



Law Office of the COOK COUNTY PUBLIC DEFENDER

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Sharone R. Mitchell, Jr. • Public Defender

April 2, 2026

Illinois Supreme Court Rules Committee
222 N. LaSalle Street, 13th Floor
Chicago, Illinois 60601
Sent via email to RulesCommittee@illinoiscourts.gov.

Re: Support for Proposal 25-06, Amendment to Illinois Supreme Court Rule 307

Dear Illinois Supreme Court Rules Committee:

Thank you for the opportunity to provide public comment in support of the proposed change to Illinois Supreme Court Rule 307. The Law Office of the Cook County Public Defender (“the Law Office”) represents nearly all of the children in Cook County who the State petitions to prosecute in adult criminal court under 705 ILCS 405/5-805. Depending on the outcome of those hearings, we continue our representation in either juvenile or criminal court. Thus, our practitioners in both the felony trial and juvenile delinquency courtrooms see the impact that transfer decisions have on our child clients and their potential for rehabilitation. The Law Office is therefore in a unique position to comment on how the inability to timely appeal a trial court’s decision to transfer a child to criminal court has profound impacts on our clients as individuals and on court system efficiency. **In the interest of justice and judicial economy, the Law Office writes to register our strong support for Proposal 25-06 to allow interlocutory appeals of transfer decisions.**

Allowing interlocutory appeal of the trial court’s decision in a transfer hearing would allow a child who the appellate court believes should not have been transferred to criminal court the opportunity to benefit from the policy and purpose of the Juvenile Court Act: rehabilitative services. As the law currently stands, without this amendment, a child who is discretionarily transferred to criminal court cannot challenge that transfer decision until after a trial and sentencing, which generally does not occur until after the accused’s 21st birthday. In reality, a child (and eventual adult) subject to transfer sits in adult jail, attends adult court, and eventually faces time in adult prison—all while pending the direct appeal that would include an appeal of the original transfer decision. The realities of this timeline have generally meant that a child transferred to criminal court has no meaningful opportunity to appeal, and if an appeal were granted despite their age, the appellant would not benefit from the specialized resources in juvenile court because that court lost jurisdiction upon the appellant’s 21st birthday.

The current procedure in which transfer decision appeals are permitted only after trial also wastes precious resources, further burdening the criminal courts and the practitioners on both sides of these often-complicated cases. Under current Supreme Court Rule 307, the criminal court must bring the transferred case to resolution without the benefit of appellate review of the original jurisdictional decision. If the appeal of a granted transfer petition is successful, however,



the case could return to juvenile court on a timeline that both preserves the child's access to juvenile court and reduces unnecessary litigation in the adult criminal court.

For these reasons, we urge the Illinois Supreme Court Rules Committee to adopt the amendment to Rule 307 submitted under Proposal 25-06. The Law Office is happy to answer any additional questions the Committee may have and can be reached at 312-603-0600 at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "SR Mitchell, Jr.", with a stylized flourish at the end.

Sharone R. Mitchell, Jr.
Cook County Public Defender

