

**SIXTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER
MISDEMEANOR/TRAFFIC DIVISION**

Effective July 8, 2021

Alicia E. Bennett
Clerk of the Circuit Court
Kane County, IL

JUL 7 2021

FILED 87

ENTERED _____

IN THE MATTER OF)
JURY TRIAL PROCEDURES)

WHEREAS, due to measures implemented by the State of Illinois and the Kane County Health Department including but not limited to the availability of vaccines, the Coronavirus pandemic infection rates have decreased to such a degree that many Court Operations which have been modified may resume while still protecting the health and safety of the public, Circuit Court Judges and Circuit Court employees, and pursuant to Supreme Court Rule 21(b) and the Court's inherent authority; and

WHEREAS, the Supreme Court of Illinois entered Order M.R. 30370 on June 30, 2021, authorizing the Chief Judge of each Circuit Court to relax or eliminate social distancing as had been required by Supreme Court Order dated May 20, 2020, which allowed a return to hearing court matters, whether in person or remotely, according to the schedule adopted by the Chief Judge of each Circuit; and

WHEREAS, it is in the best interests of all of the above-named parties and individuals to begin conducting jury trials in the assigned trial judges courtroom:

IT IS HEREBY ORDERED that the following procedures will apply to all jury trials in the Misdemeanor/Traffic Division:

1. Jury trials will take place in the courtroom of the assigned trial judge as follows:
 - A. Judge Johnson, CR209, effective July 8, 2021;
 - B. Judge Cruz, CR203, effective July 29, 2021. Any trials scheduled to be heard in CR203 prior to July 29, 2021 shall be rescheduled at the existing Thursday Trial Status date.
2. All jury trials will commence on Thursdays at 1:30 p.m. After following the procedures outlined below, jury trials that were found ready for trial on Thursday will be continued over to the following Tuesday for jury selection. Jury selection will begin on Tuesday at 8:30 a.m.
3. Thursdays at 1:30 p.m., the trial judge will ask each party if they are answering ready for trial. If answering ready for trial, both sides must provide the following information:
 - A. Each party must provide the trial judge with a written list of the witnesses they intend to call at trial and provide a basic description of the role of each witness. This witness list should be the witnesses the party actually intends to call excluding

rebuttal witnesses. An example of a witness list and the general description is contained below:

WITNESS	DESCRIPTION OF THE ROLE OF EACH WITNESS
Jane Doe	The victim of the alleged offense
John Doe	Occurrence witness to provide identification of the Defendant
Officer Gates	Arresting Officer
Bill Nextel	Witness to provide foundation for phone records
Jim Lab Tech	Expert witness to prove firearm in working condition

- B. Each party must provide the trial judge with a copy of the served subpoena for all material witnesses, with the exception of law enforcement personnel, lab personnel, medical professionals and other "professional" witnesses that the State anticipates calling. For the purpose of this Administrative Order, a material witness is a witness needed to prove a material element of the case.
 - C. All material witnesses, with the exception of law enforcement personnel, lab personnel, medical professionals and other "professional" witnesses that the State anticipates calling, must either personally appear in open court or appear remotely on Thursday at 1:30 p.m. If a material witness has been validly served with a subpoena for the Thursday afternoon court session, said material witness can be excused from appearing at the Thursday afternoon session if counsel can represent to the Court the material witness has been contacted and is cooperative.
 - D. Each party must confirm with the trial judge that they have spoken to all the witnesses and confirmed that they have received their subpoena and can appear for trial on any day of the following week.
 - E. All Motions in Limine and any other pre-trial motions must be completed no later than Thursday at 4:30 p.m. No Motions in Limine or other pre-trial motions will be heard on Tuesday.
4. If both parties have met the requirements outlined above in sections 4A through 4E, the trial judge will consider the case ready for trial. The trial judge will order that all subpoenas be continued until Tuesday of the next week.
 5. If either party is unable to meet the requirements outlined in above sections 4A through 4E, the Judge may not consider the case to be ready for trial. A party who has not met the requirements outlined above in sections 4A through 4E, may ask the trial court to find the case is ready for trial. The Court will make the decision whether the case is ready for trial after hearing arguments from both sides.

6. All parties whose cases are ready for trial must provide the trial judge with an email address and phone number where they can be reached. If a case that was found ready for trial on Thursday will not proceed the following Tuesday due to a witness issue, a plea, etc. the attorneys must notify the judge presiding over the case as soon as possible so that jurors may be called off and other matters may proceed.
7. If more than one case is ready for trial in a given courtroom, the trial judge, at his or her discretion, may determine if another trial judge is available to hear the case on the following Tuesday and, if so, may request that the Presiding Judge of the Misdemeanor/Traffic reassign the case accordingly. If no other judge is available on the following Tuesday, the trial judge may enter an order that jury selection for one of the cases shall take place at the conclusion of the Tuesday trial and set the trial to commence on another day that same week.
8. Pursuant to the order entered in M.R. 30370 on June 30, 2021, beginning October 1, 2021, statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5) and section 5-601 of the Juvenile Court Act of 1987 (705 ILCS 405/5-601) shall no longer be tolled. All days on and following October 1, 2021, shall be included in speedy trial computations as contained in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act of 1987. Days prior to the Supreme Court's March 20, 2020, order in M.R. 30370 *In re: Illinois Courts Response to COVID-19 Emergency/Impact on Trials* shall also be included in speedy trial computations as required by the statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963. Days prior to the Supreme Court's April 3, 2020, modification to M.R. 30370 *In re: Illinois Courts Response to COVID-19 Emergency/Impact on Trials* shall also be included in speedy trial computations as required by the statutory time restrictions of sections 5-601 of the Juvenile Court Act of 1987.

Entered this 7th day of July, 2021



Cruz, Rene
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Honorable Rene Cruz

Presiding Judge, Misdemeanor/Traffic
Division