

History Mystery

125 years ago

• One hundred fifteen fish in four days were the record set by Harry Conover and W.F. Kessel in the Kankakee River.

100 years ago

May 18, 1922

• Vance Cornwell accepted the sales agency of Reo automobiles and accessories for Douglas County.
 • Clay Wooten sold 40 acres a mile northwest of Tuscola to A.L. Maris.
 • The Weaver Meat Market was installing an icing plant in its market in the Wardall Room in the Avenue.
 • Hiram Lawless of West Ridge sold his Ford touring car.
 • A barn belonging to Mrs. William Riley on Pembroke Street was converted into a home.
 • Guy Smith and Will Arthur opened a general store in Hugo.

75 years ago

May 15, 1947

• About 400 people at-

tended an open house at Jarman Hospital.

• Ten-year-old Larry Little was injured when he was run over by a tractor he was driving on his father's farm.

65 years ago

May 16, 1957

• Frank Warren sold his Warren Motor Company to Thomas Powell and Herschel Hooker.
 • C.L. Ricketts and Fred Nofftz received their 50-year pins jewels from the Odd Fellows.

50 years ago

May 18, 1972

• James Pohlig was named acting police chief succeeding Donald Herbert.
 • Honor students acknowledged by the Rotary Club included seniors Pat O'Bryan, Jeanette Iles, Barbara Kellogg, Pat Gallagher, Chris Harsh, Renee Fortney, Mary Waite, Toni Todd and Jack Quinn. Juniors Larayne Dallas, Pat Horn, Bavaria Meyer, Kim Dillon, Terri



CAN YOU NAME these folks and what their connection to Tuscola is? Send comments to publisher@tuscolareview.com.



COACH BILL ENGLEHARDT talks to his team. Behind him, in checkered shirt, is Beth (Woods) Pugh, who retired this year as East Prairie's coach. We're guessing this is 1982; that's Lori Hill (Class of 1983) on the far left.

Weber, Cindy Bateman, Janice Kennedy, Ruth Fauke, John Kalmar and Jim Lee. Sophomores Janice Dick, Mike Runyon, Greg Skuta, Jeff Lake, Clara Abercrombie and Lee Allen. Freshmen Linda Bateman, Diane Davis, Kim Jones, Lowell Lamb and Theresa Weaver.

• Melanie Clerk received a state science award. She attended Sacred Heart Academy in Springfield.

• John Kalmar, Tom Gossett

and Greg Skuta represented Tuscola in the state science fair. Kalmar was elected president of the Academy. He will attend a three-week camp in West Virginia and attend a banquet to be attended by President Nixon.

• Louie and Laura Dallas celebrated Mother's Day with 11 of their 12 children present at the Atwood Legion home.

1 year ago

May 19, 2021

• Sav-Mor Pharmacy raised \$9,332.41 for the Honor Guard during its annual fundraiser.

• The mask mandate was removed for fully vaccinated people. Douglas County had 27.49 percent of its population fully vaccinated.

• A year ago, Emma Zimmer was basking in the glow of being named Prom Queen at Tuscola High School. This spring, she graduated from

Marine boot camp and made history as well as one of 53 women to graduate from an historically all-male camp in San Diego. It was the first co-ed company to train at the Marine's west coast base.

• Paul Garrett received a quilt of valor from the American Legion.

• The Lady Warriors won the Tuscola Invite track and field meet. Alyssa Williams scored 30 points toward the victory.

State Supreme Court declines to rule on FOID Act for second time

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SPRINGFIELD – In a 4-3 decision with a blistering dissent from the Republican minority, the Illinois Supreme Court declined to rule on a question of whether Illinois Firearm Owners Identification Act is unconstitutional.

It was the second time the case of the People v. Vivian Brown came before the court and the second time the court declined to rule on the constitutionality of the state statute requiring Illinoisans to receive a permit to legally own a gun.

The majority opinion released Thursday was written by Chief Justice Anne M. Burke and was procedural in nature. It contended that the White County Circuit Court failed to adhere to the Supreme Court's previous 2020 ruling in the case, so it once again vacated the lower court's ruling that the FOID Act was unconstitutional.

Burke was joined in the ma-

majority by Democrats Mary Jane Theis, P. Scott Neville Jr. and Robert Carter.

Justice Michael Burke – who is not related to the chief justice – wrote the dissent, making up 11 of the 21 pages in the Thursday order.

He argued the majority decision was “based on a misunderstanding of the record and a misreading of this court's precedents,” and that it could keep the defendant in “legal limbo” for an untold period of years.

The case involves a White County resident, Vivian Claudine Brown, who was charged in March 2017 with possession of a firearm without a FOID card after police responded to her estranged husband's call that she had fired a gun in her home.

Police found the rifle but no evidence that she fired it. Nonetheless, she was charged with the crime.

But a circuit judge in White County threw out the charge, ruling that the fees and forms

required to receive a FOID imposed an unconstitutional burden on Brown's Second Amendment right to keep a firearm in her own home.

But it was an alternative ruling made by the same court without prompting from Brown's legal team that allowed the state's high court to decline to rule on the constitutional grounds.

That alternative ruling contended that the Illinois General Assembly, when it passed the FOID Act, never meant for it to apply in the home, because if it did, it would mean anybody with knowledge of a firearm and exclusive control over the area where it was kept could be construed as possessing the gun.

As a general rule, courts decline to rule on constitutional matters when a case can be decided on other grounds.

Because the circuit court ruled on an aspect of the FOID Act pertaining to state law, the Supreme Court's 2020 decision vacated the order pertaining to

constitutionality and sent the matter back to White County to “permit the normal appellate process to run its course.”

The ruling was essentially a win for Brown, but her legal team contended it wouldn't stand up to an appeal. Thus, Brown's attorneys filed a motion to reconsider, arguing that the inevitable loss on appeal would delay clarity in the case.

The circuit court agreed and reinstated the charges. Brown's attorneys then filed a new motion to dismiss on constitutional grounds, which the judge upheld, finding that “any fee associated with exercising the core fundamental Constitutional right of armed self-defense within the

confines of one's home violates the Second Amendment.”

Thus, the state appealed the ruling back to the Supreme Court, leading to the Thursday ruling in which the majority decided the lower court had no authority to reconsider the case after the Supreme Court's 2020 ruling.

“When a cause is ‘remanded by the reviewing court with instructions to the circuit court to enter a specific order, the reviewing court's judgment is, with respect to the merits, ‘the end of the case,’ and there is ‘nothing which the circuit court [is] authorized to do but enter the decree,’” the court wrote, quoting other case law.

If the lower court were allowed to make changes to the Supreme Court's ruling, the majority wrote, it would set a precedent “upending our hierarchical judicial system.”

The dissent from Michael Burke, however, argued that the majority asserted finality of its ruling while also suggesting that the proper place for review is now an appellate court, which is itself a lower court.

“In reality, the judgment of the circuit court was not a judgment of this court that was final and conclusive on all the parties because this court declined to reach the merits of the statutory analysis and only vacated the circuit court's

judgment on procedural grounds,” Michael Burke wrote in the dissent. “Accordingly, the trial court was free to reconsider the merits of that ruling, and nothing about it doing so upends our hierarchical judicial system.”

Michael Burke argued that the majority's supposition that Brown received “complete relief” when the circuit court vacated her charges was faulty, because the legal reasoning backing that decision is unlikely to hold up upon appeal.

Thus, he predicted, the case will ultimately end up back at the Supreme Court on the constitutional basis, only after a significant delay to Brown's detriment as the case moves through the appellate court.

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HOROSCOPES

ARIES – Mar 21/Apr 20
 Friendships are worth their weight in gold, Aries. That is good news considering you could make an important friend this week — but only if you put yourself out there.
TAURUS – Apr 21/May 21
 You just may be at your best this week, Taurus. Others will take notice of this immediately. Work finally begins to pay off, and it's a good time to begin a project.
GEMINI – May 22/June 21
 There is something waiting for you in the great outdoors, Gemini. You have to gather the gumption to go out there and find it. You will have plenty of opportunities this week.

CANCER – Jun 22/Jul 22
 Cancer, something impressive takes hold of your attention, and then you can't get it out of your mind. This could be the inspiration you need to start something new.
LEO – Jul 23/Aug 23
 A particular person may play a key role in your life today, particularly as he or she interacts with forces at work. There is a chance for this relationship to grow, Leo.
VIRGO – Aug 24/Sept 22
 You have made a decision to get your life in order, Virgo. This week marks the first steps toward that goal. Accept help when it is given for an additional leg up.

LIBRA – Sept 23/Oct 23
 Let your artistic side out to play, Libra. It's not something others play witness to that often, but you can be quite imaginative when you set your mind to it.
SCORPIO – Oct 24/Nov 22
 Scorpio, family matters may not be cut and dried, but that doesn't mean they have to be challenging. Enjoy things that are not run-of-the-mill, especially with the family.
SAGITTARIUS – Nov 23/Dec 21
 An exchange that takes place this week could have long-lasting after-effects, Sagittarius. You won't know the particular event in advance, so enjoy the anticipation.

CAPRICORN – Dec 22/Jan 20
 Sometimes change only requires transforming the way you look at things, Capricorn. Try to see your daily life in a new light and maybe you'll be more satisfied with it.
AQUARIUS – Jan 21/Feb 18
 Get in touch with your desires and goals this week, Aquarius. Your plan and focus may have changed and you might need to realign your approach in this new direction.
PISCES – Feb 19/Mar 20
 Let go of some of the patterns in your life that simply aren't working, Pisces. You'll free up plenty of time for new pursuits.

FAMOUS BIRTHDAYS

JUNE 19
 Jacob deGrom, Athlete (34)
 JUNE 20
 Nicole Kidman, Actress (55)
 JUNE 21
 Chris Pratt, Actor (43)
 JUNE 22
 Cyndi Lauper, Singer (69)
 JUNE 23
 Jason Mraz, Singer (45)
 JUNE 24
 Lionel Messi, Athlete (35)
 JUNE 25
 Angela Kinsey, Actress (51)