

No. 128092

IN THE

## SUPREME COURT OF ILLINOIS

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PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 2-20-0603.
	)	
Respondent-Appellee,	)	There on appeal from the Circuit
	)	Court of the Nineteenth Judicial
-vs-	)	Circuit, Lake County, Illinois, No.
	)	20 CF 392.
	)	
GARY MAYFIELD,	)	Honorable
	)	Mark L. Levitt,
Petitioner-Appellant.	)	Judge Presiding.

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**BRIEF AND ARGUMENT FOR PETITIONER-APPELLANT**

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### **NATURE OF THE CASE**

After a bench trial, Gary Mayfield was convicted of domestic battery and was sentenced to a prison term of 42 months. Mayfield then appealed his conviction, which was affirmed by the appellate court. *People v. Mayfield*, 2021 IL App (2d) 200603. This Court granted Mayfield's petition for leave to appeal on March 30, 2022. No issue is raised challenging the charging instrument.

### **ISSUE PRESENTED FOR REVIEW**

Whether administrative orders by the judicial branch purporting to suspend or alter the operation of the legislatively enacted speedy trial statute unconstitutionally violated the constitutional doctrine of the separation of powers.

**STATUTES AND RULES INVOLVED****725 ILCS 5/103-5 (2020). Speedy trial.**

(a) Every person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he or she was taken into custody unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness to stand trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal. Delay shall be considered to be agreed to by the defendant unless he or she objects to the delay by making a written demand for trial or an oral demand for trial on the record. The provisions of this subsection (a) do not apply to a person on bail or recognizance for an offense but who is in custody for a violation of his or her parole, aftercare release, or mandatory supervised release for another offense.

\* \* \* \* \*

(d) Every person not tried in accordance with subsections (a), (b) and (c) of this Section shall be discharged from custody or released from the obligations of his bail or recognizance.

**STATEMENT OF FACTS**

On February 16, 2020, Gary Mayfield was brought into custody for an alleged domestic battery that occurred on February 15, 2020. (C. 18-19, 23) The defendant first appeared in court on February 16, 2020, but no transcript of that appearance is located in the record. (C. 23) At the hearing on February 16, the public defender was appointed to represent Mr. Mayfield, who was remanded into custody, and the matter was continued by the court to a future date for a preliminary hearing. (C. 23) On March 4, 2020, Mr. Mayfield was charged by indictment with four counts of domestic battery. (C. 31) The matter was continued by the court to March 12, 2020, for arraignment. (C. 32) On March 12, 2020, Mr. Mayfield appeared in court with his appointed counsel and entered a plea of not guilty. (C. 43) Defense counsel asked for the earliest trial date, and a jury trial was scheduled for April 27, 2020. (R. 4, C. 43) The matter was then continued for a case management conference to March 24, 2020. (C. 43) The order continuing this matter to March 24, 2020, did not indicate which party had motioned for the continuance. (C. 43)

On March 17, 2020, this Court issued an emergency order in light of the COVID-19 pandemic. *In re: Illinois Courts Response to COVID-19 Emergency*, M.R. 30370 (March 17, 2020) (A. 12) Citing its “general administrative and supervisory authority over the courts” under Article VI, Section 16 of the Illinois Constitution 1970, this Court ordered lower courts to adopt precautionary measures, but to continue to hear essential matters and proceedings. (A. 12-13)

On March 20, 2020, this Court issued another order, again citing Article VI, Section 16 of the Illinois Constitution. *In re: Illinois Courts Response to COVID-19 Emergency/Impact on Trials*, M.R. 30370 (March 20, 2020) (A. 14) The order

states that “the Chief Judges of each circuit may continue trials for the next 60 days and until further order of this Court.” (A. 14) “In the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of section 103-5 of the Code of Criminal Procedure of 1963.” (A. 14)

On March 24, 2020, the court continued Mr. Mayfield’s case on its own motion, with neither the defense nor State present. (C. 45)

On April 3, 2020, this Court amended its March 20 order to allow the circuit courts to continue trials “until further order of this Court.” *In re: Illinois Courts Response to COVID-19 Emergency - Impact on Trials*, M.R. 30370 (April 3, 2020) (A. 15) It reiterated that these continuances would not be attributable to either the State or the defendant for purposes of the speedy trial statute. (A. 15)

In response to this order, the Lake County Circuit Court issued an administrative order on April 6, 2020, stating that “except as provided below, all matters in the Nineteenth Judicial Circuit scheduled prior to May 18, 2020, shall be continued and rescheduled to a date after May 15, 2020.” Lake County Cir. Ct., Administrative Order No. 20-23 (dated April 6, 2020) (A. 22) The order exempted “speedy trial term cases” from the type of cases continued under this order, noting that those matters would continue to be heard in Courtroom T-110. (A. 22-23)

On April 7, 2020, this Court issued another amended order, which read:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of



Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court.

*In re: Illinois Courts Response to COVID-19 Emergency - Impact on Trials*, M.R. 30370 (April 7, 2020) (A. 16)

On April 27, 2020, the circuit court continued Mr. Mayfield's jury trial on its own motion. (C. 53) Neither the defense nor the State were present. (C. 53)

On May 20, 2020, this Court amended the April 7 order. *In re: Illinois Courts Response to COVID-19 Emergency*, M.R. 30370 (dated May 20, 2020) (A. 17-18) The Court amended the April 7 order to "clarify this Court's orders of March 20, 2020 and April 3, 2020." (A. 18) This Court amended the orders as follows:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.

(A. 18)

On May 22, 2020, the Lake County Circuit Court issued an Administrative Order adopting the language of the this Court's April 7 and May 20, 2020, orders suspending the operation of the speedy trial statute. Lake County Cir. Ct.,

Administrative Order No. 20-31 (May 20, 2020) (A. 26)

After several hearings where the court continued the case on its own motion, Mr. Mayfield next appeared in court on May 26, 2020. (C. 52-53, 55) Defense counsel indicated that the case was currently scheduled for the June 1 trial call, and told the court that the defendant would continue his demand for trial and object to any continuances. (R. 8) The court noted that June 1 was “not a realistic date for trial,” and that “the Supreme Court by order, has suspended speedy [trial].” (R. 8-9) The court then said that it would keep the June 1 date and “allow defense counsel to argue.” (R. 9)

At the June 1, 2020, hearing, Mr. Mayfield continued to demand trial and reiterated that he would not be agreeing to any continuances. (R. 12) The court told Mr. Mayfield that it could not “accommodate [the defendant’s] jury trial because of the COVID-19 shutdown by order of the Supreme Court. Speedy trial has been suspended by order of the Chief Judge in the Nineteenth Judicial Circuit.” (R. 12) The court then entered a continuance. (C. 57, R. 12-13)

On July 7, 2020, Mr. Mayfield filed a motion asking the court to proceed to trial virtually. (C. 66) Mr. Mayfield appeared before the court on July 27, 2020, for ruling on this motion. (R. 36) The court denied the defendant’s motion and indicated that it would schedule the matter for trial on August 3, 2020. (R. 37) The State requested the matter be set for trial on a later date. (R. 37) The defendant objected to the State’s request and asked for the soonest available trial date. (R. 37) The court continued the case to August 13, 2020 for trial. (C. 89)

On August 11, 2020, defense counsel filed a motion to dismiss for a violation of the defendant’s right to a speedy trial. (C. 90) Counsel argued that the defendant’s

speedy trial term had run for 121 days as of the date of the motion. (C. 92) Counsel asserted that the speedy trial term ran continuously from February 16, 2020 to June 1, 2020, where the court, for the first time, entered a continuance pursuant to the circuit court's May 22, 2020, order suspending speedy trial. (C. 93-94) Counsel asserted that on July 27, 2020, the speedy trial term resumed when the trial date was continued to August 13 on the State's motion. (C. 94-95) Therefore, counsel argued that the defendant's speedy trial rights had been violated as the State failed to bring him to trial within 120 days. (C. 95) Alternatively, counsel argued that the Illinois Supreme Court's April 7 order tolling statutory speedy trial rights exceeded the authority granted to the Court and was thus unlawful. (C. 95)

The circuit court denied the defendant's motion on August 31, 2020. (R. 63) In ruling, the court noted that "a pandemic was thrust upon us," and that "we have been forced to adapt and to make new rules and to determine how we are going to best proceed consistent with the ends of justice." (R. 60) At the defendant's request, the court clarified which dates it believed that the defendant's speedy trial term was running. The court indicated that initially the term ran from February 16, 2020, to March 16, 2020, when the building was first closed and the first administrative order from the Nineteenth Circuit was issued. (R. 64-65) The court said that the first date it believed that they could safely conduct the defendant's trial was on August 3, 2020. (R. 63-64) The court determined that time would be "motion State" after the August 3 date. (R. 64) The State then requested a continuance due to the unavailability of one of its witnesses. (R. 65) Over the defendant's objection, the court granted the continuance and the trial was scheduled for September 9, 2020. (R. 67, C. 132)

The cause proceeded to a bench trial on September 9, 2020. (R. 81) Following trial, the court found Mr. Mayfield guilty on all counts. (C. 141)

On September 16, 2020, Mr. Mayfield filed a motion for new trial arguing, *inter alia*, that the court erred in denying his motion to dismiss based on a violation of his statutory speedy trial rights. (C. 149-150) Specifically, defense counsel reasserted the claim that the Supreme Court lacked the authority to enter orders suspending the Speedy Trial Act. (C. 150) On October 9, 2020, the court denied the defendant's motion, noting that in regards to the speedy trial argument, "there is no basis in my world to believe that anything was done inappropriately or more importantly that there was any undue delay in bringing Mr. Mayfield to trial." (R. 171, C. 163)

The court sentenced Mr. Mayfield to a term of 42 months in prison. (C. 163)

On appeal, Mr. Mayfield raised two challenges. Relevant to the present appeal, Mr. Mayfield argued that this Court's orders attempting to suspend the operation of the Speedy Trial Act are unconstitutional. Specifically, Mr. Mayfield argued that where each branch of government is granted unique and distinct responsibilities which may not be delegated to nor acquired by a different branch of government, this Court violated its own well-established conception of separation of powers when it attempted to write into the Speedy Trial Act exceptions that did not appear within the Act.

On December 27, 2021, the appellate court affirmed Mr. Mayfield's conviction in a published decision. The Second District held that this Court had the authority to rewrite, and as a result suspend, the Speedy Trial Act pursuant to the Court's Article VI, Section 16 general administrative and supervisory authority over all

courts. *People v. Mayfield*, 2021 IL App (2d) 200603, ¶ 21. The appellate court reasoned that because the Speedy Trial Act involved the scheduling of criminal trials, the statute was thus a matter of procedure “within the realm of our supreme court’s primary constitutional authority.” *Mayfield*, 2021 IL App (2d) 200603, ¶ 21.

This Court granted leave to appeal on March 30, 2022.

## ARGUMENT

**Administrative orders by the judicial branch purporting to suspend or alter the operation of the legislatively enacted speedy trial statute unconstitutionally violated the constitutional doctrine of the separation of powers.**

In response to the COVID-19 pandemic, this Court entered several emergency orders exercising the Court's general administrative and supervisory authority over the courts granted to it by the Illinois Constitution. While it is within the Court's general administrative and supervisory authority to modify court procedures in light of the pandemic, this Court usurped the role of the legislature when it issued orders allowing for an indefinite delay of trials and the suspension of the legislatively enacted Speedy Trial Act. Where each branch of government is granted unique and distinct responsibilities which may not be delegated to nor acquired by a different branch of government, this Court violated its own well-established conception of separation of powers when it attempted to write into the legislatively enacted Speedy Trial Act exceptions that did not appear within the Act. As such, because this Court's orders suspending the operation of the Speedy Trial Act were unconstitutional, Mr. Mayfield's conviction must be reversed as he was not brought to trial within the statutorily required 120-day period.

The issue here is purely a question of law. "The *de novo* standard of review is applicable when the issue presented is purely a question of law." *People v. Caballero*, 206 Ill.2d 65, 87 (2002). Further, issues of statutory interpretation are considered *de novo*. *People v. Manning*, 2018 IL 122081, ¶ 16. Defense counsel included this issue in the post-trial motion. (C. 149-150) Thus, this issue is preserved for appellate review. *See People v. Colyar*, 2013 IL 111835, ¶ 3 ("Generally, to preserve an issue for appellate review, a party must raise the issue before the

trial court and in a posttrial motion”).

A defendant’s fundamental right to a speedy trial is guaranteed by both the United States and Illinois Constitutions, as well as by the Speedy Trial Act (“the Act”). U.S. Const., amends. VI, XIV; Ill. Const., 1970, art. I, § 8; 725 ILCS 5/103-5 (2020); *People v. Ladd*, 185 Ill.2d 602, 607 (1999). The Act directs that, “[e]very person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he or she was taken into custody unless delay is occasioned by the defendant.” 725 ILCS 5/103-5(a). This 120-day period automatically begins running when the defendant is taken into custody, and it is calculated by excluding the first day of the term but including the last day. *People v. Murray*, 379 Ill.App.3d 153, 158 (2d Dist. 2008). “Delay shall be considered to be agreed to by the defendant unless he or she objects to the delay by making a written demand for trial or an oral demand for trial on the record.” 725 ILCS 5/103-5(a). If more than 120 days not attributable to the defense pass before an incarcerated defendant is tried, the defendant is entitled to discharge from custody and the dismissal of the charges. 725 ILCS 5/103-5(d); 725 ILCS 5/114-1(a)(1) (2020); *People v. Woodrum*, 223 Ill.2d 286, 299 (2006).

“The legislative, executive, and judicial branches are separate. No branch shall exercise powers properly belonging to another.” Ill. Const. 1970, art. II, § 1. “It is the province of the legislature to enact laws; it is the province of the courts to construe them. Courts have no legislative powers; courts may not enact or amend statutes.” *Henrich v. Libertyville High School*, 186 Ill.2d 381, 394 (1998). “A court cannot restrict or enlarge the meaning of an unambiguous statute.” *Henrich*, Ill.2d at 394. “A court must interpret and apply statutes in the manner in which they

are written. A court must not rewrite statutes to make them consistent with the court's idea of orderliness and public policy." *Henrich*, Ill.2d at 394-395. "It is not for the courts to pass upon what the . . . laws ought to be, but to declare what they are." *People v. Wilcox*, 237 Ill.421, 428 (1908).

Under the Illinois Constitution of 1970, the judicial power of this state is vested with the Illinois Supreme Court, the appellate court, and the circuit court, with this Court possessing general administrative and supervisory authority over all courts. Ill. Const. 1970, art. VI, §§ 1 & 16. This Court's general administrative and supervisory authority extends only to "the adjudication and application of law and the procedural administration of the courts." *City of Urbana v. Andrew N.B.*, 211 Ill.2d 456, 470 (2004). Importantly, Supreme Court Rule 1 provides that the general civil and criminal practice rules govern trial court proceedings "except to the extent that the procedure in a particular kind of action is *regulated by a statute other than the Civil Practice Law*." Ill. S. Ct. R. 1 (eff. July 1, 1982) (emphasis added). This Court therefore "retains primary constitutional authority over court procedure." *People v. Peterson*, 2017 IL 120331, ¶ 31. When there is a conflict between a statute and a court rule on a procedural matter, the court rule will prevail. *Peterson*, 2017 IL 120331 (holding that court rule of evidence prevailed over statutory rule of evidence). This Court's supervisory authority "does not, however, extend to the legislative branch of our state government." *People v. Whitfield*, 228 Ill. 2d 502, 522 (2007). This is because, "[s]imply put, [the Illinois Supreme Court] cannot make laws." *Whitfield*, 228 Ill.2d at 522 (quoting *People v. Judd*, 396 Ill. 211, 212 (1947)).

This Court's orders allowing for the indefinite delay of trials and suspension



of the legislatively enacted Speedy Trial Act violate Article II, Section 1 of the Illinois Constitution. The Speedy Trial Act is a proper legislative expansion of defendant's Sixth Amendment rights and does not encroach on the judiciary branch. *People v. Christy*, 206 Ill.App.3d 361, 367 (4th Dist. 1990). Conversely, the judicial branch has no authority to thwart the legislative branch by *suspending or reading exemptions into statutes*, so as to make them conform with the court's policy preferences. *Board of Education of Roxana Community School District No. 1 v. Pollution Control Board.*, 2013 IL 115473, ¶ 25 (emphasis added).

This Court's grant of administrative authority does not stretch so far as to allow it to rewrite long-standing statutory protections of constitutional rights, like the Speedy Trial Act. Although Article VI, Section 16, of the Illinois Constitution grants the Supreme Court "general administrative and supervisory authority over all courts," said authority does not and cannot extend to the very procedure of criminal trials. Ill. Const. 1970, art. VI, § 16. Rather, it extends only to "the adjudication and application of law and the procedural administration of the courts." *Andrew N.B.*, 211 Ill.2d at 470.

Moreover, the Speedy Trial Act is "not a technical statute; and its provisions are mandatory and confer a substantial and absolute right upon the defendant under the constitution." *People v. House*, 10 Ill.2d 556, 558 (1957). The Speedy Trial Act is not a procedural rule implemented to facilitate the operation of the courts, but rather a due process safeguard put in place to ensure that the defendant's rights are protected. This Court, therefore, cannot lawfully suspend the operation of the statute on its own, without a determination that the statute itself is unconstitutional. *See People ex rel. Difanis v. Barr*, 83 Ill.2d 191, 201 (1980) ("As

long as the means chosen by the legislature to achieve a desired end are lawful and inoffensive to the State and Federal constitutions, our inquiry may proceed no further.”)

Here, the legislature included carefully defined exceptions to the Speedy Trial Act. The legislature included exceptions for delays attributable to fitness examinations, fitness hearings, and findings of unfitness. *See* 725 ILCS 5/103-5(a). They also included exceptions for evidentiary delays occasioned despite due diligence. *See* 725 ILCS 5/103-5(c). “Where the language used in a statute is plain and certain it must be given effect by the courts and we cannot legislate but must interpret the law as announced by the legislature.” *Smith v. Board of Education of Oswego Community High School District*, 405 Ill. 143, 148 (1950). “The plain meaning of the language used by the legislature is the safest guide to follow in construing any act, as the court has no right to read into the statute words that are not found therein, either by express inclusion or by fair implication.” *Stiska v. City of Chicago*, 405 Ill. 374, 379 (1950).

Even in circumstances where a constitutional statute may not be in line with the changing times, however rapid the changes may come upon, an appeal to modify the law must be taken to the legislature and not be done by the judiciary. *DeSmet ex rel. Estate of Hays v. County of Rock Island*, 219 Ill.2d 497, 510 (2006) (noting that dissatisfaction over valid law granting governmental immunity needed to be raised with the General Assembly and not the Judicial Branch); *Donovan v. Holzman*, 8 Ill.2d 87, 97 (1956) (noting that the Judicial Branch cannot compel the legislature to take legislative action nor can itself engage in legislative acts).

The Speedy Trial Act is clear and unambiguous. As noted above, the Act

has well-defined and unambiguous exceptions written into it. With such carefully articulated exceptions written into the statute, it is clear that the legislature did not see fit to include exceptions that allow for suspension of the statute at the Court's discretion pursuant to the "general administrative and supervisory authority over the courts." Nor did the legislature see fit to exclude from speedy trial computations any delays caused by a pandemic or other reason related to public welfare. There is simply no language in the Act to suggest that such exceptions exist or were even contemplated by the legislature.

Indeed, the legislature had every opportunity to act to modify the Speedy Trial Act in light of pandemic exigencies, but did not do so. Since March 2020, the General Assembly enacted many COVID-related matters, including for example, legislation authorizing State borrowing of federally available emergency funds, Public Act 101-0630 (eff. May 29, 2020), authorizing the sale of bottled alcoholic cocktails, Public Act 101-0631 (eff. Jun. 2, 2020), and election reform that increased vote-by-mail and established Election Day as a state holiday, Public Act 101-0642 (eff. Jun. 16, 2020). Despite the raft of pandemic-related legislation, the legislature enacted nothing that would allow the courts to further delay trials like Mayfield's. Indeed, the one amendment the legislature did make to the Speedy Trial Act – not effective until 2023 – merely changed the term "bail" in the statute to "pretrial release" as part of broader bail reform legislation. Public Act 101-0652 (eff. Jan. 1, 2023).

Indeed, more than a century of tradition underlies precedent holding that courts lack the power to read into the speedy trial statute exceptions which do not appear there. In *Newlin v. People*, this Court found that it could not read into

the speedy trial statute an exception for the sickness of judges. 221 Ill. 166, 175 (1906). This Court indicated that it is not enough for the State to say that it was “inconvenient or impossible for the judges of the circuit to hold the term of court at the time fixed by the statute.” *Newlin*, 221 Ill. at 173. This Court determined that where “the provisions of the law do not insure the transaction of the business of the courts a remedy may be afforded *by the legislature*.” *Newlin*, 221 Ill. at 174 (emphasis added). In making this determination, this Court emphasized that “we are *without the power* to read into the statute in question an exception which does not appear there.” *Newlin*, 221 Ill. at 174 (emphasis added).

Therefore, it is evident the judicial branch has no authority to thwart the legislature by suspending statutes, or by reading exemptions into statutes, to make them conform with the court’s policy preferences, let alone to do so in an advisory way when there is no case before it. *See Board of Education of Roxana Community School District No. 1*, 2013 IL 115473, ¶25. While the Speedy Trial Act includes exceptions, it contains none that empower the Supreme Court to effectively suspend the statute pursuant to its general administrative and supervisory authority over the courts. It falls outside the power of this Court to read exceptions into a statute that were not included by the legislature: “Where the language used in a statute is plain and certain it must be given effect by the courts and we cannot legislate but must interpret the law as announced by the legislature.” *Smith*, 405 Ill. at 148. That is so, even if crafting a novel exception is “consistent with the court’s idea of orderliness and public policy.” *Citibank, N.A. v. Illinois Department of Revenue*, 2017 IL 121634, ¶ 70.

Nor does the administrative or supervisory authority bestowed upon the

courts by Article VI, Section 16 of the Illinois Constitution allow this Court to interfere with a constitutional enactment of the legislature. Although this Court's rules may override statutes concerning court procedures, this Court has not promulgated rules concerning speedy trials and has therefore left the matter to the legislature. As this Court recently held, "The responsibility for the wisdom of legislation rests with the legislature, and courts may not rewrite statutes to make them consistent with the court's idea of orderliness and public policy." *Citibank, N.A.*, 2017 IL 121634, ¶ 70.

Importantly, the exigencies of the COVID-19 pandemic do not alter the authority bestowed upon each branch of government pursuant to the Illinois Constitution. Indeed, no matter how challenging the time or emergent the circumstances are, the separation of powers principles are enshrined in the Illinois' Constitution, and, "even in a pandemic, the Constitution cannot be put away and forgotten." *Roman Catholic Diocese of Brooklyn v. Cuomo*, \_\_\_ U.S. \_\_\_, 141 S. Ct. 63, 68 (2020). Making a determination of whether the speedy trial statute should be suspended due to the pandemic is a matter for the legislature, and a role the judiciary cannot constitutionally perform.

Significantly, this Court has recently recognized that the exigencies of the pandemic do not alone generate new statutory exceptions. *Corbin v. Schroeder*, 2021 IL 127052, ¶44. In *Schroeder*, this Court rejected an election candidate's claim that he fairly relied on a village official's representations that a ballot access rule would be treated as modified in light of the pandemic, instead reaffirming that the pandemic provided no justification for departing from the law as the legislature wrote it. *Schroeder*, 2021 IL 127052, ¶44. COVID did not rewrite statutes:

while the “pandemic did create exceptions to many norms of daily life; it did not, however, create an exception to” the election statute at issue. *Schroeder*, 2021 IL 127052, ¶44. The maxim, rooted in the separation of powers, that a court ought “not read into [a statute] exceptions, conditions, or limitations that the legislature did not express” holds, this Court found, even as the “pandemic . . . loomed large in the mind.” *Schroeder*, 2021 IL 127052, ¶¶42-45.

Further, other States with substantively similar speedy trial statutes have recognized that the challenges of the pandemic do not authorize the judiciary to rewrite or suspend the operation of such statute. For example, Kansas’ legislatively enacted speedy trial statute provides that any person in custody charged with a crime shall be tried within 150 days of arraignment, unless delay occurs as a result of the “application or fault of the defendant” or a continuance entered pursuant to one of the statutory exceptions. Kan. Stat. Ann. § 22-3402 (West 2022). Notably, the legislature did not include any exceptions allowing for the judiciary to suspend the operation of the statute in the event of a pandemic. Kan. Stat. Ann. § 22-3402.

Accordingly, when the COVID-19 emergency occurred, the matter was left for the legislature to determine whether to modify the law in light of the coronavirus pandemic. Notably, on March 19, 2020, Senate Bill Number 102 was signed into law which amended Kansas’ speedy trial statute to permit the Chief Justice of the Kansas Supreme Court to “issue an order to extend or suspend any deadlines or time limitations established by statute when the chief justice determines such action is necessary to secure the health and safety of court users, staff and judicial officers.” 2020 Kansas Laws Ch. 4 (S.B. 102) *available at* [http://kslegislature.org/li\\_2020/b2019\\_20/asures/documents/sb102\\_enrolled.pdf](http://kslegislature.org/li_2020/b2019_20/asures/documents/sb102_enrolled.pdf)

(last visited May 13, 2022).

Similarly, Ohio’s legislatively enacted speedy trial statute did not include an exception for the Ohio Supreme Court to unilaterally suspend the operation of the statute at the Court’s discretion. Therefore, when the pandemic began, rather than judicially create new exceptions to the statute, the Ohio general assembly passed House Bill 197, which tolled the statutory speedy trial time in all cases for a definite period of time. *See*, Amended Substitute House Bill Number 197, *available at* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-197> (last visited May 13, 2022). Notably, Ohio Supreme Court Chief Justice Maureen O’Connor opined in a letter to Ohio trial judges that the Supreme Court lacked the constitutional authority to *sua sponte* toll the operation of the speedy trial right because the speedy trial right is established by both the federal and Ohio constitutions, and had been codified by the Ohio General Assembly. *See* Speedy Trial Requirements, *available at* [https://www.supremecourt.ohio.gov/coronavirus/resources/ChiefCommunications/SpeedyTrialRequirements\\_102820.pdf](https://www.supremecourt.ohio.gov/coronavirus/resources/ChiefCommunications/SpeedyTrialRequirements_102820.pdf) (accessed May 13, 2022).

Therefore, it is evident that, as this Court has already recognized in *Schroeder*, the principle that a court ought “not read into [a statute] exceptions, conditions, or limitations that the legislature did not express” holds even as the “pandemic . . . loomed large in the mind.” *Schroeder*, 2021 IL 127052, ¶¶42-45. The challenges created by the COVID pandemic do not trump the separation of powers principles enshrined within the Illinois Constitution. Thus, because this Court’s orders altering the Speedy Trial Act were nothing less than judicial rewriting, tantamount to suspension of, a statute’s operation, they cannot be reconciled with basic norms

governing the separation of powers.

Yet, notwithstanding this Court's well-established precedent that the judiciary cannot rewrite or amend statutes, the Second District broke from this precedent and held that this Court's general administrative and supervisory authority empowered it to do exactly what this Court refused to do in *Newlin*, rewrite the Illinois Speedy Trial Act. In doing so, the appellate court, for the first time, concluded that the right to a speedy trial was a mere scheduling matter, noting that "scheduling of criminal trials is a matter of procedure within the realm of our supreme court's primary constitutional authority." *People v. Mayfield*, 2021 IL App (2d) 200603, ¶ 21. To reach this conclusion, the court analogized speedy trial rights to traditional court rules governing discovery procedures, which this Court has held to be the exclusive province of the judiciary. *Mayfield*, 2021 IL App (2d) 200603, ¶¶ 19-21.

However, the appellate court's determination that the Illinois Speedy Trial Act is merely a matter of procedure goes against the precedent of this Court and misapprehends the nature of the statute. This Court has recognized that the Speedy Trial Act is "not a technical statute; and its provisions are mandatory and confer a substantial and absolute right upon the defendant under the constitution." *House*, 10 Ill.2d at 558. The Speedy Trial Act is not a procedural rule implemented to facilitate the operation of the courts, but rather a due process safeguard put in place to ensure that the defendant's rights are protected. As this Court has previously recognized, where "the statute at issue protects and effectuates an accused's constitutional rights, the suggestion that we constrain the statute's scope in a way not specifically authorized by the legislature is simply untenable." *People*



*v. Wooddell*, 219 Ill.2d 166, 173 (2006).

Contrary to the appellate court's holding, the fact that the speedy trial statute has some effect on judicial administration does not transform the statute into a matter of procedure within this Court's constitutional authority. This Court has recognized that the Court's Article VI, Section 16 power does not "purport to exclude the legislature from acting in any way which may have a *peripheral* effect on judicial administration." *People v. Joseph*, 113 Ill.2d 36, 43 (1986). For instance, this Court has upheld the legislature's enactment of rules of evidence (*People v. Rolfingsmeyer*, 101 Ill.2d 137 (1984)), of statutes mandating that a judge impose a particular sentence (*People v. Taylor*, 102 Ill.2d 201 (1984)), a statute requiring a judge to inspect a presentence report before imposing sentence (*People v. Youngbey*, 82 Ill.2d 556 (1980)), and a statute ordering a judge to wait two days between the stages of a bifurcated divorce proceeding (*Strukoff v. Strukoff*, 76 Ill.2d 53 (1979)).

Further, if this Court were to hold that speedy trial rights are a mere matter of scheduling reserved for the judiciary, then the Speedy Trial Act would itself be unconstitutional, where it mandates the strict remedy of dismissal of charges when a schedule set by the legislature is unmet. There is no principled way to hold that the Act's fixed deadlines are ordinarily within the legislature's control, but become transported out of the legislature's domain when circumstances make those deadlines administratively challenging. Indeed, a finding that the Speedy Trial Act's protections fall outside of the legislative sphere is just the kind of absurd consequence of which a justice of the Illinois Supreme Court has warned would be found at the bottom of a slippery slope of excessive diminishment of the

legislature's authority. *See Joseph*, 113 Ill.2d at 58 (Simon, J., dissenting) (commenting that a too-diminished view of legislative sphere would leave "the speedy-trial statute. . . on shaky grounds" where it also "impose[s] substantive policy limitations on the functioning of the courts.")

Therefore, contrary to the Second District's holding, it is evident that the Speedy Trial Act is not merely a procedural rule involving the scheduling of criminal trials, but instead enforces the constitutional right to a speedy trial. *People v. Zeleny*, 396 Ill.App.3d 917, 919-920 (2d Dist. 2009). As such, this Court could not lawfully suspend the operation of the statute on its own, without a determination that the statute itself is unconstitutional. *See Barr*, 83 Ill.2d at 201 ("As long as the means chosen by the legislature to achieve a desired end are lawful and inoffensive to the State and Federal constitutions, our inquiry may proceed no further"); *See also Chirikos v. Yellow Cab Co.*, 87 Ill.App.3d 569, 574 (1st Dist. 1980) ("We have authority to invalidate legislation adopted by the city council only upon grounds that the enactment violates a provision of the Federal or State Constitutions or violates the mandate of a State or Federal Statute").

Thus, short of declaring the Speedy Trial Act unconstitutional, this Court's orders altering the Act represent an attempt by the judicial branch to rewrite, and as a result suspend, a statute. At the very least, these orders read into the statute exceptions not included by the legislature in an attempt to make them "consistent with the court's idea of orderliness and public policy." *See Citibank, N.A.*, 2017 IL 121634, at ¶ 70. As such, they cannot be reconciled with basic norms governing the separation of powers. To hold otherwise would irreconcilably conflict with a host of this Court's precedents. *Newlin*, 221 Ill. 166; *City of Urbana*, 211

Ill.2d at 470 (recognizing that this Court’s general administrative and supervisory authority extends only to the adjudication and application of law and the procedural administration of the courts); *Henrich*, 186 Ill.2d at 394 (holding that courts may not enact or amend statutes); *House*, 10 Ill.2d at 558 (holding that the Speedy Trial Act confers a “substantial and absolute right upon the defendant under the constitution”).

As such, the orders purporting to suspend the operation of the legislatively enacted Speedy Trial Act violate this Court’s own well-established conception of separation of powers, and must be found unconstitutional. In the event the Speedy Trial Act requires amendment in order to conform with the needs of public policy, that job plainly lies with the legislature, not the courts. Therefore, because this Court’s orders suspending the operation of the Speedy Trial Act were unconstitutional, Mr. Mayfield’s conviction must be reversed as he was not brought to trial within the statutorily required 120-day period.

**CONCLUSION**

For the foregoing reasons, Gary Mayfield, petitioner-appellant, respectfully requests that this Court reverse his conviction.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342, is 24 pages.

/s/Zachary Wallace  
ZACHARY WALLACE  
Assistant Appellate Defender

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Plaintiff/Petitioner

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Plaintiff/Petitioner

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Plaintiff/Petitioner

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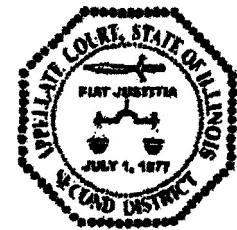
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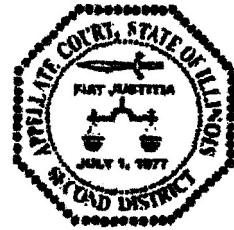
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Plaintiff	3	<u>PICTURE OF VICTIM'S SIDE &amp; EYE</u>	E 4
Plaintiff	4	<u>PICTURE OF VICTIM'S TEETH &amp; MOUTH</u>	E 5
Plaintiff	5	<u>DVD 20CF392 GATTON VWC 7 AM</u>	E 6
Plaintiff	6	<u>DVD 20CF392 HARWOOD BWC</u>	E 7
Plaintiff	7	<u>JUDGMENT SENTENCE TO ILLINOIS...</u>	E 8-E 17
		<u>PAPERS</u>	
Plaintiff	8	<u>INFORMATION &amp; MINUTE SHEETS</u>	E 18-E 27
		<u>PAPERS</u>	
Plaintiff	9	<u>STATE OF WISCONSIN CIRCUIT COURT</u>	E 28-E 31
		<u>BRANCH</u>	

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ERIN CARTWRIGHT WEINSTEIN, CLERK OF THE 19th JUDICIAL CIRCUIT COURT ©  
WAUKEGAN, ILLINOIS 60085

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FILED

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
19TH JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS

Case No. 20CF392

Date of Sentence 10/06/2020 **OCT 06 2020**

Vs.  
GARY K. MAYFIELD

Date of Birth 03/28/1972

Defendant

ORIGINAL  AMENDED

(Defendant)

*2020*  
Circuit Clerk

**JUDGMENT - SENTENCE TO ILLINOIS DEPARTMENT OF CORRECTIONS**

WHEREAS the above-named defendant has been adjudged guilty of the offenses enumerated below; IT IS THEREFORE ORDERED that the defendant be and hereby is sentenced to confinement in the Illinois Department of Corrections for the term of years and months specified for each offense.

COUNT	OFFENSE	DATE OF OFFENSE	STATUTORY CITATION	CLASS	SENTENCE	MSR
1	DOMESTIC BATTERY (ENHANCED)	02/18/2020	720 ILCS 5/12-3.2(a)(1)	4	Yrs. <u>42</u> Mos. <u>4</u>	Yrs.
To run	concurrent with	consecutively to count(s)	and served at <input checked="" type="checkbox"/> 50%, <input type="checkbox"/> 75%, <input type="checkbox"/> 85%, <input type="checkbox"/> 100%			100% pursuant to 730 ILCS 5/3-6-3
To run	concurrent with	consecutively to count(s)	and served at <input type="checkbox"/> 50%, <input type="checkbox"/> 75%, <input type="checkbox"/> 85%, <input type="checkbox"/> 100%			100% pursuant to 730 ILCS 5/3-6-3
To run	concurrent with	consecutively to count(s)	and served at <input type="checkbox"/> 50%, <input type="checkbox"/> 75%, <input type="checkbox"/> 85%, <input type="checkbox"/> 100%			100% pursuant to 730 ILCS 5/3-6-3

This Court finds that the defendant is:

Convicted of a class \_\_\_\_\_ offense but sentenced as a class X offender pursuant to 730 ILCS 5/5-4.5-95(b) on count(s) \_\_\_\_\_

The Court further finds that the defendant is entitled to receive credit for time actually served in custody (of 234 days as of the date of this order) from (specify dates) 02/18/2020 - 10/06/2020. The defendant is also entitled to receive credit for the additional time served in custody from the date of this order until defendant is received at the Illinois Department of Corrections.

The defendant remained in continuous custody from the date of this order.

The defendant did not remain in continuous custody from the date of this order (less \_\_\_\_\_ days from a release date of \_\_\_\_\_ to a surrender date of \_\_\_\_\_).

The Court further finds that the conduct leading to conviction for the offenses enumerated in counts \_\_\_\_\_ resulted in great bodily harm to the victim. (730 ILCS 5/3-6-3(a)(2)(iii)).

The Court further finds that the defendant meets the eligibility requirements for possible placement in the Impact Incarceration Program. (730 ILCS 5/5-4-1(a)).

The Court further finds that offense was committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and recommends the defendant for placement in a substance abuse program. (730 ILCS 5/5-4-1(a)).

The defendant successfully completed a full-time (60-day or longer) Pre-Trial Program \_\_\_\_\_ Educational/Vocational \_\_\_\_\_ Substance Abuse \_\_\_\_\_ Behavior Modification \_\_\_\_\_ Life Skills \_\_\_\_\_ Re-Entry Planning \_\_\_\_\_ provided by the county jail while held in pre-trial detention prior to this commitment and is eligible and shall be awarded additional sentence credit in accordance with 730 ILCS 5/3-6-3(a)(4) for \_\_\_\_\_ total number of days of program participation, if not previously awarded.

The defendant passed the high school level test for General Education and Development (GED) on \_\_\_\_\_ while held in pre-trial detention prior to this commitment and is eligible to receive Pre-Trial GED Program Credit in accordance with 730 ILCS 5/3-6-3(a)(4.1). THEREFORE IT IS ORDERED that the defendant shall be awarded 60 days of additional sentence credit, if not previously awarded.

IT IS FURTHER ORDERED the sentence(s) imposed on count(s) \_\_\_\_\_ be (concurrent with) (consecutive to) the sentence imposed in case number \_\_\_\_\_ in the Circuit Court of \_\_\_\_\_ County.

IT IS FURTHER ORDERED that \_\_\_\_\_

The Clerk of the Court shall deliver a certified copy of this order to the sheriff. The Sheriff shall take the defendant into custody and deliver defendant to the Department of Corrections which shall confine said defendant until expiration of this sentence or until otherwise released by operation of law.

This order is  effective immediately  stayed until \_\_\_\_\_

DATE: 10/06/2020

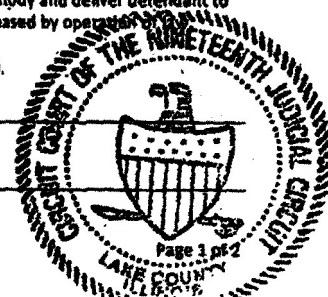
ENTER:

*Mark L. Levitt*

MARK L. LEVITT

(PLEASE PRINT JUDGE'S NAME HERE)

Approved by Conference of Chief Judges 6/20/14 (rev. 10/23/2015)





**FILED**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF LAKE )

OCT 18 2020

IN THE CIRCUIT COURT OF THE NINETEENTH  
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

*Eric Cantaniet Weinsten*  
CIRCUIT CLERK

THE PEOPLE OF THE STATE OF ILLINOIS )  
 )  
VS. )  
GARY MAYFIELD )

GEN. NO. 20CF392

NOTICE OF APPEAL

An Appeal is taken from the Order described below.

(1) Court to which Appeal is taken: Appellate Court - Second District

(2) Name of Appellant and address to which notices shall be sent.

Name: GARY MAYFIELD

Address: 16830 So. Broadway Street, P.O. Box 112, Joliet, IL 60434

(3) Name and address of Appellant's attorney on appeal.

Name: Mr. Thomas A. Lillien Deputy Appellate Defender

Address: One Douglas Ave. 2nd Floor. Elgin, IL 60120

If Appellant is indigent and has no attorney, does he want one appointed? Yes

(4) Date of Judgment Order: OCTOBER 13, 2020

(5) Offense of which convicted: COUNT 1 - CLASS 3 DOMESTIC BATTERY (ENHANCED)

(6) Sentence: DEFENDANT SENTENCED TO 42 MONTHS TO THE DEPARTMENT OF  
CORRECTIONS - COST AND FEES - CREDIT FOR 234 DAYS

(7) If appeal is not from a conviction, nature of Order appealed from:

(Signed) *Eric Cantaniet Weinsten*

(May be signed by appellant, attorney for appellant, or Clerk of the Circuit Court)

171-89 Rev 2/01

IN THE  
SUPREME COURT OF ILLINOIS

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In re:	)	
	)	
Illinois Courts Response to COVID-19 Emergency	)	M.R. 30370
	)	
	)	

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Order

On March 9, 2020, Governor Pritzker declared a State of Emergency in response to the novel coronavirus (COVID-19). On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. Pursuant to the general administrative and supervisory authority vested in the Supreme Court under Article VI, Section 16 of the Illinois Constitution, Illinois appellate and circuit court procedures and orders entered in response to this ongoing threat of COVID-19 shall be consistent with the following guidelines in order to protect the health and safety of court patrons, staff, judges and the general public:

- A. All Illinois courts shall continue to establish and periodically update, as necessary, temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice. These procedures shall be consistent with each appellate and circuit court Emergency Preparedness Continuity of Operations Plan (EP-COOP) and its operational plan for essential court functions. Each court shall immediately provide its orders and other communications on temporary procedures to the Supreme Court through its Administrative Office of the Illinois Courts. The Supreme Court Communications Office will post information on the Court's website.
- B. Essential court matters and proceedings shall continue to be heard by the Illinois courts. If feasible and subject to constitutional limitations, essential matters and proceedings shall be heard remotely via telephone or video or other electronic means.
- C. All non-essential court matters and proceedings should be continued or, where possible, conducted remotely via telephone or video or other electronic means.
- D. Subject to constitutional limitations, all courts, in any civil or criminal case, may:
  1. Modify or suspend any deadlines and procedures, whether prescribed by local rule or order, for a stated period ending no later than 30 days after the Governor's state of emergency declaration has been lifted.

2. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, by teleconference, videoconference, or other means.
  3. Require every participant in a proceeding to alert the court if the participant has or knows of another participant who has been diagnosed with COVID-19.
  4. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.
- E. Until further order, the Supreme Court temporarily suspends the operation of any Supreme Court Rules to the extent they are contrary to any provisions of this order.
- F. Individuals, including judges, court staff, parties, attorneys, jurors and witnesses, should not enter any courthouse if they:
1. Have traveled, within the last 21 days, to any country designated by the United States Centers for Disease Control (CDC) as high-risk locations for transmission of COVID-19;
  2. Reside or have close contact with anyone who has traveled to any country designated by the CDC as high-risk locations for transmission of COVID-19;
  3. Have been directed to quarantine, isolate or self-monitor at home by any medical provider;
  4. Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
  5. Have flu-like symptoms including fever, cough or shortness of breath.
- G. All courts should implement temporary reductions in courthouse staffing while maintaining core functions and essential court operations. Temporary suspension or relaxation of leave policies may be necessary. To the extent feasible, court staff able to conduct work remotely should do so.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 17th day of March, 2020.

*Carolyn Taft Gersboll* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

In re:

Illinois Courts Response to  
COVID-19 Emergency/  
Impact on Trials

)  
)  
)  
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M.R. 30370

Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill.Const.1970, art. VI, sect. 16), and in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the coronavirus;

IT IS HEREBY ORDERED that the Chief Judges of each circuit may continue trials for the next 60 days and until further order of this Court. In the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)).

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 20th day of March, 2020.

*Carolyn Toff Gersboll* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

In re:

Illinois Courts Response to  
COVID-19 Emergency/  
Impact on Trials

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M.R. 30370

Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill.Const.1970, art. VI, sect. 16), and in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the coronavirus, IT IS HEREBY ORDERED that the Court's order of March 20, 2020 is amended to read:

The Chief Judges of each circuit may continue trials until further order of this Court. In the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)). In the case of juvenile delinquency proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the juvenile for purposes of section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)).

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal  
of said Court, this 3rd day of April, 2020.

*Carolyn Taft Gosbell* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

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In re:	)	
	)	
Illinois Courts Response to	)	
COVID-19 Emergency/	)	M.R.30370
Impact on Trials	)	
	)	

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Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the novel coronavirus; and in the interests of the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances, and to clarify this Court's orders of March 20, 2020 and April 3, 2020, IT IS HEREBY ORDERED that the Court's orders of March 20, 2020 and April 3, 2020 are amended as follows:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal  
of said Court, this 7th day of April, 2020.

*Carolyn Taff Gosbell*

Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

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In re:	)	
	)	
Illinois Courts Response to	)	
COVID-19 Emergency	)	M.R. 30370
	)	
	)	

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Order

Article VI of the Illinois Constitution of 1970 vests the judicial power of our State in the Supreme Court, an Appellate Court, and the Circuit Courts. That constitutional grant of power creates a corresponding duty of service to the People of Illinois. To fulfill that duty, the judiciary's mission is to protect the rights and liberties of all by providing equal access to justice, resolving disputes, and upholding the rule of law. Those principles have always remained fundamental, even in times of crisis.

Article VI also gives general administrative and supervisory authority over the judicial branch to the Supreme Court. In the exercise of that authority, this Court has issued a series of orders governing court functions during the COVID-19 pandemic. The March 17, 2020 order directed Illinois courts to hear "essential court matters and proceedings." The order further authorized courts to conduct both essential and nonessential matters and proceedings remotely, subject to constitutional and practical limitations.

Our concerns about the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances are ongoing, and our duty to the People of Illinois is ever present. That duty requires courts to resume operations as quickly and fully as possible. Various approaches for doing so based on local public health data have emerged at the national and state levels. We have considered those approaches in charting a path forward.

Pursuant to the exercise of its general administrative and supervisory authority over all Illinois courts as conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16), IT IS HEREBY ORDERED:

Effective June 1, 2020, the Court's order of March 17, 2020, is modified so that each circuit may return to hearing court matters, whether in person or remotely, according to a schedule to be adopted for each county by the chief judge in each circuit. The circuit courts shall continue, to the extent possible, to allow for appropriate social distancing and attempt to reduce the number of persons appearing personally for court appearances.

The factors which may be considered by the chief judge in determining whether matters may be safely heard include, but are not limited to, the following: deadlines which apply to a case or class of cases; the length of time any applicable deadline has been suspended by order of the Supreme Court or the Circuit Court; applicable information from public health authorities; limitations in court facilities or staffing; and anticipated prejudice to any class of cases as a result of continued delay. Chief judges should also take into consideration the *Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During the COVID*

19 pandemic. Chief circuit judges should understand that local conditions may change, and their plans should contain contingencies in that event.

Local plans should continue to promote the use of remote hearings where appropriate. To the extent that the Court's order of March 17, 2020 prohibits in-person proceedings on non-essential matters, this provision is relaxed according to the plan adopted by the chief circuit judge in each circuit.

Additionally, the April 7, 2020, order regarding Illinois Courts Response to COVID-19 Emergency/Impact on Trials is modified to read as follows:

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the novel coronavirus; and in the interests of the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances, and to clarify this Court's orders of March 20, 2020 and April 3, 2020, IT IS HEREBY ORDERED that the Court's orders of March 20, 2020 and April 3, 2020 are amended as follows:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 20th day of May, 2020.

*Carolyn Taft Gusbell*

Clerk,  
Supreme Court of the State of Illinois



STATE OF ILLINOIS )  
 ) SS  
NINETEENTH JUDICIAL CIRCUIT )

ADMINISTRATIVE ORDER 20-11

NINETEENTH JUDICIAL CIRCUIT  
CIRCUIT COURT OF LAKE COUNTY

FILED

MAR 16 2020

*En. ...*  
CIRCUIT CLERK

COVID-19 EMERGENCY MEASURES

In light of the Coronavirus Pandemic, and in order to protect the health and safety of the general public, judges and court employees, and after consultation with the offices of the Lake County State's Attorney, Public Defender, Sheriff, Clerk of the Circuit Court, County Board, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority;

IT IS HEREBY ORDERED that except as provided below, all matters in the Nineteenth Judicial Circuit, Lake County, Illinois, are rescheduled and continued for 28 days from the originally scheduled court date unless the 28<sup>th</sup> day falls on a weekend, in which case, it shall be continued until the following business day, unless otherwise determined by the assigned judge. Notices will be generated by the Clerk of the Circuit Court, who will send notice of rescheduled dates upon receipt from the judge. If you do not receive notice of the continued date, you should contact the Clerk of the Circuit Court.

IT IS FURTHER ORDERED AS FOLLOWS that except as necessary for the purposes enumerated below, all judges and judicial employees of the Nineteenth Judicial Circuit Court shall be encouraged to work remotely and conduct business telephonically or via videoconference until further notice from the effective date of this order.

IT IS FURTHER ORDERED that the Sheriff of Lake County shall cease foreclosure sales and the execution of eviction orders relating to residential real estate effective March 17, 2020 until further Order of court.

IT IS FURTHER ORDERED AS FOLLOWS:

- 1) **ALL DIVISIONS:** Judges will be available in-person in each division to hear emergency matters.
- 2) **CRIMINAL DIVISION: BOND COURT, FELONY, MISDEMEANOR, DOMESTIC VIOLENCE, DUI:**
  - a) All cases will report to Courtroom T-110;
  - b) Speedy trial term cases, statutory summary suspension hearings, forfeiture hearings and probation violation hearings in which an agreement to continue the trial/hearing has not been reached;
  - c) Bond hearings will continue to be heard daily, including Saturday and Sundays;

- d) In-custody cases in which a plea agreement has been reached;
  - e) Emergency and Plenary Order of Protection hearings;
  - f) Mental Health Involuntary Admission, Treatment, Fitness, and Quarantine hearings; and
  - g) Warrants and any other emergency motion.
- 3) PROBLEM SOLVING COURTS:** All cases in the Therapeutic Intensive Monitoring Programs (Drug Court, Mental Health Court, STOP and Veterans Court) are continued until further notice. Emergency matters will be held on Wednesday afternoons at 1:30 p.m. in Courtroom T-711. Defendants are not required to attend court unless directed by his/her probation officer.
- 4) BRANCH COURTS (MUNDELEIN, PARK CITY AND ROUND LAKE BEACH):** All Branch Courts are closed for the next 28 days. All Clerk of the Circuit Clerk activities will be conducted at the office of the Clerk of the Circuit Court at the main Lake County Courthouse in Waukegan and at the office of the Clerk of the Circuit Court at the Depke Center in Vernon Hills.
- 5) GRAND JURY:** Grand Jury will meet on March 18, 2020 and Grand Jury proceedings after March 18, 2020 will be suspended. Grand jurors whose terms expire on or before March 31, 2020 shall be extended until April 29, 2020. No new grand jury shall be empaneled until May 6, 2020.
- 6) FAMILY DIVISION:** All cases will be continued except for the following and these matters will be heard in C-105:
- a) Cases involving Orders of Protection assigned to a Family Division judge;
  - b) Emergency Child Support matters; and
  - c) Matters which are an emergency as defined by statute and local court rule will be heard and may be conducted either in-person, via video, or by telephone conference. Discovery in family matters will continue as scheduled.
- 7. JUVENILE DIVISION:** All cases will be continued except for the following and these matters will be heard at the Depke Center in Vernon Hills, including on Sundays:
- a) Shelter Care hearings;
  - b) Detention hearings;

c) Emergency motions.

**8) CIVIL DIVISION:** All cases will be continued except for the following and these matters will be heard in Courtroom C-202:

a) Emergency motions in accordance to statute or local court rule will be heard and may be conducted either in-person, via video, or by telephone conference.

b) Discovery in civil matters will continue as scheduled.

**9) WORKERS' COMPENSATION AND BANKRUPTCY CASES:** All Workers' Compensation and Bankruptcy hearings and related matters scheduled in 19<sup>th</sup> Judicial Circuit court facilities are canceled and shall be rescheduled by the appropriate authority.

**10) MARRIAGES:** Marriages and Civil Unions will not be performed at the courthouse during this period, including Saturdays and Sundays.

**11) KIDS KORNER (CHILDREN'S WAITING ROOM):** The waiting room will be closed during this period.

**12) OTHER MATTERS:** Non-essential gatherings and meetings are canceled. Programs of the 19<sup>th</sup> Judicial Circuit Court including, but not limited to, Family Mediation, Children First, Traffic Safety School, Victim Impact Panel, and Public Service Employment are continued during this period.

**13) SUMMONSES:** All Summonses with return dates between March 17, 2020 and April 17, 2020, are rescheduled and continued for 28 days from the originally scheduled court date unless the 28<sup>th</sup> day falls on a weekend, in which case, it shall be continued until the following business day shall be returnable upon notice of the Clerk of the Circuit Court.

**14)** The Court may issue further Orders, as necessary, to address the changing circumstances surrounding the COVID-19 Pandemic.

Dated this 16<sup>th</sup> day of March, 2020, and effective March 17, 2020.

ENTERED:



DIANE E. WINTER,  
Chief Judge

STATE OF ILLINOIS )  
 NINETEENTH JUDICIAL CIRCUIT ) SS  
 )

APR 06 2020

CIRCUIT CLERK

ADMINISTRATIVE ORDER 20-23  
 NINETEENTH JUDICIAL CIRCUIT  
 CIRCUIT COURT OF LAKE COUNTY

**AMENDED COVID-19 EMERGENCY MEASURES**

Consistent with the Order of the Illinois Supreme Court in M.R. 30370, dated March 17, 2020, which was adopted in response to the COVID-19 outbreak and the emergencies declared by the State and Federal governments, and in order to protect the health and safety of the general public, judges and court employees, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority;

IT IS HEREBY ORDERED Administrative Orders 20-11 and 20-12 are vacated.

IT IS FURTHER ORDERED that, except as provided below, all matters in the Nineteenth Judicial Circuit scheduled prior to May 18, 2020 shall be continued and rescheduled to a date after May 15, 2020. The standard length of continuances may vary from division to division within the Nineteenth Judicial Circuit, so parties are advised to consult Administrative Orders for the relevant division. Individual judges within each division will also retain discretion as to the re-setting of court dates. Notices will be generated by the Clerk of the Circuit Court, who will send notice of rescheduled dates upon receipt from the judge as approved by the presiding judge. If you do not receive notice of the continued date you should contact the Clerk of the Circuit Court.

IT IS FURTHER ORDERED AS FOLLOWS that, except as necessary for the purposes enumerated below, all judges and judicial employees of the Nineteenth Judicial Circuit Court shall be encouraged to work remotely and conduct business telephonically or via videoconference until further notice from the effective date of this order.

IT IS FURTHER ORDERED that, the Sheriff of Lake County shall cease foreclosure sales and the execution of eviction orders relating to residential real estate effective March 17, 2020 until further Order of court.

IT IS FURTHER ORDERED AS FOLLOWS:

- 1) **ALL DIVISIONS:** Judges will be available in-person in each division to hear emergency matters.
- 2) **CRIMINAL DIVISION: BOND COURT, FELONY, MISDEMEANOR, DOMESTIC VIOLENCE, DUI:** All cases will report to Courtroom T-110 including:

- a) Speedy trial term cases, statutory summary suspension hearings, forfeiture hearings and probation violation hearings in which an agreement to continue the trial/hearing has not been reached;
  - b) Bond hearings will continue to be heard daily, including Saturday and Sundays;
  - c) In-custody cases in which a plea agreement has been reached;
  - d) Emergency and Plenary Order of Protection hearings;
  - e) Mental Health Involuntary Admission, Treatment, Fitness, and Quarantine hearings; and
  - f) Warrants and any other emergency motion.
  - g) See Administrative Order 20-25 for specific Criminal Court procedures and settings.
- 3) **GRAND JURY:** Grand jurors whose terms expire on or before April 29, 2020 shall be extended until May 27, 2020. The grand jury will be called at the discretion of the Presiding Judge or his designee.
- 4) **FAMILY DIVISION:** All cases will be continued except for the following and these matters will be heard in C-105:
- a) Cases involving Orders of Protection assigned to a Family Division judge;
  - b) Emergency Child Support matters; and
  - c) Matters which are an emergency as defined by statute and local court rule will be heard and may be conducted either in-person, via video, or by telephone conference. Discovery in family matters will continue as scheduled.
  - d) See Administrative Order 20-26 for specific Family Court procedures and settings.
- 5) **JUVENILE DIVISION:** All cases will be continued except for the following and these matters will be heard at the Depke Center in Vernon Hills, including on Sundays:
- a) Shelter Care hearings;
  - b) Detention hearings;
  - c) Emergency motions.
  - d) See Administrative Order 20-24 for specific Juvenile Court procedures and settings.
- 6) **CIVIL DIVISION:** All cases will be continued except for the following and these matters will be heard in Courtroom C-202:
- a) Emergency motions in accordance with statute or local court rule will be heard and may be conducted either in-person, via video, or by telephone conference.
  - b) Discovery in civil matters will continue as scheduled.

- c) Proposed agreed orders will continue to be accepted. Proposed agreed orders should be submitted to the Clerk's Office by email at [cccivilfiling@lakecountyil.gov](mailto:cccivilfiling@lakecountyil.gov). Upon receipt, the Clerk's Office will forward the proposed agreed order to the assigned judge. If the assigned judge approves the agreed order, the Clerk will present the agreed order to the on-duty judge in the courthouse for signature. The Clerk will then email the signed order to the parties.
- d) See Administrative Order 20-27 for specific Civil Court procedures and settings.
- 7) **WORKERS' COMPENSATION:** All Workers' Compensation and related matters scheduled in 19<sup>th</sup> Judicial Circuit court facilities are canceled and shall be rescheduled by the appropriate authority.
- 8) **MARRIAGES:** Marriages and Civil Unions will not be performed at the courthouse during this period, including Saturdays and Sundays.
- 9) **KIDS KORNER (CHILDREN'S WAITING ROOM):** The waiting room will be closed during this period.
- 10) **OTHER MATTERS:** Non-essential gatherings and meetings are canceled. Programs of the 19<sup>th</sup> Judicial Circuit Court including, but not limited to, Family Mediation, Children First, Traffic Safety School, Victim Impact Panel, and Public Service Employment are continued during this period.
- 11) **SUMMONSES:** All Summonses with return dates between March 17, 2020 and April 17, 2020, are rescheduled and continued for an additional 35 days and shall be returnable upon notice of the Clerk of the Circuit Court. All Summonses with return dates between April 17, 2020 and May 15, 2020, are rescheduled and continued for an additional 35 days and shall be returnable upon notice of the Clerk of the Circuit Court.
- 12) **TEMPORARY PROCEDURES FOR MORTGAGE FORECLOSURE PROGRAM.** The 35-day extensions set forth in **Administrative Order 20-20** Temporary Procedures for Mortgage Foreclosure Program are extended for an additional 35 days.
- 13) The Court may issue further Orders, as necessary, to address the changing circumstances surrounding the COVID-19 Pandemic.
- IT IS FURTHER ORDERED that, this Administrative Order incorporates the Temporary Administrative Orders of each division. If the general language of this Administrative Order conflicts with the Division Order, the Division order will control.

**IT IS FURTHER ORDERED** that, individuals, including judges, court staff, parties, attorneys, jurors and witnesses, should not enter any courthouse if they:

- A. Have traveled, within the last 21 days, to any country designated by the United States Centers for Disease Control (CDC) as high-risk locations for transmission of COVID-19;
- B. Reside or have close contact with anyone who has traveled to any country designated by the CDC as high-risk locations for transmission of COVID-19;
- C. Have been directed to quarantine, isolate or self-monitor at home by any medical provider;
- D. Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
- E. Have flu-like symptoms including fever, cough or shortness of breath.

Dated this 6<sup>th</sup> day of April, 2020.

ENTERED:



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DIANE E. WINTER,  
Chief Judge





3. **CONTENTS OF THE NOTICE AND MOTIONS.** Beginning on June 1, 2020, and until further order of this court, any notice or motion placed on any Criminal Division call shall contain the following language: "Parties wishing to attend presentment of this motion shall not appear in person in the courtroom unless specially ordered to do so by the court". The proceeding will be conducted by Zoom video and telephone conferencing. A Zoom link for this court call will be listed by courtroom, date and time at: <https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>.
4. **ZOOM LINK.** There will be a Zoom link for each morning and/or afternoon court session. Even if your case is scheduled at a later time than the initial start time of your court call, you can enter the court session at your scheduled time using the link at paragraph 3.
5. **PLEA AGREEMENTS.** All negotiated plea agreements shall be presented before the assigned judge on their scheduled day. All paperwork SHALL be submitted to the Clerk's office 3 business days prior to the court date at: [cccriminalfilling@lakecountyil.gov](mailto:cccriminalfilling@lakecountyil.gov). (If this procedure is not followed, the plea will not go forward.)
6. **COURT FORMS.** All necessary forms will be available in PDF fillable format and will be available at the Nineteenth Judicial Circuit website, the Circuit Court of Lake County website or the Lake County Bar Association website. Forms can also be accessed by clicking on the following link:  
<http://19thcircuitcourt.state.il.us/1256/Court-Forms>
7. **AGREED ORDERS.** Agreed orders may be presented to the assigned Judge for their consideration by emailing the agreed order to the judge's courtroom email address listed in the below table. Agreed orders need not be given a court date. The assigned Judge will enter the agreed order, if approved. For any agreed order to be given consideration by the assigned Judge, both the prosecution and the defense shall be included on any electronic transmission to the court. Failure to do so will result in the rejection of the agreed order.

C-401	<a href="mailto:CC401@lakecountyil.gov">CC401@lakecountyil.gov</a>	Judge Kennedy
C-403	<a href="mailto:CC403@lakecountyil.gov">CC403@lakecountyil.gov</a>	Judge Potkonjak
C-404	<a href="mailto:CC404@lakecountyil.gov">CC404@lakecountyil.gov</a>	Judge Rozenberg
C-405	<a href="mailto:CC405@lakecountyil.gov">CC405@lakecountyil.gov</a>	Judge Vorderstrasse
T-110	<a href="mailto:CT110@lakecountyil.gov">CT110@lakecountyil.gov</a>	Judge Novak
T-510	<a href="mailto:CT510@lakecountyil.gov">CT510@lakecountyil.gov</a>	Judge Fix
T-511	<a href="mailto:CT511@lakecountyil.gov">CT511@lakecountyil.gov</a>	Judge Mathews

T-512	<a href="mailto:CT512@lakecountyiil.gov">CT512@lakecountyiil.gov</a>	Judge Collins
T-610	<a href="mailto:CT610@lakecountyiil.gov">CT610@lakecountyiil.gov</a>	Judge Booras
T-611	<a href="mailto:CT611@lakecountyiil.gov">CT611@lakecountyiil.gov</a>	Judge Stride
T-612	<a href="mailto:CT612@lakecountyiil.gov">CT612@lakecountyiil.gov</a>	Judge Shanes
T-710	<a href="mailto:CT710@lakecountyiil.gov">CT710@lakecountyiil.gov</a>	Judge Rossetti
T-711	<a href="mailto:CT711@lakecountyiil.gov">CT711@lakecountyiil.gov</a>	Judge Bishop
T-712	<a href="mailto:CT712@lakecountyiil.gov">CT712@lakecountyiil.gov</a>	Judge Levitt
T-812	<a href="mailto:CT812@lakecountyiil.gov">CT812@lakecountyiil.gov</a>	Judge Strickland
North Branch	<a href="mailto:North Branch@lakecountyiil.gov">North Branch@lakecountyiil.gov</a>	Judge Cornell
Park City A	<a href="mailto:Park City A@lakecountyiil.gov">Park City A@lakecountyiil.gov</a>	Judge Haxall
Mundelein	<a href="mailto:Mundelein@lakecountyiil.gov">Mundelein@lakecountyiil.gov</a>	Judge Kennedy

- 8. PUBLIC DEFENDER.** The Lake County Public Defender's Office will be appointed to all unrepresented defendants prior to the Bond Hearing. These appointments are for the purpose of the Bond hearing only and will terminate immediately.
- 9. COURTROOMS CLOSED.** All courtrooms will remain closed and all matters will proceed remotely via Zoom beginning June 1, 2020.
- 10. TRIALS.** All trials in the Criminal Division are continued until further Order. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.

**IT IS FURTHER ORDERED THAT, THE FOLLOWING PROCEDURES SHALL APPLY IN FELONY CASES AS OF JUNE 1, 2020:**

**11. CALENDAR OF PROCEEDINGS:**

- a. **COURTROOM T-110 BOND COURT** (Judge Novak) all bond court proceedings including bond hearings, bond reviews, preliminary hearings and status of attorney, shall be held remotely at 9:00 a.m.
- b. **COURTROOM T-510** (Judge Fix), remote court proceedings will be held on Tuesday at 9:00 a.m. for non-custody cases and 1:30 p.m. for custody

cases, and Friday at 9:00 a.m. for non-custody cases and 1:30 p.m. for custody cases.

- c. **COURTROOM T-610** (Judge Booras), remote court proceedings will be held on Wednesday at 9:00 a.m. for non-custody cases and 1:30 p.m. for custody cases, and Thursday at 9:00 a.m. for non-custody cases and 1:30 p.m. for custody cases.
- d. **COURTROOM T-611 FELONY DUI** (Judge Stride), remote court proceedings will be held on Tuesday and Thursday mornings from 10:00 a.m. to 12:00 p.m. for custody cases and 1:30 p.m. for non-custody cases.
- e. **COURTROOM T-612** (Judge Shanes) remote court proceedings will be held on Thursday at 9:00 a.m. for non-custody cases and 1:30 p.m. for custody cases and Friday at 9:00 a.m. for non-custody cases and 1:30 p.m. for custody cases.
- f. **COURTROOM T-710** (Judge Rossetti), remote court proceedings will be held on Monday 9:00 am for non-custody cases only and 1:30 p.m. for custody cases; and on Wednesday's, 9:00 a.m. non-custody cases and 1:30 p.m. custody cases.
- g. **COURTROOM T-711** (Judge Bishop):
  - i. **MENTAL HEALTH COURT:** remote court proceedings will be held on Monday at 9:30 a.m.
  - ii. **FITNESS CALL:** remote proceedings will be held on Tuesday at 9:00 a.m.
  - iii. **DRUG COURT:** remote proceedings will be held on Wednesday at 9:30 a.m.
  - iv. **VETERANS COURT:** remote proceedings will be held on Friday at 9:00 a.m.
- h. **COURTROOM T-712** (Judge Levitt), remote court proceedings will be held on Monday 9:00 a.m. for non-custody cases, and 1:30 p.m. for custody cases. And Tuesday, 9:00 a.m. non-custody and 1:30 p.m. custody cases.
- i. **COURTROOM T-812** (Judge Strickland), all court proceedings assigned will be set at the discretion of the judge.

**12. TRIAL DATES:** All trial dates for each individual felony courtroom beginning June 1, 2020 shall remain as scheduled.

**IT IS FURTHER ORDERED THAT, THE TEMPORARY PROCEDURES FOR MISDEMEANOR CASES ARE AS FOLLOWS:**

**13. CALENDAR OF PROCEEDINGS:**

a. **COURTROOM C-403** (Judge Potkonjak), remote court proceedings will be held on Tuesday mornings at 9:00 a.m. and 10:30 a.m. and Tuesday afternoons at 1:30 p.m. and 3:00 p.m.

b. **COURTROOM C-404** (Judge Rozenberg), remote court proceedings will be held on Wednesday mornings at 9:00 a.m. and 10:30 a.m. and Wednesday afternoons at 1:30 p.m. and 3:00 p.m.

c. **COURTROOM C-405** (Judge Vorderstrasse), remote court proceedings will be held on Friday mornings at 9:00 a.m. and 10:30 a.m. and Friday afternoons at 1:30 p.m. and 3:00 p.m.

d. **COURTROOM T-511** (Judge Mathews), remote court proceedings for the Domestic Violence call for cases where the defendant is in custody will be held on Monday, Wednesday and Friday mornings from 10:00 a.m. to 12:00 p.m. All other cases will be heard on Monday, Wednesday and Friday at 1:30 p.m. and 3:00 p.m.

e. **COURTROOM T-611** (Judge Stride; the call previously heard by Judge Johnson in 512). All Misdemeanors for the 611 call will be heard remotely on Monday mornings at 9:00 a.m. and 10:30 a.m. and Monday afternoons at 1:30 p.m. and 3:00 p.m.

**14. ADVANCEMENT OF CASES.** Cases may be advanced to any appropriate misdemeanor courtroom by contacting the judge's clerk to schedule the matter or as set by court order by the assigned judge and by filing a notice with the Clerk of the Circuit Court. Documents may be filed with the clerk via email at: [ccCriminalFiling@lakecountylv.gov](mailto:ccCriminalFiling@lakecountylv.gov). Further, this Administrative Order waives the usual and customary filing fee associated with notice.

**15. PROCEEDINGS IN MISDEMEANOR COURT.** Until further order of this court, fully negotiated pleas, agreed terminations, dismissal of charges, filing of Petitions to Revoke, Arraignments on new charges and Petitions to Revoke, dismissal of Petitions to Revoke, Summary Suspension Hearings, Bond review or modifications, Motions to Continue, and any matters allowed to be scheduled or set by court order by the assigned Judge will proceed.

**IT IS FURTHER ORDERED THAT, THE TEMPORARY PROCEDURES FOR BRANCH COURT CASES ARE AS FOLLOWS:**

- 16. CALENDAR OF PROCEEDINGS IN THE MUNDELEIN, PARK CITY AND ROUND LAKE BRANCH COURTS.** All branch courts will remain closed until further order of the Court. Remote Court Proceedings will begin on June 1, 2020, for the Park City and Round Lake branch courts and on June 2, 2020, for the Mundelein branch court. The calendar of court sessions for all branch courts will resume, including all city and village key dates as originally set by the Nineteenth Judicial Circuit for the calendar year of 2020.
- 17. ADVANCEMENT OF CASES.** Cases may be advanced to any appropriate branch court date by filing a notice with the Clerk of the Circuit Court at:
- **Mundelein:** [ccmundeleinfiling@lakecountylv.gov](mailto:ccmundeleinfiling@lakecountylv.gov)
  - **Park City:** [ccparkcityfiling@lakecountylv.gov](mailto:ccparkcityfiling@lakecountylv.gov)
  - **Round Lake:** [ccroundlakefiling@lakecountylv.gov](mailto:ccroundlakefiling@lakecountylv.gov)
- Further, this Administrative Order waives the usual and customary filing fee associated with notice.
- 18. PROCEEDINGS IN BRANCH COURT.** Until further order of this court, only fully negotiated pleas, agreed terminations, dismissal of charges, filing of Petitions to Revoke, arraignments on new charges and Petitions to Revoke, dismissal of Petitions to Revoke, motions to continue and any matters allowed to be scheduled or set by court order by the assigned Judge will proceed.
- 19. PLEAS BY AFFIDAVIT.** Pursuant to 625 ILCS 5/6-601 and 735 ILCS 5/1-109, all statutorily permitted petty offenses can be resolved by the filing of the following forms and documents:
- a. An Affidavit form which can be located at:  
<http://19thcircuitcourt.state.il.us/1256/Court-Forms>
  - b. A Waiver of Trial form;
  - c. A Waiver of Right to be Physically Present form.
  - d. A separate order listing all terms and conditions of the fully negotiated plea; and an accurate Financial Sentencing Order and Cost sheet.

Any plea by Affidavit presented without those items will be rejected as incomplete. Pleas by Affidavit do not require a court date. Pleas by Affidavit may be presented to the court in the same fashion as an Agreed Order, provided both the defense and prosecution are included on any electronic

transmission of the agreed order to the Court. Failure to do so will result in the rejection of the agreed order.

Dated this 22<sup>nd</sup> day of May, 2020.

ENTERED:



DIANE E. WINTER,  
Chief Judge

2021 IL App (2d) 200603  
 No. 2-20-0603  
 Opinion filed December 27, 2021

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IN THE  
 APPELLATE COURT OF ILLINOIS  
 SECOND DISTRICT

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THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Lake County.
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 20-CF-392
	)	
GARY K. MAYFIELD,	)	Honorable
	)	Mark L. Levitt,
Defendant-Appellant.	)	Judge, Presiding.

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JUSTICE HUDSON delivered the judgment of the court, with opinion.  
 Justices Hutchinson and Jorgensen concurred in the judgment and opinion.

OPINION

¶ 1 Following a bench trial in the circuit court of Lake County, defendant, Gary K. Mayfield, was convicted of domestic battery and was sentenced to a 42-month prison term. While defendant's case was pending, the Illinois Supreme Court entered emergency orders in response to the COVID-19 pandemic, regarding section 103-5(a) of the Code of Criminal Procedure of 1963, commonly known as the Speedy Trial Act (Act) (725 ILCS 5/103-5(a) (West 2020)). Defendant argues on appeal that, even taking those orders into account, his trial was not timely, and we should reverse his conviction. Defendant alternatively argues that our supreme court exceeded its authority by suspending operation of the Act. We disagree and affirm the judgment of the circuit court of Lake County.

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¶ 2

## I. BACKGROUND

¶ 3 In late December 2019, a novel coronavirus sickened dozens in Wuhan, China. Derrick Bryson Taylor, *A Timeline of the Coronavirus Pandemic*, N.Y. Times, Mar. 17, 2021, \*\*\*\*\*[.nytimes.com/article/coronavirus-timeline.html](https://www.nytimes.com/article/coronavirus-timeline.html) [\*\*\*\*\*[perma.cc/6AVJ-L43Z](https://perma.cc/6AVJ-L43Z)]. The first known death was reported on January 11, 2020. *Id.* In February 2020, the disease caused by the coronavirus was given the name “Covid-19.” *Id.* The disease spread rapidly beyond China, and by March 2020, the United States had the highest number of confirmed cases—over 80,000—globally. *Id.* On March 9, 2020, Illinois Governor J.B. Pritzker declared every county in Illinois a disaster area. On March 20, 2020, to slow the spread of COVID-19, Governor Pritzker issued an executive order (Exec. Order No. 2020-10, 44 Ill. Reg. 5857 (Mar. 20, 2020), \*\*\*\*\*[.illinois.gov/government/executive-orders/executive-order-executive-order-number-10.2020.html](https://www.illinois.gov/government/executive-orders/executive-order-executive-order-number-10.2020.html) [<https://perma.cc/P7CK-UBVT>]) requiring all Illinois residents to stay at home except to perform certain essential activities. Governor Pritzker also ordered all nonessential businesses to cease operations. *Id.* The stay-at-home order ultimately expired on May 29, 2020. See *Documenting Illinois’ Path to Recovery from the Coronavirus (COVID-19) Pandemic, 2020-2021*, Ballotpedia, [https://ballotpedia.org/Documenting\\_Illinois%27\\_path\\_to\\_recovery\\_from\\_the\\_coronavirus\\_\(COVID-19\)\\_pandemic,\\_2020-2021](https://ballotpedia.org/Documenting_Illinois%27_path_to_recovery_from_the_coronavirus_(COVID-19)_pandemic,_2020-2021) (last visited Dec. 15, 2021) [<https://perma.cc/5ZM2-RNDB>]. As of December 1, 2021, there have been over 48 million cases and over 780,000 deaths in the United States. COVID Data Tracker, Ctrs. for Disease Control & Prevention, [https://covid.cdc.gov/covid-data-tracker/#cases\\_totalcases](https://covid.cdc.gov/covid-data-tracker/#cases_totalcases) (last visited Dec. 2, 2021) [<https://perma.cc/7JSP-LBE5>].

¶ 4 Defendant was arrested early during the COVID-19 pandemic, on February 16, 2020. The court initially scheduled his trial for April 27, 2020. On March 16, 2020, the circuit court of Lake



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County entered Administrative Order 20-11 in response to the pandemic. 19th Judicial Cir. Ct. Adm. Order 20-11 (Mar. 16, 2020). The order continued all matters for 28 days. However, “[s]peedy trial term cases” were exempt from the continuances. *Id.* The order provided that those cases would continue to be heard in a specified courtroom. On March 17, 2020, the Illinois Supreme Court entered an order in response to the pandemic. Ill. S. Ct., M.R. 30370 (eff. Mar. 17, 2020). The order directed courts to implement “temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice.” *Id.* The order provided that “[e]ssential court matters and proceedings shall continue to be heard by the Illinois courts.” *Id.*

¶ 5 On March 20, 2020, the supreme court issued another order, which authorized the chief judges of each circuit to continue trials for the next 60 days and until further order of the court. Ill. S. Ct., M.R. 30370 (eff. Mar. 20, 2020). The order provided that “[i]n the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of section 103-5 of the Code of Criminal Procedure of 1963 [citation].” *Id.* On April 3, 2020, the supreme court amended the March 20, 2020, order to read:

“The Chief Judges of each circuit may continue trials until further order of this Court. In the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of section 103-5 of the Code of Criminal Procedure of 1963 [citation]. In the case of juvenile delinquency proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the juvenile for purposes of section 5-601 of the Illinois Juvenile Court Act [citation].” Ill. S. Ct., M.R. 30370 (eff. Apr. 3, 2020).

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¶ 6 On April 6, 2020, the circuit court of Lake County issued Administrative Order 20-23, which continued all matters scheduled before May 18, 2020. 19th Judicial Cir. Ct. Adm. Order 20-23 (Apr. 6, 2020). “Speedy trial term cases” were exempted from the continuances; those cases would continue to be heard in a specified courtroom. *Id.*

¶ 7 On April 7, 2020, the supreme court issued another amended order, which provided as follows:

“The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 [citation] and section 5-601 of the Illinois Juvenile Court Act [citation]. Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court.” (Emphasis added.) Ill. S. Ct., M.R. 30370 (eff. Apr. 7, 2020).

¶ 8 On April 27, 2020, the trial court continued defendant’s trial.

¶ 9 On May 20, 2020, the supreme court amended its April 7, 2020, order by adding the following language:

“This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.” Ill. S. Ct., M.R. 30370 (eff. May 20, 2020).

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¶ 10 On May 22, 2020, the circuit court of Lake County issued Administrative Order 20-31 which incorporated the language of the supreme court's orders and continued all trials in the criminal division. 19th Judicial Cir. Ct. Adm. Order 20-31 (May 22, 2020).

¶ 11 As of May 26, 2020, the case was on the June 1, 2020, trial call, and defendant indicated that he objected to any continuances of that date. On June 1, 2020, defendant demanded trial. The trial court rejected the demand and entered a further continuance. On July 27, 2020, the trial court indicated that it would set the case for trial on August 3, 2020. The State requested a later trial date, but defendant objected. The trial court continued the case to August 13, 2020. On August 11, 2020, defendant filed a motion to dismiss for failure to bring him to trial within the 120-day speedy-trial term. Defendant argued that the speedy-trial term ran from February 16, 2020, until June 1, 2020, which was the date of the first continuance entered by the trial court pursuant to the administrative order entered by the circuit court of Lake County on May 22, 2020, which implemented the supreme court's order tolling the running of the speedy-trial term. Defendant maintained that the speedy-trial term resumed running on July 27, 2020. Defendant alternatively argued that the supreme court acted outside its authority in suspending the speedy-trial term.

¶ 12 On August 31, 2020, the trial court denied the motion to dismiss. The court ruled that, going forward, the time until trial would be attributable to the State. The matter proceeded to a bench trial on September 9, 2020. Defendant was found guilty. In his posttrial motion, he again argued that he was not timely brought to trial. The trial court denied the motion, and this appeal followed.

¶ 13

## II. ANALYSIS

¶ 14 The Act (725 ILCS 5/103-5(a) (West 2020)) provides, in pertinent part:

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“(a) Every person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he or she was taken into custody unless delay is occasioned by the defendant \*\*\*. Delay shall be considered to be agreed to by the defendant unless he or she objects to the delay by making a written demand for trial or an oral demand for trial on the record.”

¶ 15 Defendant first argues that, even if the speedy-trial term is calculated per the applicable administrative orders of the Illinois Supreme Court and the circuit court of Lake County, he was not tried within the requisite period. According to defendant, the speedy-trial term initially ran for 106 days from February 16, 2020, until June 1, 2020. The latter date was the date of the first continuance entered after the circuit court of Lake County entered its May 22, 2020, administrative order implementing the supreme court’s order tolling the running of the speedy-trial term. Defendant argues that the speedy-trial term resumed on August 3, 2020, which, according to defendant, was “the first date the [trial] court determined a trial could safely be conducted.” According to defendant, the speedy-trial term tolled again eight days later, on August 11, 2020, when he moved to dismiss. The speedy-trial term resumed once more when the motion was denied on August 31, 2020, and continued to run until defendant’s trial commenced on September 9, 2020, for a total of 123 days. Thus, according to defendant, he was brought to trial three days too late.

¶ 16 We disagree with defendant’s computation. As seen, the supreme court’s April 7, 2020, order provided, in pertinent part, “The Chief Judges of each circuit may continue trials until further order of this Court. \*\*\* [S]uch continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 \*\*\*.” Ill. S. Ct., M.R. 30370 (eff. Apr. 7, 2020). On May 22, 2020, the chief judge of the circuit court of Lake County entered an order continuing all trials in the criminal division. 19th Judicial Cir. Ct. Adm. Order 20-31 (May

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22, 2020). Under the authority of the supreme court order, that general continuance tolled the speedy-trial term. Nothing in the language of the supreme court order required any action by the trial court to toll the speedy-trial term. Accordingly, even if defendant's computation is otherwise correct (a point we express no view on), the speedy-trial term was first tolled eight days earlier than defendant claims and thus defendant's trial started within the 120-day speedy-trial term.

¶ 17 Defendant alternatively argues that our supreme court overstepped its authority by suspending the operation of the Act. Initially, we disagree with defendant's assertion that the supreme court suspended the operation of the Act. The supreme court's orders allowed for the tolling of the speedy-trial term in response to the emergency circumstances resulting from the pandemic. According to defendant, our supreme court violated the separation of powers doctrine, encroaching upon the legislative branch's power.

¶ 18 Our state constitution provides that "[t]he legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another." Ill. Const. 1970, art. II, § 1. Under article VI, section 1 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, § 1), "[t]he judicial power is vested in a Supreme Court, an Appellate Court and Circuit[ ] Courts." Furthermore, section 16 of article VI (Ill. Const. 1970, art. VI, § 16) provides, in pertinent part, "[g]eneral administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules."

¶ 19 In *Kunkel v. Walton*, 179 Ill. 2d 519, 528 (1997), our supreme court explained:

"The separation of powers provision does not seek to achieve a complete divorce between the branches of government; the purpose of the provision is to prevent the whole power of two or more branches from residing in the same hands. [Citation.] There are areas in which separate spheres of governmental authority overlap and certain functions are

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thereby shared. [Citation.] Where matters of judicial procedure are at issue, the constitutional authority to promulgate procedural rules can be concurrent between the court and the legislature. The legislature may enact laws that complement the authority of the judiciary or that have only a peripheral effect on court administration. [Citation.] Ultimately, however, this court retains primary constitutional authority over court procedure. Consequently, the separation of powers principle is violated when a legislative enactment unduly encroaches upon the inherent powers of the judiciary, or directly and irreconcilably conflicts with a rule of this court on a matter within the court's authority."

¶ 20 In *Kunkel*, our supreme court invalidated a statute requiring personal injury plaintiffs to consent to the release of medical information that was not necessarily relevant to their causes of action. The *Kunkel* court held, *inter alia*, that the General Assembly lacked the power to circumvent the relevance requirement of the supreme court's discovery rules. See *id.* at 531.

¶ 21 The scheduling of criminal trials is a matter of procedure within the realm of our supreme court's primary constitutional authority. Pursuant to *Kunkel*, the court's exercise of that authority through its orders prevails over the Act. Thus, the supreme court had the authority to allow the tolling of the time limits under the Act for bringing criminal defendants to trial. The court exercised that authority in this case in response to a pandemic that threatened the health and safety of millions of Illinois residents.

¶ 22 Defendant cites numerous cases for the general propositions that courts have no legislative power and are thus confined to interpreting and applying statutes as they are written. Defendant relies heavily on *Henrich v. Libertyville High School*, 186 Ill. 2d 381, 394 (1998). He also cites *Board of Education of Roxana Community School District No. 1 v. Pollution Control Board*, 2013 IL 115473, ¶ 25. He argues that "the judicial branch has no authority to thwart the legislative

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branch by suspending or reading exemptions into statutes, so as to make them conform with the court's policy preferences." (Emphasis in original.) Suffice it to say that neither case involves legislation on a subject within the power of the judicial branch. Nor—except for *Newlin v. People*, 221 Ill. 166 (1906)—is such legislation at issue in any of the other cases defendant cites that articulate similar principles of statutory interpretation. See *Citibank, N.A. v. Illinois Department of Revenue*, 2017 IL 121634; *In re Marriage of Turk*, 2014 IL 116730; *DeSmet v. County of Rock Island*, 219 Ill. 2d 497 (2006); *Chirikos v. Yellow Cab Co.*, 87 Ill. App. 3d 569 (1980); *People ex rel. Difanis v. Barr*, 83 Ill. 2d 191 (1980); *Donovan v. Holzman*, 8 Ill. 2d 87 (1956); *Stiska v. City of Chicago*, 405 Ill. 374 (1950); *Smith v. Board of Education of Oswego Community High School District*, 405 Ill. 143 (1950). These cases are simply inapposite.

¶ 23 Defendant also relies on *Newlin*, 221 Ill. 166. In *Newlin*, because of the sickness of the judges, the defendant was not timely brought to trial. Our supreme court reversed the defendant's conviction. The court explained:

“By the section of the statute in question an absolute right is conferred upon a person charged with crime and committed to and imprisoned in jail, to be set at liberty unless tried within the time limited by that section, except where the circumstances exist which by the provisions of that statute require the court to hold the person for trial. Thus is the constitutional guaranty of a speedy trial made effective. To an application under this statute it is not sufficient for the prosecution to say that it was inconvenient or impossible for the judges of the circuit to hold the term of court at the time fixed by the statute. The law of the State gives the judges of the various circuits the right to interchange with each other, hold court for each other and perform each other's duties where they find it necessary or convenient. [Citation.] If the provisions of the law do not insure the transaction of the

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business of the courts a remedy may be afforded by the legislature. We are without power to read into the statute in question an exception which does not appear there.” (Emphasis added.) *Newlin*, 221 Ill. at 173-74.

¶ 24 The issue in *Newlin*—the illness of particular judges—is in no way comparable to the pandemic that necessitated the entry of the supreme court’s orders in this case. In *Newlin*, there was no apparent reason why a judge from another circuit could not have been assigned to preside over the defendant’s trial so that it could have proceeded in the time allowed by law. There is no comparable solution to the problem of meeting speedy trial deadlines during a deadly pandemic at a time when every county and every court was operating under the same constraints. A reallocation of judicial personnel or judicial resources would not have addressed the health and safety concerns that necessitated the supreme court’s orders in this case. The circumstances existing under the *Newlin* case are distinguishable from the exceptional and urgent circumstances here. The circumstances of this case bring to mind Justice Jackson’s statement—the United States Constitution should not be transformed into a suicide pact (*Terminiello v. City of Chicago*, 337 U.S. 1, 37 (1949) (Jackson, J., dissenting, joined by Burton, J.))—which applies in equal force to our state constitution.

¶ 25 Notably, *Newlin* was decided under the Illinois Constitution of 1870, which did not vest the supreme court with “[g]eneral administrative and supervisory authority over all courts” as does section 16 of article VI of our current state constitution. Ill. Const. 1970, art. VI, § 16. *Newlin*’s reasoning also does not appear to reflect the current broad scope of the judicial power, particularly our supreme court’s primary constitutional authority over court procedure, as illustrated in *Kunkel*. That authority encompasses the power to regulate the scheduling of trials, and when the supreme



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court exercises that authority, legislation in conflict must yield. This principle is entirely consistent with Illinois Supreme Court Rule 1 (eff. July 1, 1982), which defendant cites for this language:

“General rules apply to both civil and criminal proceedings. The rules on proceedings in the trial court, together with the Civil Practice Law and the Code of Criminal Procedure, shall govern all proceedings in the trial court, except to the extent that the procedure in a particular kind of action is regulated by a statute other than the Civil Practice Law.”

Contrary to defendant’s insinuation, the supreme court did not subordinate itself to the legislature through Rule 1. In *People ex rel. Sheppard v. Money*, 124 Ill. 2d 265 (1988), the supreme court commented about the scope of the rule: “This court has upheld procedures where the legislature’s enactments affect proceedings in an action statutory in origin and nature as long as they do not conflict with a rule of this court.” (Emphasis added.) *Id.* at 284-85 (section 20 of the Illinois Parentage Act of 1984 (Ill. Rev. Stat. 1987, ch. 40, ¶ 2520), which provides for the withholding of income to secure payment of child support, did not violate the separation of powers; the procedures relating to the withholding of income were entirely statutory in origin and nature, and there was no conflict between section 20 and a supreme court rule). Accordingly, we hold that the supreme court had the authority to allow for tolling speedy-trial terms in response to the extraordinary and dire circumstances that existed when the orders were entered.

¶ 26

### III. CONCLUSION

¶ 27 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 28 Affirmed.

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No. 2-20-0603

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Cite as: People v. Mayfield, 2021 IL App (2d) 200603

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Decision Under Review: Appeal from the Circuit Court of Lake County, No. 20-CF-392; the Hon. Mark L. Levitt, Judge, presiding.

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Attorneys for Appellant: James E. Chadd, Thomas A. Lilien, and Zachary Wallace, of State Appellate Defender's Office, of Elgin, for appellant.

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Attorneys for Appellee: Eric F. Rinehart, State's Attorney, of Waukegan (Patrick Delfino, Edward R. Psenicka, and John G. Barrett, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.

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No. 128092

IN THE

## SUPREME COURT OF ILLINOIS

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PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 2-20-0603.
	)	
Respondent-Appellee,	)	There on appeal from the Circuit
	)	Court of the Nineteenth Judicial
-vs-	)	Circuit, Lake County, Illinois, No.
	)	20 CF 392.
	)	
GARY MAYFIELD,	)	Honorable
	)	Mark L. Levitt,
Petitioner-Appellant.	)	Judge Presiding.

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**NOTICE AND PROOF OF SERVICE**

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On May 20, 2022, the Brief and Argument was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mail box in Elgin, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Brief and Argument to the Clerk of the above Court.

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