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PRESS RELEASE

Edwardsville— State's Attorney Tom Gibbons announced that he has been informed that a petition for a leave to appeal has been filed today with the Illinois Supreme Court in Madison County's case against Olutosin Oduwole.

In announcing the decision by the Attorney General's Office, Gibbons praised Attorney General Lisa Madigan for her support of the appeal to the Illinois Supreme Court. "Attorney General Madigan has, once again, proved that she is fully committed to fighting for the safety and security of the citizens of Madison County and all of Illinois," said State's Attorney Gibbons. "We are very thankful and appreciative of Attorney General Madigan's agreement to support our petition for leave to appeal the Appellate Court's decision. Lisa Madigan has always been a leader in the fight for justice in Illinois, and we are fortunate to have her on our side."

Oduwole (d.o.b. 07/25/85) was convicted by a Madison County Jury on October 25, 2011 of Attempt Making a Terrorist Threat, a Class 1 felony, and was sentenced on December 21, 2011 to five years in prison by Circuit Judge Richard Tognarelli. Oduwole was also convicted of Unlawful Possession or Storage of Weapons in a Public Supported Building, a Class A Misdemeanor. He received a concurrent sentence of 364 days in jail for the misdemeanor and a \$1000 fine.

Last month, the 5th District Appellate Court reversed the conviction and State's Attorney Gibbons directed the Illinois State's Attorneys Appellate Prosecutor to prepare a petition for leave to appeal. Before proceeding to the Illinois Supreme Court for their consideration, the petition required a decision from the Illinois Attorney General's Office whether or not to pursue the appeal. Gibbons was notified yesterday that Attorney General Lisa Madigan has agreed to file the petition with the Illinois Supreme Court.

The petition argues that "This Court's review is warranted because of the importance of the question presented. In crafting the Terrorism Act, our legislature found 'the devastating consequences of the barbaric attacks on the World Trade Center and the Pentagon on September 11, 2001 underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Terrorism is inconsistent with civilized society and cannot be tolerated.' "

Additionally, "In improperly reweighing the evidence presented to the jury and applying the outdated "dangerous proximity" test, the appellate court overstepped its permissible function in resolving cases involving the sufficiency of the evidence, taking out of the hands of a properly instructed jury its ability to apply this important statute. As the United States Supreme Court observed in *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original), 'the relevant question is whether, after viewing the

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evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’ The Court went on to note that, ‘[o]nce a defendant has been found guilty of the crime charged, the factfinder’s role as weigher of the evidence is preserved through a legal conclusion that upon judicial review all of the evidence is to be considered in the light most favorable to the prosecution.’ Jackson, 443 U.S. at 319. By usurping the jury’s role as factfinder, applying an outdated standard for attempt, and reversing defendant’s conviction for attempting to make a terrorist threat, the appellate court has created confusion in the application of the Terrorism Act, thus warranting this Court’s review.”

Oduwole was charged in July 2007 after campus police searched his abandoned car and found a note threatening a “murderous rampage” similar to what had occurred on the Virginia Tech campus earlier that year if people did not send money to a PayPal account. Police investigating the case found a loaded .25 caliber handgun in Oduwole’s campus apartment and evidence that he had ordered three identical .380 caliber semi-automatic handguns and a .45 caliber semi-automatic firearm and was awaiting delivery when he was arrested. Further investigation revealed that Oduwole had created a short video containing even more explicit threatening language similar to the note and that he had already opened the PayPal account. “We presented a case that showed that the actions of this defendant represented a threat to the community and a jury agreed with us,” said Gibbons. “I am hopeful that the Illinois Supreme Court will agree to hear this important case and restore justice for our community by reinstating the Jury’s verdict.”

Following the filing of the petition for leave to appeal, the Illinois Supreme Court must then decide whether or not to review the case. The case will continue to be handled by attorneys with the Appellate Prosecutors Office in consultation with the Madison County State’s Attorney’s Office. State’s Attorney Gibbons expressed appreciation for the work of the Illinois State’s Attorney’s Appellate Prosecutor’s Office. “I want to commend the excellent work of our Appellate Prosecutors who have worked so diligently to argue the very best case to the Appellate Court and for preparing such a compelling and well-reasoned petition for leave to appeal. We are very fortunate to have such skilled people representing us at the appellate level.”

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