
IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Appellate Court of
)	Illinois, First Judicial District, No. 1-
Plaintiff-Appellee,)	22-0322
)	
v.)	There on Appeal from the Circuit
)	Court of Cook County, Illinois, No.
JUSSIE SMOLLETT,)	20 CR 03050-01
)	
Defendant-Appellant.)	The Honorable James B. Linn,
)	Judge Presiding
)	

**THE STATE-APPELLEE'S MOTION FOR
AN EXTENSION OF TIME TO FILE ITS BRIEF**

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6/4/2024 4:41 PM
CYNTHIA A. GRANT
SUPREME COURT CLERK

The People of the State of Illinois (“State-Appellee”), by and through the Office of the Special Prosecutor (“OSP”), pursuant to Illinois Supreme Court Rules 343, 361 and 610, hereby moves this Court for an order extending the time to file the State-Appellee’s brief 35 days from the current due date of June 5, 2024, to July 10, 2024. Defendant-Appellant Jussie Smollett takes no position regarding this motion. In support of this motion, the OSP states as follows:

1. Mr. Smollett’s Petition for Leave to Appeal was granted on March 27, 2024.
2. Mr. Smollett filed his opening brief on May 1, 2024, and consequently, the OSP’s answering brief is currently due to be filed on June 5, 2024.
3. The OSP is working diligently on its brief. However, in light of the number of issues raised in Mr. Smollett’s brief (five separate pretrial, trial and sentencing issues, most of which contain sub-issues within the larger issue), as well as scheduling conflicts due to prior commitments, the OSP needs additional time to complete its brief.
4. The OSP has not made any previous request for an extension of time to file its brief, and the Court has not granted any additional time to file the brief.
5. In accordance with Rule 610(c), the OSP has conferred with counsel for Mr. Smollett regarding this motion, and counsel for Mr. Smollett stated that Mr. Smollett takes no position regarding this first motion for an extension of time to file State-Appellee’s brief.
6. This motion is made in good faith and not for the purpose of delay.
7. Therefore, the OSP respectfully requests that this Court grant State-Appellee’s first Motion for an Extension of Time to File its Brief an additional 35 days from the current due date, or until July 10, 2024.

Dated: June 4, 2024

Respectfully Submitted,

/s/ Sean G. Wieber

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STATE-APPELLEE'S RULE 610(b) AFFIDAVIT

In accordance with Illinois Supreme Court Rule 610(c), I, Sean G. Wieber, having personal knowledge of the following facts, state as follows the undersigned certifies the following under the penalties as provided by law pursuant to 735 ILCS 5/1-109:

1. My name is Sean G. Wieber. I am an attorney licensed to practice law before the Courts of Illinois. I serve as Deputy Special Prosecutor in the above-captioned matter, and served in the same role below in the Circuit Court of Cook County, Illinois in Case No. 20 CR 03050-01 before the Honorable James B. Linn.

2. Mr. Smollett filed his opening brief on May 1, 2024.

3. State-Appellee is working diligently on its brief. However, in light of the number of issues raised in Mr. Smollett's brief, and due to scheduling conflicts with prior commitments, the OSP needs an additional 35 days from the current due date of June 5, 2024, or until July 10, 2024, to file its brief.

4. State-Appellee has not previously filed a motion for an extension of time to file its brief, and no extensions of time for State-Appellee to file its brief have been granted by this Court.

5. Before filing this motion, State-Appellee conferred with counsel for Mr. Smollett regarding this first request for an extension of time, and counsel for Mr. Smollett stated that Mr. Smollett takes no position with regard to the OSP's motion for extension.

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, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: June 4, 2024

/s/ Sean G. Wieber

By: Sean G. Wieber
Deputy Special Prosecutor

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ORDER

This cause coming before this Court on *State-Appellee's Motion for an Extension of Time to File its Brief*, with all parties having been notified, the Court having jurisdiction and having been fully advised in the premises,

IT IS HEREBY ORDERED:

() State-Appellee's Motion is ALLOWED

() State-Appellee's Motion is DENIED.

Justice

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NOTICE OF FILING

Please take notice that on June 4, 2024, I, Sean G. Wieber, the undersigned attorney, caused the State-Appellee’s Motion for an Extension of Time to File its Brief to be electronically filed with the Clerk of the Illinois Supreme Court.

Dated: June 4, 2024

Respectfully submitted,

/s/ Sean G. Wieber
Deputy Special Prosecutor

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PROOF OF FILING AND SERVICE

Under the penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct. On June 3, 2024, the foregoing State-Appellee's Motion for an Extension of Time to File its Brief, was electronically filed with the Clerk, Illinois Supreme Court, thereby causing service to be affected electronically to:

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*Attorney for Defendant-Appellant
Jussie Smollett*

/s/ Sean G. Wieber _____

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