

No. 132186

**IN THE
SUPREME COURT OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate
	)	Court of Illinois, Second
Plaintiff-Appellant,	)	Judicial District,
	)	No. 2-24-0557
	)	
v.	)	On Appeal from the
	)	Circuit Court for the
	)	Nineteenth Judicial Circuit,
	)	Lake County, Illinois,
	)	No. 24-MX-216
CAITLIN SANDLASS,	)	
	)	
Defendant-Appellee	)	The Honorable Ari Fisz,
	)	Judge Presiding.

**BRIEF AND APPENDIX OF DEFENDANT-APPELLEE
CAITLIN SANDLASS**

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NATURE OF THE ACTION

Pursuant to Supreme Court Rule 341(i), Defendant-Appellee submits the following Nature of the Action because the Appellant's presentation omits critical procedural facts regarding the State's concessions on the trial court record.

The Defendant-Appellee, Caitlin Sandlass, was charged with driving under the influence of alcohol (DUI) on April 21, 2024. Following her arrest, she promptly filed a Petition to Rescind (PTR) her statutory summary suspension on April 22, 2024, triggering a strict 30-day statutory burden and deadline for the State to afford her a hearing under 625 ILCS 5/2-118.1(b). Through no fault of the Defendant, the State failed to bring the petition to a hearing within the mandatory 30-day period.

This case centers on the fundamental tension between the Secretary of State's administrative role to process valid statutory summary suspensions and the bedrock due process rights of the Petitioner to a prompt hearing (within 30 days) on her Petition to Rescind Summary Suspension. On May 10, 2024, the State's Attorney stated on the record that the Secretary of State had not yet filed the Confirmation of Summary Suspension, openly conceding that the trial court lacked jurisdiction to hear the petition. Consequently, the trial court continued the matter by "Order of Court" to May 17, 2024 which was on the Uniform Traffic Tickets.

On May 17, 2024, Defense counsel informed the court that the Defendant filed a Petition to Rescind and they would not agree to continue the PTR "By Agreement" but they would agree to continue the felony matter "by Agreement". Based on the Defense counsel's notice of filing a PTR, the court once again continued the Petition to Rescind

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on the court record by “Order of Court”. The court scheduled the hearing for June 14, 2024, a date well beyond the mandatory 30-day statutory window. Neither the court nor the Lake County State’s Attorney checked or asked the filing date of the Petition to Rescind. The Defense Attorney stayed silent.

When the Defendant moved to grant the PTR based on the expiration of the 30-day deadline, the circuit court improperly and retroactively attributed the delays to the Defendant. The Appellate Court, Second District, correctly reversed the circuit court's denial of the PTR, holding that the trial court abused its discretion in attributing the delay from May 10 to May 17 to the Defendant, as a trial court cannot legally hold a rescission hearing until the Secretary of State has reviewed the sworn report for statutory defects and Confirmed the suspension. No questions are raised regarding the sufficiency of the pleadings.

ISSUES PRESENTED FOR REVIEW

Pursuant to Supreme Court Rule 341(i), Appellee submits the following Issues Presented because the Appellant’s formulation does not accurately reflect the legal impossibility of holding the hearing on May 10, or the trial court's retroactive alteration of its own orders.

1. Whether the plain language of 625 ILCS 5/11-501.1(h) mandates that the Secretary of State perform a substantive administrative review of law enforcement sworn reports for defects prior to issuing a Confirmation of Summary Suspension, such that the SOS confirmation serves as indispensable prerequisite to presenting a ripe, justiciable controversy, leaving the petitioner without standing to challenge a suspension that has not yet been administratively confirmed.

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Whether the Appellate Court correctly held that the delay from May 10 to May 17, 2024, could not be attributed to the Defendant where the State's failure to secure a Confirmation of Summary Suspension made holding the hearing legally impossible for lack of a justiciable matter.

2. Whether a trial court commits reversible error when it retroactively amended the Official Court Record thereby altering the nature of the continuance from "Order of Court" to a delay occasioned by the Defendant in order to cure the State's failure to provide a timely hearing.
3. Whether a defendant engages in actionable "gamesmanship" by remaining silent when the trial court schedules a hearing outside the 30-day statutory window, given that the legal burden to schedule the hearing within 30 days rests entirely with the State.

STATUTES INVOLVED

625 ILCS 5/2-118.1. Opportunity for hearing... (b) Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction.

625 ILCS 5/11-501.1. Suspension of drivers license... (h) Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension or revocation by mailing a notice... **However, should the sworn report be defective by not containing sufficient information or be completed in**

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error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

STATEMENT OF FACTS

The Defendant, Caitlin Sandlass, was arrested on April 21, 2024, and issued citations for driving under the influence of alcohol (DUI) alongside a felony complaint for unlawful possession of cannabis. (Sup. C. 4-5; R. 57-60). Her initial court appearance was set for May 17, 2024. (C. 10).

On April 22, 2024, just one day after her arrest, she paid the required filing fee, filed a Petition to Rescind (PTR) her statutory summary suspension, and served a copy of the PTR on the Lake County State's Attorney. (C. 7-9). The State does not contest that it received proper and timely notice of the PTR. The Lake County Circuit Clerk generated an initial hearing date of May 10, 2024. (C. 10). Under the mandate of 625 ILCS 5/2-118.1(b), the State was required to conduct the rescission hearing within 30 days, establishing a firm deadline of May 22, 2024.

On May 10, 2024, the parties appeared before the Honorable Ari Fisz. The Assistant State's Attorney explicitly informed the court that the Secretary of State had not yet filed the Confirmation of Summary Suspension, conceding the court's lack of authority on the record:

"The confirmation of summary suspension has not been filed with the Court yet, Judge. So I don't believe you have jurisdiction to hear the triple S [statutory

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summary suspension] yet... So I suppose we should send that to follow, Judge."

(R. 3).

The trial court then asked defense counsel, "What I would typically do is send this one to follow [the felony case]. Any problem with that?" Defense counsel replied, "Nope." (R. 5). The circuit court's official written order and Official Court Record recorded the continuance as an "Order of Court," not "Motion of Defendant" nor "By Agreement" Because there was yet to be a Confirmation of Summary Suspension to be heard (C. 16-17).

The parties appeared again on May 17, 2024, before Judge Raymond D. Collins. (C. 81). During scheduling, defense counsel explicitly informed Judge Collins that he filed the PTR on the DUI matter. Defense counsel then stated he would go by agreement on the criminal matter but would not go "By Agreement" on the Petition to Rescind. When the trial court specifically asked, *"So you don't want to by agreement continue the petition to rescind?"*, defense counsel definitively answered, *"No."* (C. 86). The trial court stated it would set the hearing for June 14, 2024. Defense counsel asked, *"And that's order of court?"* to which the trial court replied, *"Yes."* (C. 86). The trial court entered a written order confirming the matter was set for June 14 upon "Order of Court". (C. 18). Defense counsel just stated in open court that he filed a PTR and would not go "by agreement", but still the State remained entirely silent and failed to check the Notice or Filing date of the PTR or the deadline, as the court selected a date 23 days beyond the statutory limit.

On May 28, 2024, the Defendant filed a Motion to Grant the Petition to Rescind due to the State's failure to hold a timely hearing. (C. 19-21). During the ensuing

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hearings, the State pivoted from its previous jurisdictional concession, arguing instead that the Defendant "occasioned the delay." (R. 9-12).

The trial court denied the Defendant's motion. (R. 29-41). In a departure from the written record, the trial court retroactively re-characterized the May 10 "Order of Court" continuance as a delay attributable to the Defendant because counsel had answered "Nope" to the court's scheduling question on whether he had a problem with that date. (R. 29-30). Furthermore, the trial court found that the delay from May 17 to June 14 was also attributable to the Defendant, ruling that defense counsel engaged in "gamesmanship" by remaining silent and failing to affirmatively advise the State and Court that the June 14 date would violate the 30-day rule. (R. 36-39). The court subsequently denied the Motion to Grant the PTR by changing the Court File, nunc pro tunc, by attributing the delays against the Defendant. (R. 63).

The Defendant appealed to the Second District Appellate Court, which correctly reversed the circuit court. The Appellate Court held that the trial court abused its discretion in attributing the May 10 delay to the Defendant, when there was clearly no Confirmation of Summary Suspension on file yet. The court reasoned that because the Secretary of State had not confirmed the suspension, the trial court lacked the legal authority to hold a rescission hearing. Consequently, the State's failure to secure the required confirmation rendered the hearing impossible, placing the burden of the delay squarely on the State. The State subsequently petitioned this Court for review.

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ARGUMENT**I. STANDARD OF REVIEW**

The primary issues in this appeal involve the proper interpretation of 625 ILCS 5/2-118.1 and 625 ILCS 5/11-501.1, which are questions of law reviewed *de novo*. *People v. Fair*, 2024 IL 128373, ¶ 61. While a circuit court's factual determination regarding whether a delay is attributable to a defendant is typically reviewed for an abuse of discretion, *People v. Gocmen*, 2018 IL 122388, ¶ 21, an abuse of discretion occurs when the trial court's ruling rests on a fundamental error of law or contradicts the official written record. *People v. Porter-Boens*, 2013 IL 115620, ¶ 10. Here, the trial court committed an error of law by retroactively attributing delay to the Defendant when it was legally impossible to hold a hearing, and by unlawfully shifting the State's burden of scheduling onto the defense. Thus, no deference is owed.

II. THE ABSENCE OF A CONFIRMATION OF SUMMARY SUSPENSION DEPRIVES THE CIRCUIT COURT OF A RIPE, JUSTICIABLE MATTER, RENDERING IT LEGALLY IMPOSSIBLE TO PROCEED WITH A RESCISSION HEARING.

The State's entire appeal rests on conflating general subject-matter jurisdiction with constitutional justiciability in a desperate attempt to excuse its failure to provide the Defendant with a timely hearing under 625 ILCS 5/2-118.1(b). Relying heavily on *People v. Guillermo*, 2016 IL App (1st) 151799, and *People v. Kotlinski*, 2024 IL App (4th) 230526, the State asserts that because circuit courts possess general subject-matter jurisdiction over summary suspensions, the Secretary of State's administrative confirmation is a meaningless formality and a hearing can proceed without it. This argument fundamentally misunderstands Illinois constitutional law.

While the Defendant acknowledges that circuit courts derive their general subject matter jurisdiction from Article VI, Section 9 of the Illinois Constitution rather than from legislative statutes, the State fundamentally ignores that this constitutional grant of power is strictly and expressly limited to "justiciable matters." *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 335 (2002). Even if a court possesses general subject matter jurisdiction, it cannot constitutionally proceed if the specific controversy before it is not justiciable.

A. Under 625 ILCS 5/11-501.1(h), a Pre-Confirmation Suspension is Legally Contingent, Rendering the Controversy Unripe and Destroying the Defendant's Standing to Proceed.

The Illinois Supreme Court defines a "justiciable matter" as a controversy appropriate for review by the court, in that it is "definite and concrete, as opposed to hypothetical or moot, touching upon the legal relations of parties having adverse legal interests." *Belleville Toyota*, 199 Ill. 2d at 335. This constitutional limitation necessarily encompasses the doctrines of ripeness and standing. The doctrine of ripeness prevents Illinois courts from issuing advisory opinions and protects courts from adjudicating claims dependent on contingent future events that may not occur as anticipated, or indeed may not occur at all. *Lebron v. Gottlieb Memorial Hospital*, 237 Ill. 2d 217, 252 (2010); see also *Trump v. New York*, 592 U.S. 125, 131 (2020).

The plain language of the Illinois Vehicle Code establishes that a statutory summary suspension is not a guaranteed inevitability the moment an officer issues a notice. The Illinois General Assembly expressly empowered—and mandated—the

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Secretary of State to serve as an administrative gatekeeper, requiring an independent audit of the law enforcement sworn report before a suspension becomes legally operable.

Section 11-501.1(h) dictates: "However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record." 625 ILCS 5/11-501.1(h) (emphasis added).

Until the Secretary of State completes this substantive review, verifies the sufficiency of the officer's report, and files the Confirmation of Summary Suspension with the court of venue, the suspension is legally inchoate. It is entirely possible that the Secretary of State will discover a defect and independently void the suspension before it ever enters the record. Therefore, a Petition to Rescind a suspension that has not yet been confirmed presents a fundamentally hypothetical controversy.

If a circuit court were to conduct a hearing and rule on the merits of an unconfirmed suspension, it would be issuing an unconstitutional advisory opinion on a prospective administrative penalty that the executive branch might ultimately reject. Because the injury (the deprivation of driving privileges) has not yet been officially effectuated and recorded by the State agency, the controversy is fatally unripe. Consequently, the defendant technically lacks the requisite standing to challenge a non-existent administrative order, and the court lacks a concrete justiciable matter to adjudicate.

This is exactly why the Second and Third Districts have historically refused to allow hearings to proceed without confirmation. See *People v. Madden*, 273 Ill. App. 3d

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114 (3d Dist. 1995) ("A suspension may not be rescinded until it has been confirmed"); *People v. Moreland*, 2011 IL App (2d) 100699 ("Without a confirmation of the suspension, there is not a suspension for the trial court to rescind"). A hypothetical, self-executing document does not create a justiciable matter; the administrative processing and confirmation by the Secretary of State is the trigger that breathes legal life into the suspension.

B. The State Explicitly Conceded the Lack of Justiciability on the Record, Making the Ensuing Delay Inherent to the State's Administrative Failure.

In an attempt to bypass the ripeness requirement, the State relies on *Kotlinski*, which noted that while subject matter jurisdiction cannot be forfeited, defenses such as a lack of ripeness or a lack of standing are subject to forfeiture if not raised in a timely manner in the trial court. *Kotlinski*, 2024 IL App (4th) 230526, ¶ 42 (citing *Lebron*, 237 Ill. 2d at 252-53).

The State's reliance on forfeiture is entirely misplaced in the present case. The issue of justiciability and ripeness was not forfeited; it was squarely raised and explicitly conceded by the State itself on the record. On May 10, 2024, the initial hearing date, the Assistant State's Attorney explicitly informed the trial court that the Secretary of State had not yet filed the confirmation, openly stating:

"The confirmation of summary suspension has not been filed with the Court yet, Judge. So I don't believe you have jurisdiction to hear the triple S yet... So I suppose we should send that to follow, Judge." (R. 3).

Whether categorized colloquially as "jurisdiction" by the Assistant State's Attorney in open court or accurately recognized under the *Belleville Toyota* framework as a total lack of ripeness and justiciability, the legal reality on May 10 was identical:

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The State admitted it was legally impossible for the circuit court to adjudicate an unconfirmed, inchoate suspension.

The lack of a confirmed, concrete controversy erected an absolute constitutional barrier to proceeding. Because this barrier was erected entirely by the State's failure to process its own administrative paperwork and secure the required confirmation within the 30-day statutory window, the ensuing delay must be attributed solely to the State. The Defendant filed her petition promptly on April 22, fulfilling all of her statutory obligations. To attribute the delay from May 10 to May 17 to the Defendant would be to unlawfully penalize her for the State's inability to present a ripe, justiciable controversy. The Second District was entirely correct in recognizing this legal impossibility and attributing the delay to the State.

**III. THE DELAY FROM MAY 10 TO MAY 17 WAS OCCASIONED SOLELY BY
THE STATE DUE TO THE LEGAL IMPOSSIBILITY OF PROCEEDING
WITHOUT A CONFIRMED SUSPENSION**

A. Defense Counsel's Passive Acknowledgement of the Court's Continuance Does Not Constitute an Agreement to Delay.

The State argues that because defense counsel answered "Nope" when asked if he had a "problem" with the case following the felony matter to May 17, the defense affirmatively agreed to toll the 30-day clock. This argument fails on logic and law.

On May 10, the State explicitly announced it did not have jurisdiction to proceed because the confirmation was missing. (R. 3). At that exact moment, the hearing became legally impossible. The State *invited* the continuance. The State cannot claim on May 10 that a continuance by "order of court" is legally mandatory due to a lack of jurisdiction,

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and then argue on appeal that Sandlass caused the delay by politely acknowledging the State's own defect.

When the court asked defense counsel if he had a problem with the court's scheduling, counsel's "Nope" (R. 5) was an acknowledgment of an unalterable procedural reality. Had counsel objected vehemently, the result would have been identical: the hearing could not occur. A defendant cannot "invite" an error when the court inherently lacks the power to proceed.

B. The Trial Court Impermissibly and Retroactively Altered the Official Court Record to Cure the State's Delay.

In attempting to attribute the May 10 delay to the Defendant, the trial court retroactively changed the official record to justify its denial of the petition to rescind. On May 10, the trial court officially continued the case by "**Order of Court.**" (C. 17). Weeks later, after the 30-day deadline had already expired, the trial court looked back at defense counsel's single-word acknowledgment ("Nope") and improperly transformed a delay dictated by the State's missing paperwork (lack of Confirmation of SS) into a delay "occasioned by the Defendant." (R. 29-30).

This retroactive alteration of the official court record is legally impermissible. In Illinois, a written order of the circuit court entered in the record is presumed to correctly reflect the court's action, and it controls over any subsequent attempt to reinterpret the events. *City of Chicago v. American National Bank & Trust Co. of Chicago*, 171 Ill. App. 3d 680, 686 (1st Dist. 1988). **A court may only modify its records retroactively (*nunc pro tunc*) to correct clerical errors; it cannot be used to rewrite history, supply omitted judicial action, or correct judicial errors to save a party's case.** *Beck v. Stepp*,

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144 Ill. 2d 232, 238 (1991). See also *People v. Smith*, 242 Ill. App. 3d 399, 405 (1st Dist. 1993) ("We must rely on the common law record and the transcripts... to determine whether a delay is attributable to the defendant").

By retroactively changing a delay caused by the State (and officially recorded as an "Order of Court") into a delay attributable to the Defendant, the trial court improperly rewrote history to save the State from its statutory violation. The seven days between May 10 and May 17 were indisputably occasioned by the State.

The trial court's retroactive recharacterization of the May 10, 2024, continuance constitutes a severe and impermissible abuse of the court's inherent nunc pro tunc authority. In Illinois, the power to modify a record retroactively is strictly limited to correcting inadvertent clerical errors so that the record speaks the truth of what was actually decided contemporaneously; it can never be wielded as a mechanism to rewrite history, supply omitted judicial action, or cure fatal procedural defects. *People v. Melchor*, 226 Ill. 2d 24, 32-33 (2007); *Beck v. Stepp*, 144 Ill. 2d 232, 238 (1991). When Judge Fisz reached backward in time to alter the substantive nature of the official, written "Order of Court" into a delay "occasioned by the Defendant", based on nothing more than defense counsel's polite acknowledgment of an unavoidable, State-created barrier to justiciability, the court was not correcting a mere typographical error. The court was improperly manufacturing a retroactive legal fiction specifically designed to save the State from the consequences of its own statutory violation. Such judicial alterations destroy the reliability of the official court record, subvert the Defendant's due process rights, and warrant immediate reversal by this Court.

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**IV. THE DELAY FROM MAY 17 TO JUNE 14 WAS NOT OCCASIONED
BY THE DEFENDANT, AS THE STATE ALONE
BEARS THE BURDENTO HOLD A TIMELY HEARING.**

By May 17, the State had burned through 25 days of its 30-day deadline. When the parties appeared, defense counsel explicitly stated on the record: *"I have no problem going by agreement on the criminal case, but I did file a petition to rescind on the DUI charge."* (C. 85). When the trial court specifically asked, *"So you don't want to, by agreement, continue the petition to rescind?"* defense counsel definitively replied, *"No."* (C. 86). Counsel then verified multiple times that the subsequent continuance was by *"order of court."* (C. 86).

Despite this clear, on-the-record refusal to agree to a continuance, the trial court set the hearing for June 14, pushing the timeline to 53 days. The State argues, and the trial court agreed, that defense counsel's "silence" regarding the expiration of the 30-day deadline constituted "gamesmanship," and thus the 28-day delay should be blamed on the Defendant. This is a severe misapplication of the law that illegally shifts the burden of prosecution onto the defense.

A. Passive Silence Does Not Constitute "Gamesmanship," and the Defense Has No Affirmative Duty to Advise the State of Its Own Statutory Deadlines.

The State relies entirely on *People v. Boyd*, 2023 IL App (2d) 220053, to argue that defense counsel engaged in improper deception. In *Boyd*, the defense counsel was specifically asked by the trial judge if a proposed court date fell within the 30-day deadline. The defense counsel in *Boyd* **actively lied to the court**, affirmatively misrepresenting the timeline and falsely stating that the chosen date was safe.

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Boyd is entirely distinguishable. In the present case, defense counsel for Ms. Sandlass never lied to the court. He never misrepresented a calculation. He explicitly refused an agreed continuance. He simply remained silent regarding the exact expiration date of the State's deadline while the court set the matter by "Order of Court." (C. 86, C. 18).

The State seeks to invent a new, affirmative duty for defense attorneys: the duty to act as the State's calendar clerk. Under the State's theory, a defense attorney must actively interrupt a judge, calculate the State's speedy-hearing deadlines on the record, and demand an earlier date whenever the court selects a date outside the statutory window. This directly contradicts established Illinois Supreme Court precedent. The law unequivocally shifts the burden of scheduling entirely onto the State. As this Court firmly established in *People v. Schaefer*:

*"The 30-day statutory period commences on the date of the filing of a proper petition to rescind in the circuit court of venue, with service on the State... **It is not necessary that the petitioner also make an active attempt to have the matter heard by the court. The burden to set the court hearing date would then shift to the State. The State is in the best position to know court schedules, court dates for police officers, and the other matters incident to an orderly administration of this legislation.**"* *Schaefer*, 154 Ill. 2d 250, 261 (1993) (emphasis added).

See also *People v. Johnson*, 202 Ill. App. 3d 809 (3d Dist. 1990) (holding that the State's failure to ensure a hearing date was set within 30 days required rescission).

The Lake County Assistant State's Attorney was present in the courtroom on May 17. The State was fully aware that the Defendant had filed the PTR on April 22. The State had access to a calendar. The State had the exact same opportunity to object to the June 14 date and demand an earlier hearing to protect its summary suspension. Instead, the State remained completely silent.

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To label the defense's silence as "gamesmanship" while excusing the State's identical silence is a gross double standard. Defense counsel owes a zealous duty to his client; he does not owe a duty to correct the State's mistakes, laziness, or lack of calendar awareness. Punishing a defendant for the State's failure to monitor its own statutory deadlines illegally shifts the burden of prosecution onto the defense.

B. Due Process Demands Strict Compliance with the 30-Day Rule to Protect the Defendant's Property Interest in Her Driving Privileges.

A driver's license is a protectable property interest. *People v. Esposito*, 121 Ill. 2d 491 (1988). The State may summarily deprive a citizen of this property right prior to a full criminal adjudication only if it provides a swift and meaningful post-deprivation hearing to satisfy due process. As the court noted in *In re Summary Suspension of Driver's License of Trainor*, 156 Ill. App. 3d 918 (4th Dist. 1987):

"This 30-day period is mandatory, the legislature having determined that this time period constitutes a prompt hearing under the due process requirements... Failure to hold a hearing within the required 30 days violates the driver's due process rights."

The State consumed 53 days without affording the Defendant her due process right to a hearing. Because the Defendant expressly refused to agree to the May 17 continuance, the resulting delay was occasioned entirely by the State and the court. The only appropriate remedy for this constitutional violation is the rescission of the statutory summary suspension.

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CONCLUSION

The Illinois General Assembly drafted into law the Secretary of State's duty to check summary suspensions for defects. This review is not an inevitability or a rubber stamp. The confirmation is required to give the court jurisdiction and standing to hold the hearing. Because the trial court lacked the jurisdiction to proceed without this confirmation on May 10, the resulting delay was caused entirely by the State.

Furthermore, a defendant who properly files a petition and serves notice upon the State has fulfilled her statutory obligations. Under this Court's precedent in *Schaefer*, she has no duty to correct the State's calendar, calculate its deadlines, or save the State from its own negligent scheduling. The State failed to meet its legal burden to ensure a hearing was held within 30 days. Sandlass' attorney stated in open court that he filed a Petition to Rescind Summary Suspension and was not agreeing to a continuance on the PTR. That should have at least raised some hint to the State that they should inquire as to the filing date of the PTR. They easily could have checked their file or asked the Court for the filing date of the PTR, but they didn't do anything. The burden is on the State and they failed to do anything.

WHEREFORE, the Defendant-Appellee, CAITLIN SANDLASS, respectfully requests that this Honorable Court rule in her favor, deny the State's appeal, and grant the following relief:

1. AFFIRM the well-reasoned judgment of the Illinois Appellate Court, Second District, reversing the circuit court's erroneous denial of the Defendant's Petition to Rescind;

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2. HOLD that under the plain language of 625 ILCS 5/11-501.1(h), the Secretary of State's confirmation of a statutory summary suspension requires a substantive, independent administrative review of the law enforcement sworn report for fatal defects, and is therefore a legally necessary prerequisite, not an inevitable "rubber stamp" or mere formality;
3. HOLD that until the Secretary of State completes this substantive review and explicitly confirms the suspension, the suspension is legally inchoate, rendering any petition to rescind unripe and non-justiciable, thereby depriving the petitioner of standing and the circuit court of a justiciable controversy to adjudicate;
4. REAFFIRM the historical precedent set forth in *People v. Madden* and *People v. Moreland*, holding that because it is legally impossible to hold a hearing without a confirmed suspension, any delay resulting from the absence of a Confirmation of Summary Suspension on a scheduled court date is an administrative failure that must be attributed solely to the State, and cannot be charged to the defendant;
5. REAFFIRM the strict mandate of *People v. Schaefer*, holding that once a defendant properly files a Petition to Rescind and serves the State, the burden to schedule and conduct the rescission hearing within the 30-day statutory window shifts to and rests unequivocally with the State, and that the State's failure to adhere to this mandatory time period violates the defendant's fundamental due process rights;
6. RULE that a defense attorney's silence when the State and trial court select a date beyond the statutory deadline does not constitute actionable "gamesmanship,"

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expressly distinguishing the passive silence of Ms. Sandlass's counsel from the affirmative misrepresentations and active deception made to the court by defense counsel in *People v. Boyd*;

7. HOLD that a trial court cannot lawfully exercise its *nunc pro tunc* authority to retroactively rewrite the Official Court Record under these circumstances, specifically forbidding the retroactive re-characterization of a contemporaneous, written "Order of Court" continuance into a delay "occasioned by the defendant" merely to cure the State's fatal violation of the 30-day rule; and
8. ORDER the immediate and total rescission of the statutory summary suspension improperly entered against Caitlin Sandlass, and direct the Secretary of State to remove the suspension from her Illinois driving record.

Respectfully submitted,

/s/ Caitlin Sandlass

/s/ James K Jenks III, Esq.

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RULE 341(c) 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 containing the Rule 341(d) cover, the Rule 341(h)(1) 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(a), is 2,884 words.

Respectfully submitted,

/s/ James K. Jenks III
James K. Jenks III
Counsel for Defendant-Appellee

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CERTIFICATE OF FILING AND SERVICE

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 July 28, 2026, the foregoing Brief of DEFENDANT-APPELLEE, CAITLIN SANDLASS, was filed with the Clerk of the Supreme Court of Illinois, using the Court's electronic filing system, which provided service to the following:

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