

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

In the Matter of:

CLAYTON CURCIO,

Attorney-Respondent,

No. 6338855.

Commission No. 2026PR00053

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Richard Gleason, pursuant to Supreme Court Rule 761(c), complains of Respondent, Clayton Curcio, who was licensed to practice law in Illinois on November 17, 2021, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Commission of Criminal Acts – Criminal Trespass to a Residence and Criminal Damage to Property)

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/19-4(a)(2) of the Illinois Compiled Statutes, entitled “criminal trespass to a residence,” which made it a Class 4 felony offense for a person to without authority knowingly enter the residence of another and know or have reason to know that one or more persons is present or knowingly enter the residence of another and remain in the residence after knowing or having reason to know that one or more persons is present.

2. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/21-1(a)(1) of the Illinois Compiled Statutes, entitled “criminal

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damage to property,” which made it a Class 4 felony offense for a person to knowingly damage any property of another when the damage to the property exceeds \$500 but does not exceed \$10,000.

3. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/19-4(a)(1) of the Illinois Compiled Statutes, entitled “criminal trespass to a residence,” which made it a Class A misdemeanor offense for a person to, without authority, knowingly enter or remain within any residence that is the dwelling place of another.

4. Beginning approximately October 2022 until approximately December 2023, Respondent rented the second-floor unit of a three-flat building on Clybourn Avenue in Chicago. From at least October 2022 until approximately September 2023, an individual with the initials “J.L.” rented the third-floor unit located directly above the unit that Respondent rented.

5. On Saturday, August 19, 2023, at approximately 12:40 p.m., Respondent entered J.L.’s apartment without permission through a rear door that opened into a bedroom. At the time Respondent entered J.L.’s apartment, J.L. was present in the unit with his girlfriend. After Respondent entered J.L.’s apartment, J.L. confronted Respondent, grabbed a machete his girlfriend kept by the bed, and struck Respondent multiple times with the machete. Shortly thereafter, at approximately 12:51 p.m., J.L. called 9-1-1.

6. At approximately 1:15 p.m. on August 19, 2023, Respondent was transported by ambulance to Advocate Illinois Masonic Medical Center where he received treatment for his injuries. That same day, while Respondent remained hospitalized, Chicago Police placed Respondent under arrest for the offense of criminal trespass to a residence. While Respondent remained hospitalized, the Honorable William Fahy set a \$10,000 Deposit Bond on Respondent’s

criminal charge, which required that Respondent or someone on his behalf post \$1,000 to secure his release from custody.

7. When Illinois Masonic Hospital discharged Respondent from its medical care on August 21, 2023, Chicago Police transported him to the Cook County Department of Corrections, located on California Avenue in Chicago (“CCDOC”). CCDOC released Respondent from custody on August 22, 2023, after his mother posted his bond.

8. On September 12, 2023, a grand jury in Cook County indicted Respondent on two counts of criminal trespass to a residence in violation of Chapter 720, Section 5/19-4(a)(2) of the Illinois Compiled Statutes, a Class 4 felony—because two individuals were present in the residence he trespassed—for his actions described in paragraph five, above. Respondent’s matter was docketed as *People of the State of Illinois v. Clayton K Curcio*, Cook County case number 23CR0998401.

9. Also on September 12, 2023, at approximately 6:46 p.m., Respondent used a sharp object to scratch the side of a Dodge Ram pickup truck owned by an individual with the initials “L.S.” when the truck was parked on the 2800 block of Clybourn Avenue in Chicago, causing approximately \$1,500 in damage to the vehicle. Respondent mistakenly believed the vehicle belonged to J.L, whose interactions with Respondent are described in paragraph five, above.

10. On or around September 26, 2023, at approximately 11:00 p.m., without authority, Respondent entered the building where he lived on Clybourn Avenue and then entered into the first-floor unit, where he did not live. The first-floor unit was owned by an individual with the initials “J.G.” No one else was present when Respondent entered the unit. However, an individual with the initials “L.K.”, who is J.G.’s son-in-law and an officer with the Chicago Police Department, observed Respondent inside the unit through the window. Respondent left the first-

floor unit and returned to the second-floor unit where he lived. As Respondent was going up the stairs to his unit, L.K. called out Respondent's name. Respondent ignored him. L.K. then entered the unit on the first floor and found it to be in disarray.

11. On October 23, 2023, a grand jury in Cook County indicted Respondent for the crime of criminal damage to property between \$500 and \$10,000, in violation of Chapter 720, Section 5/21-1(a)(1) of the Illinois Compiled Statutes, a Class 4 felony, for his conduct described in paragraph nine, above, and for the crime of burglary in violation of Chapter 720, Section 5/19-1(a) of the Illinois Compiled Statutes, a Class 2 felony, for knowingly and without authority entering the property of J.G. with the intent to commit therein a theft, for his conduct described in paragraph ten, above. Respondent's matter were docketed as *People of the State of Illinois v. Clayton Curcio*, Cook County case numbers 23CR6025301 and 23CR6025401, respectively.

12. Each of Respondent's three pending criminal cases—case number 23CR0998401 (Respondent's August 19, 2023 criminal trespass to J.L.'s residence), case number 23CR6025301 (Respondent's September 12, 2023 criminal damage to L.S.'s property), and case number 23CR60251 (Respondent's September 26, 2023 criminal trespass to J.G.'s residence)—were ultimately assigned to the Honorable Timothy Joyce.

13. On September 5, 2025, pursuant to a negotiated agreement, the Cook County State's Attorney's Office agreed to reduce the felony burglary charge in case number 23CR60251 to the misdemeanor charge of criminal trespass to residence, a Class A misdemeanor, and Respondent pled guilty before Judge Joyce to two felony counts of criminal trespass to a residence in case number 23CR60251, one felony count of criminal damage to property in case number 23CR602531, and to the reduced charge of criminal trespass to residence in case number 23CR0998401. On the same day, Judge Joyce sentenced Respondent to a term of 24 months of

conditional probation pursuant to Chapter 730, Section 5/5-6-3.4 of the Illinois Compiled Statutes, entitled “Second Chance Probation,” on the two felony cases, and a concurrent period of 24 months of court supervision on the misdemeanor case.

14. The terms of Respondent’s probation were identical to the terms of his supervision, and included that Respondent pay fees, fines and other costs, not violate criminal statutes of any jurisdiction, not possess a firearm or other dangerous weapon, notify the monitoring agency of any change of address, not leave the State of Illinois without permission, and complete a mental health evaluation and comply with the treatment recommendations. Judge Joyce’s sentence further provided that upon Respondent’s successful fulfillment of the terms and conditions of his probation, the court would discharge and dismiss the felony criminal cases without entering a judgment of conviction against Respondent.

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

- a. Committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, by conducting including committing the criminal offenses of criminal trespass to a residence, in violation of Chapter 720, Section 5/19-4(a)(2) of the Illinois Compiled Statutes, criminal damage to property between \$500 and \$10,000, in violation of Chapter 720, Section 5/21-1(a)(1) of the Illinois Compiled Statutes, and criminal trespass to a residence, in violation of Chapter 720, Section 5/19-4(a)(1) of the Illinois Compiled Statutes, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be referred to a panel of the Hearing Board of the Commission, that a hearing be conducted, and that the Hearing 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/ Richard Gleason
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