



JACKSON COUNTY STATE'S ATTORNEY

Michael C. Carr, State's Attorney

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966
(618) 687-7200 • FAX (618) 687-7215

FOR IMMEDIATE RELEASE

Contact: Michael C. Carr, State's Attorney

Wednesday, August 12, 2020

JOSHUA S. KERN, CARTERVILLE, CHARGED
WITH INVOLUNTARY MANSLAUGHTER & RELATED CHARGES

A three-count Information was filed in Jackson County Circuit Court on August 10, 2020, against Joshua S. Kern, 44, of Carterville, Illinois. The charges relate to an incident which occurred on the sidewalk at the entrance to a Carbondale retail establishment on July 3, 2020, and resulted in the death of Budgy Miller, 49, of DuQuoin, Illinois, the States Attorney for Jackson County, Michael C. Carr, announced today.

Count 1 charges Kern with Involuntary Manslaughter and alleges that Kern, acting in a reckless manner, unintentionally killed Budgy Miller by shoving Miller so hard that it caused him to be propelled backward and to hit his head on a concrete sidewalk, thereby causing his death.

Count 2 charges Kern with Aggravated Battery and alleges that Kern, in committing a battery, knowingly caused great bodily harm to Miller by shoving Miller in the same manner as alleged in Count 1.

Count 3 charges Kern with Aggravated Battery and alleges that Kern, in committing a battery, knowingly caused Miller bodily harm in the same manner as alleged in Count 1 and he did so while Miller was standing in front of the entrance to a public place of accommodation.

Each count is a Class 3 felony and carries a potential prison sentence of two to five years. The charged offenses are probationable.

Kern made his first appearance on today. A preliminary hearing is scheduled on September 8, 2020.

This case was investigated by the Carbondale Police Department. State's Attorney Michael C. Carr is handling the prosecution.

Under the law, a defendant is presumed to be innocent of a charge until proved guilty beyond a reasonable doubt to the satisfaction of a jury.

A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt

*is decided upon the basis of sufficient evidence. Except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, by Supreme Court Rule, the State's Attorney is not allowed to make statements about pending cases or investigations which would pose a serious and imminent threat to the fairness of the proceeding. **Rule 3.8 Special Responsibilities of a Prosecutor.** For a list of certain subjects which have been determined to pose such a threat to the fairness of the proceedings and for a list of subjects which do not, please see **Rule 3.6 Trial Publicity.** For any press release involving a case which has not yet been tried, please note that: **a defendant is presumed to be innocent of a charge until proved guilty beyond a reasonable doubt to the satisfaction of the jury.***

The investigation is being conducted by the Carbondale Police Department. State's Attorney Michael C. Carr is handling the prosecution.