

Hinshaw Team Wins Appeal in Criminal Indictment of Waukegan City Clerk Janet Kilkelly

The Illinois Appellate Court affirmed the dismissal of all 15 criminal counts

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An appellate team led by partners Joshua Vincent and Joseph Culig, alongside co-counsel Donald Morrison of Kelleher & Holland, recently secured a complete win on appeal on behalf of their client, Waukegan City Clerk Janet Kilkelly.

Kilkelly had been charged with a 15-count criminal indictment for alleged misapplication of funds and official misconduct in connection with a COVID-19 relief program she administered for the City of Waukegan. The case was dismissed by a lower court, which ruled that Kilkelly was denied due process because the prosecution presented false and misleading evidence to the grand jury.

The Illinois Appellate Court, Second District, affirmed the trial court's dismissal on February 10, 2026.

Case Background

The COVID-19 relief program in question offered a 25 percent credit on alcohol license renewal fees to businesses "in good standing" during the pandemic. The State alleged that Kilkelly improperly approved credits for five businesses that had outstanding balances owed to certain City departments and were thus not in "good standing."

The Appellate Court's Ruling

The Appellate Court found that "good standing" was never defined in the Resolution, by City officials, or in any related documents. The court further determined that the State's witness at the grand jury presented "deceptive and inaccurate evidence" by testifying that the five businesses approved for the credits were not in "good

standing,” even though no definition of this standard existed. The court held this testimony “substantially influenced the grand jury’s decision to indict.”

In consequence, the court affirmed the lower court’s dismissal of the case and further concluded that the dismissal should be with prejudice, as “the Resolution’s failure to define ‘good standing’ left no objective standard” for a subsequent indictment.

Why This Case Matters

The ruling underscores that prosecutors cannot secure indictments based on violations of requirements that were never defined, and that presenting testimony implying a fixed standard exists, when none does, constitutes a due process violation warranting dismissal with prejudice.

The decision also reinforces the grand jury’s constitutional role as “a shield between citizens and the State,” with the court emphasizing that “a wrongful indictment works a grievous, irreparable injury to the person indicted.”

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