounds to his right arm, left upper back and right upper back. The bullet passed through claimant's right arm, destroying bone, tissue, vessels and skin, and the two bullets remain in claimant's back. The claimant has experienced, and will experience, pain, suffering, disability, loss of a normal life, medical expenses, lost earnings and a loss of earning capacity, all because of the injuries suffered due to the ISP's negligence. Many of claimant's losses are permanent.

66. The claimant was treated following the shooting at Presence Mercy Medical Center in Aurora, Illinois and Valley West Medical Center in Aurora, Illinois, undergoing inpatient and outpatient care through Jamil Jacobs-El, M.D and Jose Trevino, M.D.

#### HISTORY OF CLAIM

67. This claim has not been presented to any State department or officer, nor has it been the subject of administrative proceedings.

68. Notice is not required pursuant to 705 ILCS 505/22-1 because a claimant “is not required to file the notice required by this Section if he or she files his or her claim within one year of its accrual.”

#### OWNERSHIP AND ASSIGNMENTS

69. The claimant is the sole owner of this claim and there have been no assignments or transfers of the claim or any part thereof.

#### ENTITLEMENT

70. Claimant is justly entitled to the amount claimed from the State of Illinois or the ISP after allowing all just credits.

#### VERIFICATION

71. The facts stated in this complaint are true.

#### CONCLUDING REQUIRED ALLEGATIONS

72. Neither this claim nor any other claim arising out of the same occurrence (against any person, firm or governmental agency other than the State of Illinois or any of its officers or agencies) has been presented to any person, firm, court or administrative tribunal other than the state of Illinois.

73. No state officer or agency or department of the state is sued in a capacity as holder, administrator or trustee of a fund, or as executor or administrator of a trust or estate, or as a guardian, conservator or any similar capacity.

74. A bill of particulars, stating each item of damages, and the amount claimed, is difficult to provide at this time because the injury is less than one month old. However, the following are the expected categories of claimed damages:

- a. Medical expenses;
- b. Medical expenses reasonably certain to be incurred;
- c. Lost earnings;
- d. Loss of future earning capacity;
- e. Pain and suffering in the past;
- f. Pain and suffering in the future;
- g. Disability and/or loss of a normal life;
- h. Disfigurement;
- i. Emotional distress in the past;
- j. Emotional distress in the future.

75. Each of these losses cannot be stated with reasonable certainty. What can be stated is that the \$2,000,000 limitation on recoverable damages is believed to be inadequate to cover all of plaintiff's damages, because the non-economic damages alone already exceed \$2,000,000.

76. Since personal injury damages are claimed, the following information is included in this bill of particulars:

- a. Hospitalization and Medical Providers:

Presence Mercy Medical Center  
1325 N. Highland Avenue  
Aurora, Illinois 60506

Dates: Admitted February 15, 2019 and discharged February 16, 2019.

Jamil Jacobs-El, M.D.  
1221 N. Highland Avenue  
Aurora, Illinois 60506

Jose Trevino, M.D.  
Valley West Medical Center, SC-Aurora  
143 S. Lincoln Ave., Ste. H  
Aurora, Illinois 60505

b. Employer and time off:

Henry Pratt Company  
401 S. Highland Avenue  
Aurora, Illinois 60506

Lost time from work: February 15, 2019 through the present and continuing.

WHEREFORE, for the stated reasons, the claimant requests an award in his favor for \$2,000,000.

RAPOPORT WEISBERG & SIMS, P.C.

By:

A handwritten signature in black ink, appearing to read "David E. Rapoport", is written over a horizontal line.

Counsel for the Claimant:

David E. Rapoport  
Matthew S. Sims  
Melanie J. VanOverloop  
RAPOPORT WEISBERG & SIMS, P.C.  
20 North Clark St., Suite 3500  
Chicago, IL 60602  
Telephone: (312) 327-9880  
Facsimile: (312) 327-9881  
[drapoport@rapoportlaw.com](mailto:drapoport@rapoportlaw.com)  
[msims@rapoportlaw.com](mailto:msims@rapoportlaw.com)  
[mvanoverloop@rapoportlaw.com](mailto:mvanoverloop@rapoportlaw.com)

Matthew L. Willens  
David A. Baez  
Willens Law Offices  
30 N. LaSalle St., Suite 3450

Chicago, IL 60602  
Telephone: (312) 957-4166  
[mwillens@willenslaw.com](mailto:mwillens@willenslaw.com)  
[dbaez@willenslaw.com](mailto:dbaez@willenslaw.com)



{In Archive} Re: Gary Martin

to

03/26/2014 01:

Archives

This message is being viewed in an archive.

Sorry about the ambiguity. By statute, in Mississippi, aggravated assault is a felony.  
Also, for what it's worth, in Mississippi, it would be a violation for him to possess a firearm.

[REDACTED]

> On Mar 26, 2014, at 11:23 AM, [REDACTED] wrote:  
>  
> It doesn't really use the word "felony" but it's fine, I can make it work.  
> I appreciate all your help with this. Have a great day!  
>  
>  
> Kind Regards,  
>  
> [REDACTED]  
> Firearms Eligibility Analyst  
> Concealed Carry Division  
> Firearms Services Bureau  
> Illinois State Police  
> [REDACTED]  
> [REDACTED]  
> [REDACTED]  
>  
> (Embedded image moved to file: pic44315.jpg)  
> This e-mail and any attachments are confidential and intended solely for  
> the use of the addressee (s). The improper use, dissemination or taking of  
> action in reliance on its contents is prohibited. Please notify the sender  
> immediately if you have received this e-mail in error. This content may be  
> protected by attorney/client privilege and FOIA exempt under 5 ILCS 140/7  
> and/or 5 ILCS 140/7.5.  
>  
>  
>  
> From: [REDACTED]  
> To: [REDACTED]  
>  
> Date: 03/26/2014 11:00 AM  
> Subject: Re: Gary Martin  
>  
>  
>  
> One of the documents previously sent is the sentencing order which is  
> proof of felony conviction. I don't know about [REDACTED] Hate to  
> refer you to another state bureaucrat for more red tape...but, Mississippi



> Department of Corrections would have his incarceration record and the [REDACTED]  
[REDACTED]  
[REDACTED] Once the  
> defendant pleas, we don't keep up except in rare circumstances when we  
> object to parole.  
> Sorry, not much help.  
> [REDACTED]  
>  
>> On Mar 26, 2014, at 10:48 AM, [REDACTED] wrote:  
>>  
>> [REDACTED]  
>>  
>> Thank you for the information. Is there documentation stating that he is  
>> guilty of a felony and his specific dates of incarceration? [REDACTED]  
[REDACTED]  
>>  
>>  
>> Kind Regards,  
>>  
>> [REDACTED]  
>> Firearms Eligibility Analyst  
>> Concealed Carry Division  
>> Firearms Services Bureau  
>> Illinois State Police  
>> [REDACTED]  
>>  
>> [REDACTED]  
>>  
>> (Embedded image moved to file: pic36830.jpg)  
>> This e-mail and any attachments are confidential and intended solely for  
>> the use of the addressee (s). The improper use, dissemination or taking  
> of  
>> action in reliance on its contents is prohibited. Please notify the  
> sender  
>> immediately if you have received this e-mail in error. This content may  
> be  
>> protected by attorney/client privilege and FOIA exempt under 5 ILCS 140/7  
>> and/or 5 ILCS 140/7.5.  
>>  
>>  
>>  
>> From: [REDACTED]  
>> To: [REDACTED]  
>>  
>> Date: 03/26/2014 08:57 AM  
>> Subject: Re: Gary Martin  
>>  
>>  
>>  
>> No need. I'm going to email you some docs that would be pertinent. Please  
>> excuse the fragmented way.  
>>  
>> [REDACTED]  
>>  
>>> On Mar 26, 2014, at 8:53 AM, [REDACTED] wrote:  
>>>  
>>> Hi [REDACTED] Yes, this is my email. If you'd like I can fax over a  
>> formal

>>> request on Illinois State Police letterhead and an electronically signed  
>>> Waiver of Confidentiality for Mr. Martin.  
>>>  
>>>  
>>> Kind Regards,  
>>>  
>>> [REDACTED]  
>>> Firearms Eligibility Analyst  
>>> Concealed Carry Division  
>>> Firearms Services Bureau  
>>> Illinois State Police  
>>> [REDACTED]  
>>> [REDACTED]  
>>> [REDACTED]  
>>>  
>>> (Embedded image moved to file: pic41852.jpg)  
>>> This e-mail and any attachments are confidential and intended solely for  
>>> the use of the addressee (s). The improper use, dissemination or taking  
>> of  
>>> action in reliance on its contents is prohibited. Please notify the  
>> sender  
>>> immediately if you have received this e-mail in error. This content may  
>> be  
>>> protected by attorney/client privilege and FOIA exempt under 5 ILCS  
> 140/7  
>>> and/or 5 ILCS 140/7.5.  
>>>  
>>>  
>>>  
>>> From: [REDACTED]  
>>> To: [REDACTED]  
>>>  
>>> Date: 03/26/2014 08:50 AM  
>>> Subject: Gary Martin  
>>>  
>>>  
>>> Please confirm that you are requesting information re: Gary Martin and  
>> this  
>>> is a proper email address. Thank you.  
>>>  
>>> [REDACTED]  
>>> <pic41852.jpg>  
>> <pic36830.jpg>  
> <pic44315.jpg>

IN THE CIRCUIT COURT OF MARSHALL COUNTY, MISSISSIPPI  
FEBRUARY TERM, 1995

STATE OF MISSISSIPPI

VS.

CAUSE NO. MK94-039

GARY MONTAZ MARTIN                      SS# [REDACTED]                      DOB [REDACTED]  
[REDACTED], HOLLY SPRINGS, MS 38635

JUDGMENT OF SENTENCE ON PLEA OF GUILTY

This day into open court came the District Attorney who prosecutes for the State of Mississippi and came also the Defendant, Gary Montaz Martin, in his own proper person and represented by counsel, Honorable Clencie Cotton and said defendant, being advised of his legal and constitutional rights in the premises and being further advised of the consequences of such a plea, did then and there in open court enter his plea of guilty to the indictment in this cause charging the Defendant with the crime of **Aggravated Assault--MCA 97-3-7 (2)** which plea is accepted by the court.

IT IS, therefore ordered and adjudged that said defendant be and he is hereby sentenced to serve a term of **Ten years,**

in an institution to be designated by the Mississippi Department of Corrections. However, the Court hereby **suspends five (5) years** of said sentence conditioned upon defendants good behavior after his release from the institution. A psychological evaluation is requested and the court reserves a right of review.

The defendant is ordered to pay court costs and fees incurred in this cause. The total amount, \$ 360.50 , shall be enrolled as a civil judgment in favor of Marshall County, Mississippi. Said Judgment is to be paid within six months after the defendant's release from the institution. If delinquent more than thirty (30) days, the Clerk may, with the assistance of the County or District

Attorney, institute garnishment proceedings against said defendant in this Cause.

This Judgment shall be satisfied by the Clerk when payment in full has been made into this Court.

The Defendant is credited with   \*   days in jail while awaiting disposition of this case.

ORDERED AND ADJUDGED in open court this the 27th day of February, 1995.

\*Confined in Jail

  
R. Kenneth Coleman

April 21, 1994 to April 21, 1994 CIRCUIT COURT JUDGE  
October 18, 1994 to Present

Filed this the 27 day  
of Feb 1995  
Minute book 44 page 277-78  
LUCY CARPENTER, CIRCUIT CLERK  
BY A. Blank D.C.

## STATE OF MISSISSIPPI

In the Circuit Court of Marshall County Cause/Case No. MK94-039TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:  
NOTICE OF CRIMINAL DISPOSITIONYou are hereby notified that at the February 1995 term of the Circuit Court, Judge Kenneth Coleman presiding, the following disposition was imposed for the crime(s) hereinafter described.I. A. Disposition(s) Reported: ☒ Prisoner Commitment ☐ Suspended Sentence/Probation ☐ Acquittal/Dismissal ☐ Provisional Sentence  
(Check all that apply) (Complete A-1 if checked)A-1. Provisional Sentence  
(Compliance/Non-Compliance Order  
constitutes Final Disposition)☐ Non-Adjudication☐ Sentenced under RID☐ Sentenced under Shock Probation☐ Bad Check Diversionary Program ☐ Restitution Center in \_\_\_\_\_ CountyB. Conviction as Result of: ☒ Guilty Plea ☐ Guilty Plea after \_\_\_\_\_ days of Commencement of Trial☐ Jury Verdict after \_\_\_\_\_ days in trial ☐ Revocation HearingII. Name Gary Montaz Martin Alias \_\_\_\_\_  
SSN \_\_\_\_\_ Race Black Sex Male Date of Birth \_\_\_\_\_  
Last Known Residence Holly Springs, MS  
Place of Birth \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
Alien Registration/Immigration # \_\_\_\_\_ FBI # \_\_\_\_\_III. Count I Charge Aggravated Assault  
MS Code § 97-3-7 (2) Orig. Case# \_\_\_\_\_ Agency \_\_\_\_\_  
Count II Charge \_\_\_\_\_ Orig. Case# \_\_\_\_\_ Agency \_\_\_\_\_  
\*Count III Charge \_\_\_\_\_ Orig. Case# \_\_\_\_\_ Agency \_\_\_\_\_  
MS Code § \_\_\_\_\_IV. Date of Sentence February 27, 1995 Credit for Time Served (ONLY for this/these charge(s)) \_\_\_\_\_Sentence(s) Initially Imposed by Order: Count I Ten (10) yrs Count II \_\_\_\_\_ \*Count III \_\_\_\_\_\*Check if reporting additional  
Counts on Reverse Side

	Portion of Sentence to be Served (yrs/mos)	Portion of Sentence Suspended (yrs/mos)	To be served on Probation (yrs/mos)	Other Disposition (See Legend on Reverse Side)
Count I	<u>Five (5) yrs</u>	<u>Five (5) yrs</u>		
Count II				
*Count III				

to run concurrent with \_\_\_\_\_

to run consecutive with \_\_\_\_\_

Conditions/Designation of Sentence: ☐ Habitual ☒ Psychological/Psychiatric ☐ Alcohol/Drug Treatment/Testing ☐ Other \_\_\_\_\_

## V. COURT RESERVES A RIGHT OF REVIEW

	to	to	to	to
Confined in Jail		<u>April 21, 1994</u>		
(On This/These	<u>April 21, 1994</u>		<u>Present</u>	
Charges Only)	<u>October 18, 1994</u>			

Released on Bond Pending Appeal \_\_\_\_\_  
Defendant Currently Housed in: Benton County JailVI. Fine \$ \_\_\_\_\_ Indigent Fee \$ \_\_\_\_\_ Restitution \$ \_\_\_\_\_  
Court Costs \$ 360.50 Attorney Fees \$ \_\_\_\_\_ Other Fees \$ \_\_\_\_\_Conditions of Payment 360.50 shall be enrolled as a civil judgment in favor of Marshall County. Said judgment to be paid within six (6) months after release from the institution.

Send Prisoner Commitments, Provisional Sentence

Orders and Revocation Orders to:

Director of Records	INS Liaison
MDOC	MS Supreme Court
P. O. Box 88550	P. O. Box 117
Pearl, MS 39208-8550	Jackson, MS 39205-0117

Send Suspended Sentence/Probation Notices, Provisional

Sentence Orders and Revocation Orders to:

Data Operations	INS Liaison
MDOC	MS Supreme Court
723 North President St.	P. O. Box 117
Jackson, MS 39202-3097	Jackson, MS 39205-0117

Acquittal/Dismissal Notices to: INS Liaison (Above Address)

Lucy Carpenter

Circuit Clerk \_\_\_\_\_

By: \_\_\_\_\_

Date: March 15, 1995

SCJS Form CR1, 6/31/94

MS Code Ann § \_\_\_\_\_

### III. (Continued from III [Reverse Side])

Count

IV	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
V	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
VI	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
VII	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
VIII	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
IX	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
X	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
XI	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
XII	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
XIII	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
XIV	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____
XV	Charge _____	MS Code § _____
	Sentence _____ Orig. Case# _____	Agency _____

### IV. Continued from IV [Reverse Side])

Count	Portion of Sentence to be Served (Yrs/Mos)	Portion of Sentence Suspended (Yrs/Mos)	To be served on Probation (Yrs/Mos)	Other Disposition (See Legend Below)
IV	_____	_____	_____	_____
V	_____	_____	_____	_____
VI	_____	_____	_____	_____
VII	_____	_____	_____	_____
VIII	_____	_____	_____	_____
IX	_____	_____	_____	_____
X	_____	_____	_____	_____
XI	_____	_____	_____	_____
XII	_____	_____	_____	_____
XIII	_____	_____	_____	_____
XIV	_____	_____	_____	_____
XV	_____	_____	_____	_____

#### Legend for Acquittal/Dismissal ("Other") Dispositions:

(Please enter abbreviation, plus number of days in trial, if applicable)

ACQ	Acquitted by Trial (Include #days in trial)	NAJ	Non-Adjudication
DIS	Dismissed	NLP	Nolle Prosequi
DRV	Directed Verdict (Include # days in trial)	PTF	Passed to the File
FRM	Felony Reduced to Misdemeanor	RLC	Remanded to Lower Court
MCJ	Misdemeanor Conviction by Jury Verdict (Include # days in trial)	RTF	Remanded to the File
MST	Mistrial (Include # days in trial)	270	270-Day Rule Dismissal

IN THE CIRCUIT COURT OF MARSHALL COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VERSUS

CAUSE NO. MK94-039

GARY MONTEZ MARTIN

DEFENDANT

ORDER OF COURT GRANTING DEFENDANT RIGHT OF REVIEW

THIS MATTER, came on before the court on Thursday, August 31, 1995, on the court's reservation of a Right of Review on the sentence imposed in this case upon the defendant on February 27, 1995, and the court being fully advised and informed, finds as follows:

1.

That at the time of the sentencing of the defendant on February 27, 1995, this Court reserved a right of review on the sentence imposed which was extended by this court on August 25, 1995, until August 31, 1995, in order afford the victim and other interested parties an opportunity to be heard on the sentencing.

2.

That the original reservation of the right of review by this court, required that the defendant, GARY MONTEZ MARTIN, undergo psychiatric and/or psychological evaluation, and that the report finds that the defendant, GARY MONTEZ MARTIN, does not represent a threat to the victim, the community in general, or to himself.

3.

That the defendant, GARY M MARTIN, remained incarcerated in the Benton County Jail, since his entry of a guilty plea in this

✓



cause, awaiting a psychiatric and/or psychological evaluation.

4.

That on or about December 13, 1995, a report of the evaluation of the defendant, GARY M MARTIN, was forwarded to the Honorable R. Kenneth Coleman, Circuit Judge in this cause by the Mississippi State Hospital.

5.

That the evaluation concludes, "Mr. Martin does not presently appear to have a mental illness and does not presently appear to be an acute danger to himself or to the general population. (See Mississippi State Hospital Report dated 12-13-95, a copy of which is attached hereto as exhibit "A".

6.


That on 1-22-96 a revised report of the Mississippi State Hospital was forwarded to the court advising that a letter received from the victim written to her by the Defendant, required a change of opinion. The January 22, 1996 report concludes that " The content of Mr. Martin's letter to Ms. Jones clearly indicates his perception of an ongoing attachment to her. If he again feels himself to be rejected by her, and especially if he again is abusing substances, he may again pose a threat to her." (See copy of January 22, 1996 report a copy of which is attached hereto and marked as exhibit "B".

7.

Based upon these findings, defendant is hereby denied a review of his sentence originally imposed on February 27, 1995 and extended on August 31, 1995, the defendant, GARY MONTEZ MARTIN, is

hereby ordered committed to the custody of the Department of  
Corrections as sentenced, retroactive to February 27, 1995/<sup>The date of sentence</sup> and shall  
be credited with all time served in the Benton and Marshall County  
Jails.

SO ORDERED, ADJUDGED AND DECREED, this the 29<sup>th</sup> day of  
May, 1996.

  
CIRCUIT COURT JUDGE

FILE THIS THE 29 DAY OF  
May, 1996  
MINUTE BOOK 141 PAGE 65-67  
LUCY CARPENTER, CIRCUIT CLERK  
BY A. Blad D.C.

65-67

# STATE OF MISSISSIPPI

In the Circuit Court of Marshall County Cause/Case No. MK94-039

## TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:

### NOTICE OF CRIMINAL DISPOSITION

You are hereby notified that at the May 1996 term of the Circuit Court, Judge Kenneth Coleman presiding, the following disposition was imposed for the crime(s) hereinafter described:

I. A Disposition(s) Reported: ☒ Prisoner Commitment ☐ Suspended Sentence/Probation ☐ Revocation ☐ Acquittal ☐ Other  
(Check those which apply to all counts reported) Enter in § IV

A-1 Provisional Sentence ☐ Non-Adjudication ☐ Sentenced under RID ☐ Sentenced under Shock Probation  
☐ Bad Check Diversionary Program ☐ Restitution in \_\_\_\_\_ County

B. Conviction as Result of: ☒ Guilty Plea ☐ Guilty Plea after \_\_\_\_\_ days of Commencement of Trial  
☐ Jury Verdict after \_\_\_\_\_ days in Trial ☐ Revocation Hearing

II. Name Gary Montez Martin Alias \_\_\_\_\_  
SSN \_\_\_\_\_ Race Black Sex Male Date of Birth \_\_\_\_\_  
Last Known Residence \_\_\_\_\_ Holly Springs, MS 38635  
Place of Birth \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
Alien Registration/Immigration # A FBI # \_\_\_\_\_

III. Count I Charge Aggravated Assault  
Indicted Under MS Code § 97-3-7 (2) Sentenced Under MS Code § \_\_\_\_\_  
Count II Charge \_\_\_\_\_ Sentenced Under MS Code § \_\_\_\_\_  
Count III Charge \_\_\_\_\_ Sentenced Under MS Code § \_\_\_\_\_  
Indicted Under MS Code § \_\_\_\_\_ Sentenced Under MS Code § \_\_\_\_\_

IV. Date of Sentence May 29, 1996 Credit for Time Served (ONLY for this/these charge(s)) \_\_\_\_\_ days  
Sentence(s) Imposed by Order: Count I Ten(10) yrs Count II \_\_\_\_\_ Count III \_\_\_\_\_  
(Prior to any suspended portion)

☐ Check if reporting additional counts on reverse side

	Portion of Sentence to be Served (Yrs/Mos)	Portion of Sentence Suspended (Yrs/Mos)	To be Served on Probation (Yrs/Mos)	Other/Method of Disposition (Refer to legend on back of form)
Count I	<u>Five(5) yrs</u>	<u>Five(5) yrs</u>		
Count II				
*Count III				

to run concurrent with \_\_\_\_\_  
to run consecutive to \_\_\_\_\_

Conditions/Designation of Sentence: ☐ Habitual ☐ Psychological/Psychiatric ☐ Alcohol/Drug Treatment/Testing ☐ Other \_\_\_\_\_

V. Dates Confined April 21, 1994 to April 21, 1994  
in Jail October 18, 1994 to Present  
(On this/these charge(s) only) \_\_\_\_\_ to \_\_\_\_\_  
Released on Bond Pending Appeal \_\_\_\_\_ to \_\_\_\_\_

Defendant Currently Housed in: Marshall County Jail  
VI. Fine \$ \_\_\_\_\_ Indigent Fee \$ \_\_\_\_\_ Restitution \$ \_\_\_\_\_  
Court Costs \$ 360.50 Attorney Fees \$ \_\_\_\_\_ Other Fees \$ \_\_\_\_\_  
Conditions of Payment: Shall be enrolled as a civil judgment in favor of Marshall County, Mississippi.

Send Prisoner Commitments, Provisional Sentence Orders and Revocation Orders to:

Director of Records INS Liaison  
MDOC MS Supreme Court  
P. O. Box 88550 P. O. Box 117  
Pearl, MS 39208-8550 Jackson, MS 39205-0117

Send Suspended Sentence/Probation Notices, Provisional Sentence Orders and Revocation Orders to:

Data Operations INS Liaison  
MDOC MS Supreme Court  
723 North President St. P. O. Box 117  
Jackson, MS 39202-3097 Jackson, MS 39205-0117

Send Acquittal/Other Notices to: INS Liaison at above address

COPY

Lucy Carpenter  
Circuit Clerk

By \_\_\_\_\_  
Date: June 18, 1996

SCINS Form CR-1-3/1/96  
MS Code Ann. § \_\_\_\_\_

STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
RECORDS DEPARTMENT

Date: March 28, 1997

Honorable Kenneth Coleman  
District 3  
P. O. Box 795  
New Albany, MS 38652

Re: Name: Gary Montaz Martin  
Register Number: [REDACTED]  
Offense(s): aggravated assault  
County of Conviction: Marshall  
Cause Number(s): MK 94-039

Dear Judge Coleman:

This letter is to serve as official notification of the imminent release of the above named subject. In accordance with House Bill #565 to amend 47-1-17 of the Mississippi Code, 1972, we are required by law to inform you that the prisoner named above will be released on April 18, 1997 on expiration of sentence.

Please forward immediately direct to this office, any commitments not reflected in the above cause number;

Respectfully,

[REDACTED]  
Barbara Bailey  
Chief Corr. Records Officer

BB/ph

cc: Office of the District Attorney  
P. O. Box 1478  
Oxford, MS 38655  
  
Office of the Circuit Clerk  
P. O. Box 459  
Holly Springs, MS 38635

Marshall Co. Sheriff's Dept  
136 N. Alderson  
Holly Springs, MS 38635  
  
Holly Springs Police Dept  
150 E. Falconer  
Holly Springs, MS 38635

**FILED**

APR 01 1997

*CE*  
**LUCY CARPENTER**  
Circuit Court Clerk, Marshall Co. MS



ILLINOIS STATE POLICE  
Division of Administration

Pat Quinn  
Governor

Hiram Grau  
Director

April 15, 2014

GARY MONTEZ MARTIN

AURORA, IL 60505

Dear: GARY MONTEZ MARTIN

Re: Concealed Carry License Application # [REDACTED]

The intent of this correspondence is to notify you that pursuant to 430 ILCS 66/25(2), your Illinois Concealed Carry APPLICATION has been DENIED for one or more of the following reasons as specified in Illinois' Firearm Concealed Carry Act (430 ILCS 66/10):

**1. The Illinois State Police has determined that you are no longer eligible to possess a Firearm Owner's Identification (FOID) Card. A letter concerning your FOID revocation will be forthcoming. You are responsible to surrender your FOID card and weapons under your possession. Please visit the Illinois State Police website at [www.isp.state.il.us](http://www.isp.state.il.us) for details.**

**• FELONY AGG ASSAULT 8/3/1995 MS**

**2. Has a felony conviction that is a federal prohibitor.**

**• FELONY AGG ASSAULT 8/3/1995 MS**

You may appeal this decision by making a written request for administrative review to the Department pursuant to 20 ILAC 1231.170. Your request must include your full name, date of birth and Concealed Carry Application Number. Your request must be submitted to the Firearms Services Bureau, via U.S. mail, Attn: CCL Appeals or by email to [CCL\\_Appeals@isp.state.il.us](mailto:CCL_Appeals@isp.state.il.us) within 60 days after receipt of this notice. For additional information, please refer to the Concealed Carry page of the Department's website.

Sincerely

[REDACTED]

Bureau Chief - Firearms Services

Firearms Services Bureau  
801 South Seventh Street • Suite 400-M  
Springfield, IL 62703  
(217) 782-7980 (voice) • 1 (800) 255-3323 (TDD)  
[www.illinois.gov](http://www.illinois.gov) • [www.isp.state.il.us](http://www.isp.state.il.us)

