

***Exhibit C***

IN THE CIRCUIT COURT OF THE 22<sup>nd</sup> JUDICIAL CIRCUIT  
COUNTY OF MCHENRY, STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
	)	
	)	
Colin Scott	)	20 CM 1337
Defendant	)	
	)	
	)	
	)	
	)	
	)	

**PEOPLE'S MOTION TO UNIMPOUND**

NOW COME the People of the State of Illinois, by their attorney, Patrick Kenneally, McHenry County's State's Attorney, on the People's Motion to Unimpond.

**Background:**

On November 15, 2018, [REDACTED] was indicated in [REDACTED] with multiple sex offenses for the sexual abuse of his daughter, [REDACTED] between the period of 2005 and 2017. After trial by jury, he was found guilty and sentenced to 45 years in the Illinois Department of Corrections on December 19, 2019. During the period of abuse, [REDACTED] [REDACTED] was a member of the Kingdom Hall Congregation of Jehovah's Witnesses.

On November 18, 2020, the State charged two Elders (i.e. clergy) of a local Jehovah's Witnesses' Congregation, Michael Penkava and Colin Scott, with Violating the Illinois Abused and Neglected Child Reporting Act, 325 ILCS 5/4. We alleged that Penkava and Scott failed to immediately report to the Illinois Department of Children and Family Services what they knew about [REDACTED] abuse. The evidence at trial established that in July of 2006, [REDACTED] wife informed Penkava and Scott of the outcry statements her daughter had

made to her regarding [REDACTED] sexual abuse. After learning of the abuse, in part through [REDACTED] wife, Penkava and Scott called the Office of General Counsel for the Watchtower Bible and Tract Society (aka, the "Legal Department") and were informed that they did not need to report the abuse. Relying on the advice of the Legal Department, neither Scott nor Penkava reported [REDACTED] sexual abuse in 2006. On March 18, 2022, Penkava and Scott were found guilty.

During the course of the trial and thereafter, we have been in contact with a number of law enforcement agencies that would like to learn more about the prosecutions and the inaccurate advice dispensed by the Legal Department in New York. According to IJustice, the documents in 20 CM 1337, 20 CM 1338, and [REDACTED] are "impounded." In 20 CM 1337 and 20 CM 1338, no order was ever entered "impounding" or sealing the entire file. Rather, the court found only that the judicial report, certain responsive letters, and portions of written statements by Penkava and Scott were privileged and not subject to use by the parties or public disclosure. These documents are not included in our request to unimpound.

**WHEREFORE**, the People pray that this court unimpound the following documents, which are redacted accordingly:

1. The indictment in [REDACTED] filed on November 15, 2018;
2. The Sentencing Order in [REDACTED] filed on December 19, 2019;
3. The complaint in 20 CM 1337 and 20 CM 1338, filed on November 18, 2020;
4. The informations in 20 CM 1337 and 20 CM 1338, filed on September 2, 2021;
5. The finding of guilty in 20 CM 1337 and 20 CM 1338, filed on March 18, 2022;
6. [REDACTED] testimony in 20 CM 1337 and 20 CM 1338 from December 16, 2021;  
and
7. Michael Penkava's testimony in 20 CM 1338 from March 18, 2022.

Respectfully submitted,



Patrick D. Kenneally  
State's Attorney

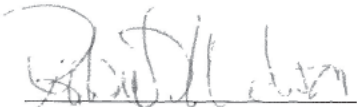
STATE OF ILLINOIS       )  
  ) SS  
COUNTY OF McHENRY )

The undersigned states that the facts set forth in the foregoing information are true in substance and matter of fact.



Patrick D. Kenneally  
State's Attorney

Signed before me this  
22<sup>nd</sup> Day of April, 2022.



Notary Public

