

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

FILED

March 26, 2024

ARDC CLERK

In the Matter of:

CHARLES GIDEON MCGUIRE,

Attorney-Respondent,

No. 6309652.

Commission No. 2023PR00075

FIRST AMENDED COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Tammy L. Evans, pursuant to Supreme Court Rules 753(b) and 761(c), complains of Respondent, Charles Gideon McGuire, who was licensed to practice law in Illinois on November 1, 2012, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Convictions for Domestic Battery and Violations of an Order of Protection)

1. On or about June 1, 2023, Respondent placed a knife to S.M.'s (Respondent's wife) neck, slammed her head into a refrigerator, and pulled her hair at their home. Officer Aaron Ford from the Carbondale Police Department contacted S.M. and completed an incident report.

2. On June 22, 2023, the Jackson County State's Attorney filed an information charging Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph one, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023DV44.

3. On or about June 22, 2023, Respondent sprayed S.M. about her face and body with a household cleaning chemical at their home. Michael Foland ("Foland"), a neighbor of

Respondent and S.M., called 911 after he heard Respondent and S.M. arguing outside their home, and witnessed Respondent nearly striking S.M. with his vehicle. Officer Mark Murray from the Carbondale Police Department was dispatched to the scene and spoke to S.M. and Foland. Respondent returned to the scene and Officer Murray placed him under arrest.

4. On June 29, 2023, the Jackson County State's Attorney filed a second information charging Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph three, above. The matter was docketed *People of the State of Illinois v. Charles G. McGuire*, case number 2023DV49.

5. On July 11, 2023, S.M. obtained an interim order of protection against Respondent. The order of protection prohibited Respondent from having any communication with S.M., and ordered him to stay away from their home and S.M. at all times.

6. On July 18, 2023, after Respondent was served with the Order of Protection described in paragraph five, above, he sent text messages to S.M. that contained explicit photos of himself. Officer Michael Bonali from the Carbondale Police Department spoke to S.M. and completed an incident report.

7. On July 21, 2023, the Jackson County State's Attorney filed a third information charging Respondent with a violation of an order of protection, a Class A misdemeanor, based on the incident described in paragraph six, above. The matter was docketed *People of the State of Illinois v. Charles G. McGuire*, case number 2023CM254.

8. On August 21, 2023, Respondent contacted S.M. and threatened to come to her house and kick the door in. Officer Ladove from the Carbondale Police Department responded to S.M.'s 911 call and completed an incident report. S.M. provided Officer Ladove with a description of Respondent's vehicle. After he left the residence, Officer Ladove parked his marked patrol

vehicle on the side of S.M.'s road. Shortly thereafter, Officer Ladove observed Respondent's vehicle turn on to S.M.'s street and park in front of her house. Officer Ladove activated his emergency lights and Respondent exited his vehicle. Officer Ladove observed Respondent to be intoxicated and placed him under arrest for driving under the influence of alcohol.

9. On August 21, 2023, the Jackson County State's Attorney filed a fourth information charging Respondent with a violation of an order of protection, a Class A misdemeanor, based on the incident described in paragraph eight, above. In a second count, the information charged Respondent with driving under the influence of alcohol. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023CM304.

10. On or about July 26, 2023, Respondent asked an acquaintance, Shannon Roberson-Throgmron, to text and call S.M., and tell her that he was coming to her home. S.M. contacted the police to report the incident. Illinois State Trooper David Sneed met with S.M. at her place of work. S.M. informed Trooper Sneed that Respondent also had an acquaintance, Reggie Walker, video record S.M. leaving a local restaurant. Trooper Sneed completed an incident report.

11. On August 23, 2023, the Jackson County State's Attorney filed a fifth information charging Respondent with a violation of an order of protection, a Class A misdemeanor, based on the incident described in paragraph 10, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023CM311.

12. On or about September 18, 2023, Respondent entered S.M.'s home and struck her twice in the jaw with a closed fist. Officer Amanda Ruprecht from the Carbondale Police Department responded to S.M.'s 911 call and completed an incident report. Respondent later turned himself in at the Carbondale Police Department.

13. On September 18, 2023, the Jackson County State's Attorney filed a sixth information charging Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph 12, above. In a second count, the information charged Respondent with a violation of an order of protection, a Class A misdemeanor, regarding the incident described in paragraph 12, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023DV77.

14. On October 2, 2023, Respondent pled guilty to one count of domestic battery (2023DV44), and two counts of violation of an order of protection (2023CM254, and 2023DV77). On the same date, and in exchange for his guilty plea, the special prosecutor agreed to dismiss the following charges: a) domestic battery (2023DV49); b) violation of order of protection (Count I) and driving under the influence (Count II) (2023CM304); violation of order of protection (2023CM311) and domestic battery (Count I) (2023DV77). The court sentenced Respondent to 15 days in jail (time served) and probation for a period of 24 months with conditions, including that Respondent complete an alcohol/substance abuse evaluation; have no contact, either directly or indirectly, in person, by phone or otherwise with [S.M.]; refrain from using any illicit drug, unless prescribed by a physician, and submit samples of his blood or urine or both for tests to determine the presence of any illicit drug; and have electronic monitoring to be supervised by the probation department. The court also ordered Respondent to pay a fine and costs totaling \$2,523.

15. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by committing the criminal offenses of domestic battery, described in paragraphs 1, 3, and 12, above, and violation of an order of protection, described in paragraphs 6, 8, 10, and 12, above, in violation of 720 ILCS 5/12-3.2(a)(2) and 720 ILCS 5/12-

3.4(a)(1)(i), respectively, and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Seeking to Influence a Judge, Communicating Ex Parte with a Judge Without Authorization, and Engaging in Conduct Intended to Disrupt a Tribunal)

16. The Administrator realleges paragraphs 1 through 14.

17. On July 21, 2023, Respondent, while in custody at the Williamson County Jail, called Judge Michelle M. Schafer, an associate judge for the First Judicial Circuit in Williamson County, on her personal cell phone. Respondent stated that he was in jail and that he did not know why. Respondent further stated that he had posted bond the night before but was arrested again, and asked Judge Schafer to reduce his bond and have him released from jail. Judge Schafer admonished Respondent for calling her and terminated the call.

18. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. seeking to influence a judge by means prohibited by law, by conduct including calling Judge Schafer on her personal cell phone while incarcerated in the Williamson County Jail, and asking her to have him released from jail, in violation of Rule 3.5(a) of the Illinois Rules of Professional Conduct (2010);
- b. communicating *ex parte* with a judge without authorization, by conduct including calling Judge Schafer on her personal cell phone while incarcerated in the Williamson County Jail, and asking her to have him released from jail, in violation of Rule 3.5(b) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct intended to disrupt a tribunal, by conduct including calling Judge Schafer on her personal cell phone while incarcerated in the Williamson County Jail, and asking her to have him released from jail, in violation of Rule 3.5(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III
*(Convictions for Violation of Conditions of Pretrial Release
and Violation of an Order of Protection)*

19. The Administrator realleges paragraphs 16-17.

20. On October 22, 2023, Respondent entered S.M.'s home and struck her in the face and head with his closed fists. Officers from the Carbondale Police Department responded to S.M.'s 911 call and located Respondent asleep in his car in S.M.'s driveway. After speaking to the parties, officers placed Respondent under arrest for domestic battery and violation of an order of protection.

21. On October 23, 2023, the Jackson County State's Attorney filed an information charging Respondent with a violation of an order of protection, a Class 4 felony, based on the incident described in paragraph 20, above. In a second count, the information charged Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph 20, above. The mater was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023CF610.

22. On January 6, 2024, at 9:27 p.m., the Carbondale Police Department was dispatched to the Super 8 Motel following a report that Respondent and S.M. were at the motel together. Upon arriving at the motel, officers spoke to the clerk who confirmed that Respondent was staying in Room 203. Shortly thereafter, officers made contact with Respondent in the hallway. When officers knocked on the door to Room 203, S.M. opened the door. Officers then placed Respondent under arrest for violation of an order of protection.

23. On January 8, 2024, the Jackson County State's Attorney filed a second information charging Respondent with violation of an order of protection, a Class 4 felony, based on the incident described in paragraph 22, above. In a second count, the information charged Respondent

with violation of conditions of pretrial release, a Class A misdemeanor, based on the incident described in paragraph 22, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2024CF28.

24. On March 5, 2024, Respondent pled guilty to violation of conditions of pretrial release (Count II), a Class A misdemeanor, in case number 2024CF28. In exchange for his guilty plea, the special prosecutor agreed to dismiss the violation of an order of protection charge (Count I). The court sentenced Respondent to 364 consecutive days in the Jackson County Jail, with 60 days credit commencing on March 5, 2024 until all time is served.

25. On March 5, 2024, Respondent pled guilty to violation of an order of protection (Count I), a Class 4 felony, in case number 2023CF610. In exchange for his guilty plea, the special prosecutor agreed to dismiss the domestic battery charge (Count II). The court sentenced Respondent to two years in the Illinois Department of Corrections, to be served concurrent with his sentence in 2024CF28, with four years of mandatory supervised release.

26. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by committing the criminal offenses of violation of an order of protection described in paragraphs 20 and 22, above, domestic battery described in paragraph 20, above, and violation of conditions of pretrial release, described in paragraph 22, above, in violation of 720 ILCS 5/12-3.4(a)(1)(i), 720 ILCS 5/12-3.2(a)(2), and 720 ILCS 5/32-10(b), respectively, and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Tammy L. Evans
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