

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COLUMBO GALINDO, <i>et al.</i> ,	)	
individually and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 20-cv-2137
	)	
ROB JEFFREYS, in his official	)	
capacity as the Director of the Illinois	)	
Department of Corrections,	)	
	)	
Defendant.	)	

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
PLAINTIFFS' SECOND MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs, through counsel, respectfully submit the following supplement in support of their motion for injunctive relief.

Plaintiffs filed a motion for a second preliminary injunction on April 30, 2020. ECF No. 17. Since filing the motion, Plaintiffs' counsel have gathered additional information relevant to the Court's decision on the motion and submit this brief supplement for the Court's consideration.

I. Thomas Smith Seeks to Serve His MSR at His Parents' Home, But Is Prohibited from Doing So Pursuant to the One-Per-Address Statute

After filing Plaintiffs' second motion for a preliminary injunction, counsel was contacted by Jerry Calvin. Mr. Calvin is the step-father of Thomas Smith, an individual who is currently imprisoned in IDOC and is seeking a host site at which to reside while on "three-to-life" MSR. Ex. 1, Declaration of Jerry Calvin, at ¶¶1, 2.

Mr. Calvin and his wife, Tammy (Thomas' mother), would like to have Thomas live with them at their home in Pocahontas, Illinois, while he is on MSR. *Id.* at ¶3. They have a three-bedroom home and can give Thomas his own bedroom and bathroom. *Id.* The home is in a rural area, and it is Mr. Calvin's understanding that it is not within 500 feet of any schools, playgrounds, or daycares. *Id.*

Thomas submitted his parents' home as a proposed host site. IDOC rejected the host site because Mr. Calvin was convicted of a sex offense 34 years ago (in 1986), and the One-Per-Address Statute (730 ILCS 5/3-3-7(a)(7.6)) prohibits Thomas from residing at the same address as another person who has been convicted of a sex offense—no matter how long ago. *Id.* at ¶4. Mr. Calvin has no arrests or convictions subsequent to his 1986 offense. *Id.* at ¶5.

The only barrier to Thomas Smith's being allowed to serve his MSR time at his parents' home is the One-Per-Address Statute. His situation is another example of how the Statute works to keep *Murphy* class members in prison when they could otherwise be released to safe, welcoming homes that would foster their success on parole.

II. Plaintiffs Have Identified 19 Motels that Local Law Enforcement Entities Consider to Be Registrable Addresses

As set forth in Plaintiffs' motion for a preliminary injunction, motels that offer weekly or monthly rental rates would be a good housing option for members of the *Murphy* class who have funds to pay for housing, but lack outside supporters who can lease apartments on their behalf. ECF No. 17 at 11-12.

After filing the motion for a preliminary injunction, counsel began researching other motels that comply with the Residency Restrictions set forth in 720 ILCS 5/11-9.3 (b-5) and (b-10) (*i.e.*, they are not located within 500 feet of any schools, playgrounds, or daycares). Counsel contacted police departments in 15 Illinois jurisdictions to inquire about motels that local registration authorities consider to be lawful, registrable addresses. Attached hereto as Exhibit 2 is a list of 19 motels at which local registration officials have previously permitted individuals with convictions for “child sex offenses” to register. Some of these motels offer monthly rental rates that would be affordable even for individuals of modest means. Counsel would like to assemble a comprehensive, statewide list of similar properties and offer this list to *Murphy* and *Barnes* class-members and their families who are seeking host sites.

According to the local law enforcement officials to whom counsel spoke, most, if not all, of the identified motels currently have other registrants residing there. Thus, these addresses do not comply with the One-Per-Address Statute.¹ If the Statute were enjoined, all 19 of these properties (and more) would become potential host sites that would facilitate the transition of *Murphy* and *Barnes* class-members back into the community.

WHEREFORE, for the reasons set forth above and in Plaintiffs’ second motion for a preliminary injunction, Plaintiffs respectfully request that this Honorable

¹ The One-Per-Address Statute applies only to registrants who are on probation or MSR; not to those who are no longer under supervision.

Court enjoin Defendant from enforcing the One-Per-Address Statute (730 ILCS 5/3-3-7(a)(7.6)).

Respectfully submitted,

/s/ Adele D. Nicholas

/s/ Mark G. Weinberg

Counsel for Plaintiff

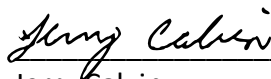
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Declaration of Jerry Calvin

1. My name is Jerry Calvin. I am the step-father of Thomas Smith (IDOC Number S10842), who is currently imprisoned at Taylorville Correctional Center.
2. Thomas was convicted of criminal sexual assault. He is scheduled to be released from prison on Mandatory Supervised Release on January 14, 2021. He will be on MSR for three years to life.
3. My wife, Tammy (Thomas' mother), and I would like to have Thomas live with us at our home in Pocahontas, Illinois, while he is on parole. We have a three-bedroom home and can give Thomas his own bedroom and bathroom. We are prepared to make whatever arrangements are necessary for our home to be a suitable host site for Thomas. It is our understanding that our home is not within 500 feet of any schools, playgrounds, or daycares.
4. The IDOC told us that Thomas cannot parole to our home because I was convicted of a sex offense 34 years ago (in 1986) and Thomas is prohibited from living while on parole with another person who has been convicted of a sex offense.
5. I have no arrests or convictions subsequent to my 1986 sex offense. I have lived a law abiding life since my release from prison. I am not on the sex offender registry and am not under any kind of criminal justice supervision.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct.


Jerry Calvin

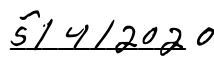

Date

Exhibit 2

Motel Name	Address	Phone Number
Motel 6	3551 Mall Loop Dr. Joliet, IL 60431	(815) 439-1332
Red Roof Inn	1750 McDonough St. Joliet, IL 60436	(815) 741-2304
Star Inn	2219 1/2 W Jefferson St. Joliet, IL 60435	(815) 744-1220
Brer Rabbit	65 W. N Ave. Villa Park, IL 60181	(630) 832-2850
Stardust Motel	890 E. Ogden Ave. Naperville, IL 60540	(630) 355-3467
Motel 6	1585 Naperville Wheaton Rd. Naperville, IL 60563	(630) 357-0022
Red Roof Inn	1698 W. Diehl Rd. Naperville, IL 60563	(630) 369-2500
Red Roof Inn	1905 W. Market St, Bloomington, IL 61701	(309) 827-5333
Manor Motel	23926 W. Earnes St. Channahon, IL 60410-3130	(815) 467-5385
Emerald Motel	208 E. Lake St. Addison, IL 60101	(630) 833-5150
Alpine Inn	4404 E. State St. Rockford, IL 61108	(815) 399-1890
Equality Lodge	4605 E. State St #2118 Rockford, IL 61108	(815) 977-5982
Red Roof Inn	7434 E. State St. Rockford, IL 61108	(815) 398-9750
Townhouse Motel	1519 N. Knoxville Ave. Peoria, IL 61603	(628) 239-4299
Extended Stay	4306 N. Brandywine Peoria, IL 61614	(309) 688-3110
Motel 6	31 N. Green Bay Rd. Waukegan, IL 60085	(847) 336-9000
Bel-Lane	3100 Belvidere Rd. Waukegan, IL 60085	(847) 244-5500
America's Best Value Inn	411 S. Green Bay Rd. Waukegan, IL 60085	(847) 244-6100
Rodeway Inn Waukegan	630 N. Green Bay Rd. Waukegan, IL 60085	(847) 249-2388