

No. 124807

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 3-16-0781.
)	
Respondent-Appellee,	)	There on appeal from the Circuit
	)	Court of the Tenth Judicial Circuit,
-vs-	)	Stark County, Illinois, No. 96-CF-
	)	14.
)	
RONALD LEE STOECKER	)	Honorable
	)	Michael P. McCuskey,
Petitioner-Appellant)	Judge Presiding.

BRIEF AND ARGUMENT FOR PETITIONER-APPELLANT

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ORAL ARGUMENT REQUESTED

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POINTS AND AUTHORITIES

I. Ronald’s due process rights were violated in a prejudicial manner where the circuit court granted the State’s motion to dismiss his petition for relief from judgment without giving him a meaningful opportunity to respond, and where the court dismissed the petition during an *ex parte* hearing with only the State present.

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<i>People v. Alexander</i> , 136 Ill. App. 3d 1047 (4th Dist. 1985)	15, 16
<i>Hill v. Village of Pawnee</i> , 16 Ill. App. 3d 208 (4th Dist. 1973)	11
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<i>Jones v. Jones</i> , 903 P. 2d 545 (Wyo. 1995)	11
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II. Appointed counsel's complete failure to advocate for Ronald during proceedings on his petition for relief from judgment constituted inadequate representation.

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NATURE OF THE CASE

Ronald Lee Stoecker, petitioner-appellant, appeals from a judgment dismissing his petition for relief from judgment pursuant to 735 ILCS 5/2-1401.

No issue is raised concerning the charging instrument.

ISSUES PRESENTED FOR REVIEW

I. WHETHER RONALD'S DUE PROCESS RIGHTS WERE VIOLATED IN A PREJUDICIAL MANNER WHERE THE CIRCUIT COURT GRANTED THE STATE'S MOTION TO DISMISS HIS PETITION FOR RELIEF FROM JUDGMENT WITHOUT GIVING HIM A MEANINGFUL OPPORTUNITY TO RESPOND, AND WHERE THE COURT DISMISSED THE PETITION DURING AN *EX PARTE* HEARING WITH ONLY THE STATE PRESENT.

II. WHETHER APPOINTED COUNSEL'S COMPLETE FAILURE TO ADVOCATE FOR RONALD DURING PROCEEDINGS ON HIS PETITION FOR RELIEF FROM JUDGMENT CONSTITUTED ADEQUATE REPRESENTATION.

JURISDICTION

Ronald appeals the dismissal of his petition for relief from judgment filed pursuant to 735 ILCS 5/2-1401. The trial court dismissed the petition on November 18, 2016 (C3768), and denied his motion to reconsider on December 6, 2016 (C3795).¹ Notice of appeal was timely filed on December 19, 2016 (C3799). The Appellate Court affirmed the circuit court's judgment on April 26, 2019. *People v. Stoecker*, 2019 IL App (3d) 160781. This Honorable Court allowed Ronald's petition for leave to appeal on September 25, 2019. Jurisdiction therefore lies in this Court pursuant to Article VI, Section 6, of the Illinois Constitution, and Supreme Court Rules 301 and 304(b)(3).

¹ References to the common-law record are cited as "C__." References to the reports of proceedings are cited as "R__."

STATUTE INVOLVED

“Relief from final orders and judgments, after 30 days from the entry thereof, may be had upon petition as provided in this Section. Writs of error coram nobis and coram vobis, bills of review and bills in the nature of bills of review are abolished. All relief heretofore obtainable and the grounds for such relief heretofore available, whether by any of the foregoing remedies or otherwise, shall be available in every case, by proceedings hereunder, regardless of the nature of the order or judgment from which relief is sought or of the proceedings in which it was entered.” 735 ILCS 5/2-1401(a) (2016).

“The petition must be filed in the same proceeding in which the order or judgment was entered but is not a continuation thereof. The petition must be supported by affidavit or other appropriate showing as to matters not of record. All parties to the petition shall be notified as provided by rule.” 735 ILCS 5/2-1401(b) (2016).

“Except as provided [in statutes not applicable to the instant case], the petition must be filed not later than 2 years after the entry of the order or judgment. Time during which the person seeking relief is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.” 735 ILCS 5/2-1401(c) (2016).

“Nothing contained in this Section affects any existing right to relief from a void order or judgment, or to employ any existing method to procure that relief.” 735 ILCS 5/2-1401(f) (2016).

STATEMENT OF FACTS

In 1998, Ronald was convicted of first degree murder and aggravated criminal sexual assault following a jury trial, and was sentenced to concurrent terms of life and 30 years in prison. *People v. Stoecker*, 2014 IL 115756, ¶ 1. The Appellate Court affirmed his convictions and sentences on direct appeal. *People v. Stoecker*, No. 3-98-0750 (unpublished order under Supreme Court Rule 23) (C897-906). Following his direct appeal, Ronald filed numerous unsuccessful petitions for various forms of relief. *People v. Stoecker*, 2015 IL App (3d) 140128-U (petition for relief from judgment); *People v. Stoecker*, 2014 IL 115756 (petition for post-conviction DNA testing); *People v. Stoecker*, 2014 IL App (3d) 130389-U (petition for relief from judgment); *People v. Stoecker*, 2012 IL App (3d) 120183-U (motion for leave to file successive post-conviction petition); *People v. Stoecker*, 384 Ill. App. 3d 289 (3d Dist. 2008) (post-conviction petition).

In the instant matter, Ronald filed a *pro se* petition for relief from judgment pursuant to 735 ILCS 5/2-1401 on August 29, 2016 (C3730-58). He asserted that his life sentence was void under *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and was also void because the trial court did not expressly articulate the aggravating factors that required life imprisonment (C3730-58). He further asserted that *Apprendi* now applied retroactively, and that he had acted diligently in bringing the petition because he had just recently learned of *Apprendi*'s retroactivity (C3730-58). He requested that the court appoint counsel for him (C3728-29).

On September 23, 2016, the circuit court appointed counsel for Ronald (C3760). The court ordered that a copy of its written order be sent to counsel (C3760).

The court's clerk mailed counsel the order on September 26, 2016 (C3761).² Counsel did not file an amended petition, nor did he file a motion to withdraw.

The State filed a motion to dismiss Ronald's petition on November 14, 2016 (C3762-67). The State argued that the petition was untimely and that the issues Ronald raised had previously been litigated (C3762-67). A certificate of service stamp on both the motion and the accompanying memorandum show that copies were sent to Ronald's appointed attorney via email on November 14, 2016 (C3764, 3767). Counsel, however, filed no response to the motion.

Four days later, on November 18, 2016, the court held a hearing on the State's motion (R2441-43). There is no indication in the record that Ronald's attorney was given notice of this hearing. The State was the only party present at this hearing (R2441-43).

During the hearing, the court opined that Ronald's presence was not required (R2442). The court did not mention Ronald's appointed attorney (R2442-43). The court stated that it had reviewed the State's motion to dismiss and agreed with it (R2442). The court therefore granted the motion (R2442). The court entered a written order granting the State's motion to dismiss on November 18, 2016 (C3768). Copies of the court's written order were mailed to Ronald and his attorney (C3769).

Ronald filed a *pro se* motion to reconsider on December 5, 2016 (C3772-94). One of the issues he raised was that he and his appointed attorney were not afforded

² The clerk's certificate of mailing contains a typographical error. The certificate states that the clerk mailed Ronald's attorney "a copy of the Court Order filed on the 26th day of September, 2016" (C3761). The record contains no court order dated September 26, 2016. The order appointing counsel was entered September 23, 2016 (C3760).

an opportunity to respond to the State's motion where the court issued its decision only four days after the motion was filed (C3778-79). Counsel did not file any post-decision motion. The court issued a written order denying the motion on December 6, 2016 (C3795).

The circuit court clerk filed notice of appeal on Ronald's behalf on December 19, 2016 (C3799).

On appeal, Ronald argued that: (1) his due process rights were violated where the circuit court granted the motion to dismiss during an *ex parte* hearing, without giving him a meaningful chance to respond; and (2) appointed counsel's failure to provide any representation was inadequate. *People v. Stoecker*, 2019 IL App (3d) 160781, ¶ 10.

In a split decision issued on April 26, 2019, the Appellate Court affirmed. The majority first determined that any due process error was harmless because Ronald's petition was meritless. *Id.*, ¶¶ 11-13. The majority also found that counsel's failure to represent Ronald was acceptable because counsel could not have cured the petition's defects. *Id.*, ¶¶ 14-16. The majority concluded by recognizing that the case presented due process concerns, but reasoned that returning Ronald to the circuit court for a hearing he could not win would needlessly expose the public and law enforcement to risk. *Id.*, ¶ 17.

Dissenting Justice Lytton expressly found that Ronald's due process rights were violated where the trial court dismissed the petition during an *ex parte* hearing held only four days after the State filed the motion to dismiss. *Id.*, ¶¶ 23-24 (Lytton, J., dissenting). However, Justice Lytton agreed with the majority that the violation was harmless. *Id.*, ¶ 24 (Lytton, J., dissenting). In a footnote, Justice Lytton

acknowledged that the Court had “no actual authority” supporting its determination that any due process error was harmless. *Id.*, n.2 (Lytton, J., dissenting).

Justice Lytton dissented on the issue of appointed counsel’s failure to represent Ronald. *Id.*, ¶ 25 (Lytton, J., dissenting). Justice Lytton observed that appointed counsel had failed to provide any representation to Ronald, which was inadequate. *Id.* (Lytton, J., dissenting). Justice Lytton concluded by noting that the issue of Ronald’s alleged dangerousness was not a legal issue pertinent to this appeal. *Id.*, ¶ 26 (Lytton, J. dissenting).

This Honorable Court allowed Ronald’s petition for leave to appeal on September 25, 2019.

I. RONALD'S DUE PROCESS RIGHTS WERE VIOLATED IN A PREJUDICIAL MANNER WHERE THE CIRCUIT COURT GRANTED THE STATE'S MOTION TO DISMISS HIS PETITION FOR RELIEF FROM JUDGMENT WITHOUT GIVING HIM A MEANINGFUL OPPORTUNITY TO RESPOND, AND WHERE THE COURT DISMISSED THE PETITION DURING AN *EX PARTE* HEARING WITH ONLY THE STATE PRESENT.

STANDARD OF REVIEW

Whether a defendant's procedural due process rights were violated is a question of law that is reviewed *de novo*. *In re Shirley M.*, 368 Ill. App. 3d 1187, 1190 (4th Dist. 2006). The dismissal of a section 2-1401 petition is also reviewed *de novo*. *People v. Vincent*, 226 Ill. 2d 1, 18 (2007).

ARGUMENT

This case first presents the question of whether due process is violated in a manner that is necessarily prejudicial where the trial court grants the State's motion to dismiss a petition for relief from judgment without giving the petitioner a meaningful opportunity to respond, during an *ex parte* hearing. The answer to this question is yes.

The State filed its motion to dismiss on November 14, 2016 (C3762-67). A mere four days later, the court held a hearing on the motion (R2441-43). Ronald's attorney was not given notice of this hearing, and neither counsel nor Ronald appeared at the hearing. During the hearing, the court briefly stated that it agreed with the State's arguments, and dismissed the petition (R2441-43). The trial court's

dismissal of Ronald's petition in this manner constituted a prejudicial violation of due process.

"Section 2-1401 of the Civil Code (735 ILCS 5/2-1401 (2014)) provides a comprehensive, statutory procedure allowing for the vacatur of final judgements older than 30 days." *People v. Bradley*, 2017 IL App (4th) 150527, ¶ 14. Section 2-1401 generally provides for remedies in civil cases, but it has been extended to criminal cases. *People v. Vincent*, 226 Ill. 2d 1, 8 (2007). Petitions filed pursuant to section 2-1401 are ordinarily used to correct errors of fact. *People v. Mathis*, 357 Ill. App. 3d 45, 50 (1st Dist. 2005) (citing *People v. Lawton*, 212 Ill. 2d 285, 297 (2004)). However, section 2-1401 is not limited to errors of fact, and may be used in a broader sense "to grant relief when necessary to achieve justice." *Mathis*, 357 Ill. App. 3d at 50 (citing *Lawton*, 212 Ill. 2d at 298).

A section 2-1401 petition challenging a criminal conviction is governed by ordinary rules of civil procedure. *Vincent*, 226 Ill. 2d at 8. Section 2-1401 petitions are therefore "essentially complaints inviting responsive pleadings," which means that the State may file an answer, move to dismiss, or simply ignore the petition. *Bradley*, 2017 IL App (4th) 150527, ¶ 14 (quoting *Vincent*, 226 Ill. 2d at 8).

Where the State ignores a section 2-1401 petition, it essentially admits all the well-pleaded facts, and the petition becomes ripe for *sua sponte* dismissal. *Vincent*, 226 Ill. 2d at 10-13. However, when the State files a motion to dismiss, as it did here, the State has either challenged the sufficiency of the pleading itself, or it has disputed the facts alleged or introduced some affirmative matter outside the face of the complaint. See 735 ILCS 5/2-615 (2014) (providing that objections to civil pleadings may be made by, *inter alia*, a motion to dismiss). Such assertions

clearly warrant an opportunity for the non-moving party to respond. “It is well established that due process does not allow a trial court to grant a motion to dismiss a complaint without allowing the opposing party notice and a meaningful opportunity to be heard.” *Bradley*, 2017 IL App (4th) 150527, ¶ 16; see also *Vincent*, 226 Ill. 2d at 22-23 (if the State had filed a motion to dismiss, the defendant would have had an opportunity to file a response) (Kilbride, J., dissenting).

“An individual’s right to procedural due process is guaranteed by the United States and Illinois Constitutions.” *People v. Rucker*, 2018 IL App (2d) 150855, ¶ 17 (citing U.S. Const., amend. XIV, § 1; Ill. Const. 1970, art I, § 2). The right to procedural due process entitles individuals to “the opportunity to be heard at a meaningful time and in a meaningful manner.” *Rucker*, 2018 IL App (2d) 150855, ¶ 17 (quoting *In re D.W.*, 214 Ill. 2d 289, 316 (2005)). The right to be heard is a bedrock principle of due process. *Hill v. Village of Pawnee*, 16 Ill. App. 3d 208, 209-10 (4th Dist. 1973) (“Notice and the right to be heard, i.e., procedural due process, is at the bedrock of our system of jurisprudence”); *Smith v. Smith*, 964 So. 2d 217, 219 (Fla. App. Ct. 2007) (“None of the elements involved in the notion of procedural due process has greater importance than the right to be heard”); *Jones v. Jones*, 903 P. 2d 545, 547 (Wyo. 1995) (“[D]ue process must be afforded to litigants in the form of notice and a *meaningful* opportunity to be heard”) (emphasis in original). Here, the circuit court’s hasty, *ex parte*, dismissal of Ronald’s petition undoubtedly deprived him of his due process right to be heard.

Two recent Appellate Court decisions on this issue are directly on point. In *Bradley*, the State filed a motion to dismiss the defendant’s section 2-1401 petition. *Id.*, ¶ 5. Two days later, the trial court dismissed the petition based on

the State's arguments. *Id.*, ¶ 6. The Appellate Court held that due process barred the trial court "from granting an opposing party's motion to dismiss a section 2-1401 petition without allowing the petitioner notice and a meaningful opportunity to respond." *Id.*, ¶ 19. The Court rejected the State's arguments that the procedural error was not prejudicial, reasoning that "the trial court's failure to give defendant an opportunity to respond to the State's motion to dismiss was inherently prejudicial and undermined the integrity of the proceedings." *Id.*, ¶ 21. The Fourth District Court therefore remanded the case for further proceedings without considering the merits of the defendant's petition. *Id.*

The Second District Court reached a similar decision in *Rucker*, 2018 IL App (2d) 150855. In that case, the State filed a motion to dismiss the defendant's section 2-1401 petition, and the trial court granted the State's motion 14 days later. *Id.*, ¶¶ 8-9. The *Rucker* Court determined that, as in *Bradley*, the "defendant was deprived of due process where the trial court granted the State's motion to dismiss before he had a meaningful opportunity to respond." *Id.*, ¶ 30. Ronald acknowledges here, as did the defendant in *Rucker*, that the Supreme Court has held that a trial court is not required to give a defendant notice or an opportunity to respond before dismissing a section 2-1401 petition *sua sponte*. *Id.*, ¶ 21 (citing *Vincent*, 226 Ill. 2d at 12-13). The *Rucker* Court, however, distinguished *Vincent*, reasoning that where the State files a motion in opposition to a section 2-1401 petition, the defendant should be permitted to respond to that motion. *Rucker*, 2018 IL App (2d) 150855, ¶ 29. The *Rucker* Court did not consider the merits of the defendant's petition in coming to this conclusion. *Id.*, ¶¶ 15-32. The Court vacated the dismissal of the defendant's section 2-1401 petition and remanded the case for further proceedings. *Id.*, ¶ 32.

Ronald acknowledges that there is authority for the proposition that procedural errors in the consideration of a section 2-1401 petition may be harmless where the claim is inherently meritless. *People v. Ocon*, 2014 IL App (1st) 120912, ¶ 42; *People v. Taylor*, 349 Ill. App. 3d 718, 720 (1st Dist. 2004). There is also authority, however, for the proposition that the trial court's failure to give a section 2-1401 petitioner a reasonable chance to respond to a motion to dismiss is "inherently prejudicial and undermine[s] the integrity of the proceedings." *Bradley*, 2017 IL App (4th) 150527, ¶ 21. The notion of due process is a foundational principle of our system of justice. As the Appellate Court has observed when reversing the dismissal of a section 2-1401 petition due to procedural errors, "it is important to stand on the side of due process, even at the cost of some efficiency." *People v. Coleman*, 358 Ill. App. 3d 1063, 1071-72 (3d Dist. 2005).

The reasoning in *Bradley* and *Rucker* is sound, and follows a long history of case law recognizing the right to notice and an opportunity to respond in a variety of circumstances. See, e.g., *People v. Kitchen*, 189 Ill. 2d 424, 434-35 (1999) (due process violated where defense counsel was prepared for a ruling on discovery motions, but the trial court, without prior notice, proceeded to deny all post-conviction relief); *People v. Bounds*, 182 Ill. 2d 1, 5 (1998) (due process violated when court informed the parties the next court date would be for status only but, on that date, granted the State's motion to dismiss the post-conviction petition); *People v. Elken*, 2014 IL App (3d) 120580, ¶¶ 32-36 (where appointed post-conviction counsel announced at a hearing that the defendant's contentions had no merit and he wished to withdraw, defendant must be "afforded the opportunity to prepare for such an attack on his petition and to make any arguments in rebuttal"); *Coleman*,

358 Ill. App. 3d at 1070 (in section 2-1401 proceedings, finding it “inimical to our tradition of due process” for “the trial court to summarily dismiss the defendant’s petition after it has received a responsive pleading by the State”).

Ronald acknowledges that the Appellate Court’s reasoning in *People v. Smith*, 2017 IL App (3d) 150265, does not support his position. In that case, the State filed a motion to dismiss the defendant’s section 2-1401 petition. *Id.*, ¶ 7-8. Eight days later, at a hearing where only the State was present, the trial court granted the State’s motion to dismiss. *Id.*, ¶ 9. The defendant then filed a *pro se* response to the State’s motion. *Id.*, ¶ 10. The court held another hearing without the defendant’s presence. *Id.*, ¶ 11. The court acknowledged the response, but took no further action. *Id.* Thereafter, the defendant filed a *pro se* motion to reconsider. *Id.*, ¶ 12. The court held a hearing on the motion to reconsider, at which the defendant was again not present, and denied the motion. *Id.*, ¶ 13. The *Smith* Court reasoned that the defendant’s opportunity to file a motion to reconsider rendered his inability to timely respond to the State’s motion and his absence from the motion hearings “less of a concern.” *Id.*, ¶ 24 (citing *Vincent*, 226 Ill. 2d at 13). The *Smith* Court also stated that the hearings at which only the State was present were not improper *ex parte* proceedings. *Smith*, 2017 IL App (3d) 150265, ¶ 24.

The Appellate Court’s reasoning in *Smith* was flawed. As the *Rucker* Court explained, the fact that the defendant in *Smith* was not given an opportunity to respond to the State’s motion to dismiss deprived him of one of two responsive options (the other being the motion to reconsider). *Rucker*, 2018 IL App (2d) 150855, ¶ 29. And, as the *Rucker* Court further explained, it is axiomatic that “parties

are generally permitted to respond to motions filed by the opposing party.” *Id.* (quoting *People v. Bailey*, 2016 IL App (3d) 140207, ¶ 20). The *Smith* Court’s declaration that the hearings without the defendant’s presence were not improper *ex parte* proceedings was also erroneous. *Smith*, 2017 IL App (3d) 150265, ¶ 24. The State was the only party present at these hearings. *Id.* It is well established that hearings where only the State is present, and the defendant thus has no opportunity to contest the State’s representations, are *ex parte* hearings that violate due process. *People v. Sanchez*, 363 Ill. App. 3d 470, 479 (2d Dist. 2006) (*ex parte* hearing in which State argued against, and court denied, the defendant’s request for post-conviction DNA testing violated due process); *People v. Smith*, 312 Ill. App 3d 219, 225 (1st Dist. 2000) (post-conviction petitioner denied due process when petition was dismissed at a status hearing without notice being given to defense counsel and without counsel’s presence); *People v. Alexander*, 136 Ill. App. 3d 1047, 1051-52 (4th Dist. 1985) (*ex parte* hearings in post-conviction proceedings improper, as “fundamental fairness and orderly procedure demand that both parties be permitted to participate”).

Here, Ronald was represented by counsel (C3760). However, neither counsel nor Ronald were present at the hearing when the court dismissed Ronald’s petition (R2441-43). While the record does show that counsel was served with the motion to dismiss (C3764, 3767), there is no indication in the record that counsel was given notice of the motion hearing. This was therefore a classic example of an improper *ex parte* hearing. *Sanchez*, 363 Ill. App. 3d at 479; *Smith*, 312 Ill. App 3d at 225; *Alexander*, 136 Ill. App. 3d at 1051-52.

Ronald's due process rights were thus violated in two ways: he was not given a meaningful opportunity to respond to the State's motion to dismiss [*Rucker*, 2018 IL App (2d) 150855, ¶ 30; *Bradley*, 2017 IL App (4th) 150527, ¶ 16]; and the court dismissed his petition during an improper *ex parte* hearing [*Sanchez*, 363 Ill. App. 3d at 479; *Smith*, 312 Ill. App. 3d at 225; *Alexander*, 136 Ill. App. 3d at 1051-52]. This Court should not approve of such a blatant disregard for Ronald's right to due process.

It is true that the Appellate Court here did not decide this case on due process grounds. The Court determined that any due process violation could be overlooked because Ronald's petition was meritless and he already had "six bites at the apple." *Stoecker*, 2019 IL App (3d) 160781, ¶¶ 12-13. In other words, the Court decided that harmless error applied to Ronald's case. *Id.* This was an error. One of the key elements of due process is "the integrity of the proceedings." *Bradley*, 2017 IL App (4th) 150527, ¶ 21; see also *People v. Stapinski*, 2015 IL 118278, ¶ 51 (due process requires fairness and integrity); *United States ex rel. Weber v. Ragen*, 176 F. 2d 579, 586-87 (7th Cir. 1949) (due process preserves the "essential integrity of the proceedings"). Here, the proceedings in the trial court had no such "essential integrity." Ronald was represented by counsel in this matter. Despite this, the court saw fit to grant the State's motion to dismiss without giving counsel a reasonable chance to respond to the motion, during an *ex parte* hearing in which the court expressly stated that Ronald's presence was not required and did not even mention counsel (R2441-43). This was, frankly, procedural slop that this Court should not condone, and this Court should not whitewash these due process violations under the rubric of harmless error. If the principle of procedural due

process is truly a bedrock principle of American jurisprudence, and it is, this Court should determine that the lack of due process in this case was inherently prejudicial. *Bradley*, 2017 IL App (4th) 150527, ¶¶ 20-21; *Coleman*, 358 Ill. App. 3d at 1071-72 (due process outweighs judicial economy). The merits of Ronald's petition and how many "bites at the apple" he has had are irrelevant. It is the "integrity of the proceedings" that ought to be this Court's primary concern. *Bradley*, 2017 IL App (4th) 150527, ¶ 21; *Stapinski*, 2015 IL 118278, ¶ 51; *Weber*, 176 F. 2d at 586-87.

It is also important to note that it would have been a very simple and easy matter for the trial court to have allowed Ronald's attorney a reasonable amount of time to file a response to the State's motion to dismiss, and it certainly would not have been an inconvenience to have allowed counsel to attend any motion hearing. If the court had security concerns regarding Ronald himself, as Justice Lytton correctly observed, the motion hearing could have proceeded without Ronald's presence. *Stoecker*, 2019 IL App (3d) 160781, ¶ 26 (Lytton, J., dissenting). In short, there was simply no good reason for the circuit court to deprive Ronald of due process as it did here.

Ronald's due process rights were violated where he was not given a meaningful opportunity to respond to the State's motion to dismiss, and where the court dismissed his petition during an improper *ex parte* hearing. These errors were necessarily prejudicial. He therefore respectfully requests that this Court reverse the decision of the Appellate Court and remand the case for further proceedings on his section 2-1401 petition.

II. APPOINTED COUNSEL’S COMPLETE FAILURE TO ADVOCATE FOR RONALD DURING PROCEEDINGS ON HIS PETITION FOR RELIEF FROM JUDGMENT CONSTITUTED INADEQUATE REPRESENTATION.

Standard of Review

Undersigned counsel has discovered no cases clearly defining the standard of review regarding a section 2-1401 attorney’s performance. In *Walker*, the Appellate Court would have ruled that a section 2-1401 petitioner was entitled to the same level of assistance as a post-conviction petitioner (a reasonable level of assistance), had the Court needed to reach that issue. *People v. Walker*, 2018 IL App (3d) 150527, ¶¶ 28-29. Whether post-conviction counsel provided a reasonable level of assistance is an issue that is reviewed *de novo*. *People v. Russell*, 2016 IL App (3d) 140386, ¶ 10. Also, the ultimate legal question of whether a trial attorney has provided effective assistance is reviewed *de novo*. *People v. Cunningham*, 2012 IL App (3d) 100013, ¶ 31. Ronald therefore respectfully requests that this Honorable Court review this issue *de novo*.

ARGUMENT

The second issue this case presents is whether an appointed attorney’s complete failure to represent a section 2-1401 petitioner constitutes adequate representation. The answer to this question is no.

As dissenting Justice Lytton correctly observed, “the record does not show that appointed counsel provided any actual representation to defendant.” *People v. Stoecker*, 2019 IL App (3d) 160781, ¶ 25 (Lytton, J., dissenting). Ronald

acknowledges the “lack of clarity regarding the level of assistance required by appointed counsel in a section 2-1401 proceeding.” *Id.*, ¶ 14. Regardless of the specific level of assistance required, however, it cannot be acceptable for an appointed attorney in section 2-1401 petitions to do nothing. See *People v. Meeks*, 2016 IL App (2d) 140509, ¶ 8 (even if there is no arguably meritorious issue to present, “counsel may not sit idly by” and allow an appeal to be dismissed for want of prosecution); Ill. R. Prof. Conduct 1.3 (2010) (“A lawyer shall act with reasonable diligence and promptness in representing a client”); Ill. R. Prof. Conduct 1.3, comment 4 (2010) (“Unless the relationship is terminated as provided in Rule 1.16, a lawyer should carry through to conclusion all matters undertaken for a client”). This Court could therefore grant Ronald relief without resolving the lack of clarity regarding the level of assistance required of appointed section 2-1401 attorneys.

To the extent that this Court would find it necessary to resolve this lack of clarity in order to adjudicate the issue presented here, Ronald respectfully submits that the proper level would be reasonable assistance. See *Walker*, 2018 IL App (3d) 150527, ¶ 29 (had the Court needed to make a determination regarding the appropriate level of assistance for section 2-1401 attorneys, the level would have been reasonable assistance).

A criminal defendant has no constitutional or statutory right to the appointment of counsel to represent him on a petition for relief from judgment filed under section 2-1401. See, e.g., *People v. Pearson*, 345 Ill. App. 3d 191, 194 (2d Dist. 2003). Nevertheless, the circuit court may, in its discretion, appoint counsel to represent an indigent defendant in a civil action. *Tedder v. Fairman*, 92 Ill.

2d 216, 227 (1982); *People v. Pinkonsly*, 207 Ill. 2d 555, 559, 568 (2003). Here, the court exercised its discretion and appointed counsel for Ronald (C3760).

Although, when counsel has been appointed, courts considering the matter have assumed that section 2-1401 petitioners are entitled to the same level of “reasonable assistance” that applies to a post-conviction petitioner [see, *e.g.*, *Pinkonsly*, 207 Ill. 2d at 568; *People v. Welch*, 392 Ill. App. 3d 948, 952 (3d Dist. 2009)], no court of review has specifically promulgated the standard for determining the adequacy of counsel’s assistance when appointed to represent an indigent criminal defendant on a section 2-1401 petition. This Court should hold that the level of assistance required is the same as that required under the Post-Conviction Hearing Act: a reasonable level of assistance.

The Post-Conviction Hearing Act (the Act) provides a three-stage procedure for the adjudication of alleged violations of federal or state constitutional rights. 725 ILCS 5/122-1, *et seq.* (2016); *People v. Domagala*, 2013 IL 113688, ¶ 32. At the second stage of the process, counsel may be appointed to represent the petitioner. 725 ILCS 5/122-4, 122-5 (2016); *Domagala*, 2013 IL 113688, ¶ 33. The appointment of counsel was included in the Act because it was anticipated that most of the petitions filed under it would be presented by *pro se* prisoners who had not had the aid of counsel in their preparation. *People v. Slaughter*, 39 Ill. 2d 278, 285 (1968).

The Act does not provide the standard for determining the adequacy of counsel’s representation when appointed to represent a post-conviction petitioner. But, early on, this Court defined the role and established the duties required of counsel appointed to represent a post-conviction petitioner. The role of an attorney

in such proceedings is to ensure that, if the petitioner has any constitutional claims of merit, they will be properly recognized, developed, and articulated in the proceedings. *People v. King*, 39 Ill. 2d 295, 297 (1968). To fulfill this role, this Court required “that the attorney appointed to represent an indigent petitioner would consult with him either by mail or in person, ascertain his alleged grievances, examine the record of the proceedings at the trial, and then amend the petition that had been filed *pro se*, so that it would adequately present the prisoner’s constitutional contentions.” *Slaughter*, 39 Ill. 2d at 285.

Slaughter was codified in 1970, in Supreme Court Rule 651(c). *People v. Anguiano*, 2013 IL App (1st) 113458, ¶ 21. Rule 651(c) requires post-conviction counsel to certify that he or she “has consulted with petitioner either by mail or in person to ascertain his contentions of deprivation of constitutional right, has examined the record of the proceedings at the trial, and has made any amendments to the petition filed *pro se* that are necessary for an adequate presentation of petitioner’s contentions.” Ill. S. Ct. R. 651(c) (2016). Thus, this Court, through case law and then by Rule, has defined the role and outlined the duties of an attorney appointed to represent a *pro se* petitioner proceeding under the Act.

In 1990, this Court determined that the standard for determining the adequacy of counsel’s representation when appointed to represent a post-conviction petitioner was a “reasonable” level of assistance. *People v. Owens*, 139 Ill. 2d 351 (1990). Specifically, this Court stated that the Act and Supreme Court Rule 651 “together ensure that post-conviction petitioners in this State receive a reasonable level of assistance by counsel in post-conviction proceedings.” *Owens*, 139 Ill. 2d at 359. Thus, the “reasonable level of assistance” standard derives from the

appointment of counsel under the Act itself, coupled with the defined role and articulated duties originally promulgated in Supreme Court precedent, and, later, in Rule 651. See *People v. Perkins*, 229 Ill. 2d 34, 42 (2008) (stating that the Act provides for a reasonable level of assistance, and Supreme Court Rule 651(c) imposes specific duties to assure this level of assistance). The reasonable assistance standard remains the current standard.

Just like the Act, section 2-1401 does not outline the standard to be applied for determining whether counsel provided adequate assistance. No precedent or Rule defines the role or articulates the duties incumbent on appointed counsel. But, the rationale underlying the appointment of counsel, counsel's role, and counsel's duties are the same whether appointed under the Act or under section 2-1401.

In criminal cases, pleadings under the Act and under section 2-1401 are usually filed by *pro se* prisoners who did not have the assistance of counsel in preparing their petitions. If counsel is appointed, counsel should assist the petitioner so that the claims can be intelligibly and coherently presented to the court. Shaping and presenting an indigent petitioner's claims, often written by functionally illiterate, intellectually challenged, or mentally impaired litigants, requires communication with the petitioner to ascertain and understand his or her complaints.

Of course, counsel cannot simply take the *pro se* petitioner's word as to the factual basis underlying the complaints in the petition. It is therefore incumbent on counsel to examine any documentation that would support or rebut a petitioner's claim, such as the pertinent portions of the record. See *People v. Leuze*, 282 Ill.

App. 3d 126, 128 (2d Dist. 1996) (stating that an attorney should not seek to secure from a court an order or judgment without a full and frank disclosure of all matters and facts which the court ought to know). Finally, assisting a *pro se* petitioner in shaping and presenting his claims of deprivation may require amending the petition.

Thus, the rationale for appointing counsel is the same under the Act and under section 2-1401: to assist unskilled, indigent *pro se* petitioners in presenting their claims to the circuit court. Therefore, it stands to reason that the role of counsel appointed under the Act or under section 2-1401 should be the same: to properly recognize, develop, and articulate any claims of merit. Likewise, in order to properly fulfill this role, the duties of an attorney appointed under the Act or on a section 2-1401 petition should also be similar: to consult with the petitioner, ascertain his complaints, examine the record, and, most importantly, amend the filing to adequately present the *pro se* petitioner's claims where this is ethically possible. In short, because the underlying rationale for appointing counsel, counsel's role, and counsel's duties are all the same whether counsel has been appointed under the Act or on a section 2-1401 petition, the standard for determining the adequacy of counsel's representation should also be similar.

Case law supports Ronald's position. In *Tedder*, 92 Ill. 2d at 219-21, the indigent petitioners brought civil claims against officials and agents of the Department of Corrections. The circuit court appointed counsel to represent them. *Id.* at 219-21. The claims were dismissed and the petitioners appealed. *Id.* at 221. On review, the Appellate Court held that the petitioners had no right to appointed counsel, but it also reversed the circuit court's dismissal of the petitions and

remanded the matter to allow the complaints to be amended. *Id.* at 221.

This Court initially held that the circuit court appropriately exercised its discretion in appointing counsel to represent the indigent petitioners. *Id.* at 226. This Court went on to state, “once a circuit court, in its discretion, has determined that appointment of the public defender is appropriate to represent an indigent prisoner, . . . then that assistant public defender is expected to exercise due diligence in proceeding with the assigned case.” *Id.* at 227. This Court held that the complaints should not have been dismissed where “appointed counsel failed to amend the pleading in the face of the circuit court statements that both petitions were inadequate,” and it remanded the matter for further proceedings. *Id.* at 227.

Under the reasoning in *Tedder*, this Court should find that counsel appointed to represent an indigent petitioner on a civil filing must provide a reasonable level of assistance. Initially, “due diligence” is synonymous with “reasonableness.” Due diligence is defined as “the diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation. - Also termed reasonable diligence.” Black’s Law Dictionary, p. 468 (7th ed. 1999) (italics omitted). Thus, due diligence is defined by reasonableness, and appointed counsel is required to provide the appropriate care and attention to a petitioner’s claims that are reasonably expected from an attorney representing an indigent defendant. Consequently, there is no meaningful difference between a “due diligence” standard of representation and a “reasonable assistance” standard of representation.

That this Court opted to use the phrase “due diligence” rather than “unreasonable assistance” in *Tedder* is not surprising. The likely reason the *Tedder*

Court did not use the phrase “reasonable assistance” was because the phrase had not yet come to define the standard for assessing the adequacy of appointed counsel’s assistance when representing an indigent petitioner on a collateral filing. See *People v. Anguiano*, 2013 IL App (1st) 113458, ¶ 22 (stating that the first time the Supreme Court used the phrase “reasonable assistance” was in 1990, in *Owens*, 139 Ill. 2d 351).

Additionally, even if the standards are not the same, *Tedder* required counsel to amend the pleadings where the petition was inadequate. *Tedder*, 92 Ill.2d at 227. Thus, at the least, *Tedder* requires that appointed counsel amend civil pleadings to adequately present the claims in a *pro se* collateral filing by an incarcerated criminal defendant.

In *Pinkonsly*, 207 Ill. 2d at 557-58, the defendant was convicted of drug offenses, and his convictions were affirmed on direct appeal. He filed a petition for relief from judgment under section 2-1401 asserting both trial and appellate counsel’s ineffectiveness. *Id.* at 558-59. Counsel was appointed to represent the petitioner, and he filed a motion alleging that the petitioner’s sentence was excessive. *Id.* at 559.

The Appellate Court found that counsel appointed to represent the petitioner on the 2-1401 petition rendered ineffective assistance under the test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *Pinkonsly*, 207 Ill. 2d at 559-61. Before this Court, the State argued that the Appellate Court erroneously applied the *Strickland* standard to a section 2-1401 proceeding. *Id.* at 567.

This Court agreed. It said: “The right to assistance of counsel at trial is derived from the sixth amendment, but the right to assistance of counsel in collateral

post-conviction proceedings is a matter of legislative grace.” *Pinkonsly*, 207 Ill. 2d at 567. It further stated “Section 2-1401 does not specify any level of assistance, and the appellate court erroneously applied the *Strickland* standard to the [petitioner’s] claim that his section 2-1401 attorney was ineffective.” *Id.* at 568. This Court then assumed that the petitioner was entitled to the same level of assistance as if he had proceeded under the Act. *Id.* This Court held that counsel was not unreasonable for failing to raise a legal issue in a section 2-1401 proceeding, where only errors of fact are cognizable. *Id.*

Thus, the *Pinkonsly* Court had the clear opportunity to unequivocally hold that a defendant was not entitled to the same level of assistance as that afforded to a post-conviction petitioner. Nonetheless, it did not provide for a lesser standard, and instead “assumed” that the same standard applied.

The Appellate Court in *Walker* was presented with the same opportunity to hold that a section 2-1401 petitioner was not entitled to the same level of assistance as a post-conviction petitioner, and declined to so hold. *Walker*, 2018 IL App (3d) 150527, ¶ 29. The Appellate Court in the instant case also had this opportunity, and also declined to so hold. *Stoecker*, 2019 IL App (3d) 160781, ¶ 15. The *Walker* Court observed that, had it needed to decide the issue, it would have decided that a section 2-1401 petitioner is entitled to a reasonable level of assistance. *Walker*, 2018 IL App (3d) 150527, ¶ 29. For the reasons expressed above, this Court should hold, if it finds it necessary to do so, that section 2-1401 petitioners are entitled to a reasonable level of assistance.

Regardless of what standard applies, it cannot be acceptable for an appointed section 2-1401 attorney to do nothing. *Meeks*, 2016 IL App (2d) 140509, ¶ 8; Ill.

R. Prof. Conduct 1.3 (2010); Ill. R. Prof. Conduct 1.3, comment 4 (2010). In fairness to counsel here, the fact that he was not present at the motion hearing may not have been his fault. There is nothing in the record to indicate that counsel received notice of this hearing, and the court never mentioned counsel during the hearing (R2441-43). It seems possible that the court simply forgot that it had appointed counsel for Ronald. However, the unfortunate fact remains that appointed counsel here did not represent Ronald at all in this matter.

Whether Ronald's *pro se* petition had any merit is beside the point. In *Walker*, the Appellate Court rejected the State's arguments that the petition was meritless. *Id.*, ¶ 37. The *Walker* Court wrote, "[t]hese arguments ignore the fact that our supreme court has consistently held that remand is required where appointed counsel failed to fulfill the reasonable assistance requirements regardless of whether the claims raised in the petition had merit." *Id.* (citing *People v. Suarez*, 224 Ill. 2d 37, 47 (2007)). The *Walker* Court noted that if newly appointed counsel felt that the claims raised in the *pro se* petition were meritless, counsel should file a motion to withdraw. *Id.* (citing *People v. Shortridge*, 2012 IL App (4th) 100663, ¶ 14). On the other hand, if new counsel felt the petition had some merit, counsel should amend the petition to adequately present the claims. *Walker*, 2018 IL App (3d) 150527, ¶ 37. Another option would have been to stand on the petition. See *People v. Perry*, 2017 IL App (1st) 150587, ¶ 39 (when post-conviction counsel cannot ethically advocate for the petitioner, counsel may stand on the petition or move to withdraw). Counsel in the instant matter did not choose either of these options. He filed no amended petition, did not stand on Ronald's *pro se* petition, and filed no motion to withdraw. This was not acceptable.

The Appellate Court majority incorrectly reasoned here that since counsel could not cure the defects in Ronald's petition, doing nothing constituted adequate representation. *Stoecker*, 2019 IL App (3d) 160781, ¶ 15. The majority's puzzling reasoning reflects the lack of objective standards applicable to appointed counsels' performance in section 2-1401 proceedings.

To resolve the apparent confusion regarding the obligations of appointed section 2-1401 attorneys, this Court should require that appointed section 2-1401 attorneys, in criminal cases, do one of three things: (1) file and proceed on an amended petition; (2) stand on the petitioner's *pro se* petition; or (3) file a motion to withdraw. See *Perry*, 2017 IL App (1st) 150587, ¶ 39 (when post-conviction counsel determines that he or she cannot ethically advocate for the petitioner, counsel's choices are to stand on the petition or to move to withdraw). Had this proposed requirement been in force at the time the instant matter proceeded in the circuit court, it is likely that the procedural mess that spawned this appeal would not have occurred.³

³ This Court may consider promulgating a Rule requiring that appointed attorneys representing criminal section 2-1401 petitioners file a certificate analogous to Supreme Court Rule 651(c). That certificate would represent that the attorney has: (1) consulted with the petitioner to determine his or her contentions of error in the entry of the final judgment; (2) reviewed the circuit court case record, including the transcripts of the trial, or the guilty plea hearing, and sentencing; and (3) made any amendments to the petition necessary to adequately present the petitioner's claims. Illinois Supreme Court Rule 651(c) requires that attorneys representing post-conviction petitioners file a certificate stating that they have: (1) consulted with the petitioner "to ascertain his or her contentions of deprivations of constitutional rights;" (2) examined the trial transcripts; and (3) made any necessary amendments to the petitioner's *pro se* petition. Ill. S. Ct. R. 651(c) (2016). Given the similar level of assistance required of post-conviction attorneys and section 2-1401 attorneys, as argued above, it would make sense for this Court to promulgate a Rule for appointed criminal section 2-1401 attorneys similar to Rule 651(c). Such a Rule

This Court need not determine that appointed section 2-1401 attorneys are subject to a “reasonable assistance” standard, or adopt the above-proposed rules, to grant Ronald relief here. It is clear that appointed counsel’s complete abandonment of Ronald was inadequate under either the reasonable assistance or the due diligence standards. See *Walker*, 2018 IL App (3d) 150527, ¶¶ 31-38 (outlining these standards); *Meeks*, 2016 IL App (2d) 140509, ¶ 8; Ill. R. Prof. Conduct 1.3 (2010); Ill. R. Prof. Conduct 1.3, comment 4 (2010). Under both of the standards articulated in *Walker*, counsel was obligated to do *something*, even if that only meant standing on Ronald’s *pro se* petition or filing a motion to withdraw. See *Perry*, 2017 IL App (1st) 150587, ¶ 39. This Court should thus find that appointed counsel’s non-performance here was inadequate.

Ronald therefore respectfully requests that this Honorable Court reverse the dismissal of his section 2-1401 petition and remand the case for further proceedings with new counsel.

would assure that appointed criminal section 2-1401 petition attorneys will have, like post-conviction attorneys, taken the initial basic steps to represent their clients.

CONCLUSION

Ronald's due process rights were violated in a prejudicial manner where he was not given a meaningful opportunity to respond to the State's motion to dismiss, and where the court dismissed his petition during an improper *ex parte* hearing. In addition, his appointed attorney's complete failure to represent him was inadequate. He therefore respectfully requests that this Court reverse the decision of the Appellate Court and remand the case for further proceedings on his section 2-1401 petition, to include the appointment of new counsel.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Andrew J. Boyd, certify that this brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this brief, excluding pages containing the Rule 341(d) cover, the Rule 341(h)(1) 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(a) is 30 pages.

/s/Andrew J. Boyd
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Assistant Appellate Defender

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R2050	Defense Argument on Motion to quash
R2053	State's Argument on Motion to quash
R2057	Defense Motion for New Trial Denied
R2058	Defense Motion for New Trial filed July 22, 1998 is Denied

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Michelle Hammond	R2062			
Mary Aikens	R2065	R2071	R2075	R2075
Gloria Jean Stoecker	R2076	R2082	R2085	R2086

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>CDX</u>
Marilyn K. Stoecker	R2089			
Joseph M. Stoecker	R2093			
Thomas R. Stoecker	R2098	R2100		

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>CDX</u>
Tammy Hodges	R2102	R2104		

R2106	State's Argument on Sentencing
R2112	Defendant's statement
R2120	Sentence
R2124	Report of Proceedings of September 18, 1998 Motion to Reconsider
R2127	Ruling stands

Volume 10 of 14

R2130	Report of Proceedings of June 10, 2005 Defense Petition for Relief from Judgment
R2139	Report of Proceedings of July 1, 2005 Pro Se Petition seeking relief under the Post Conviction Relief Act
R2145	Report of Proceedings of July 15, 2005 Pro Se Petition seeking relief under the Post Conviction Relief Act
R2152	Report of Proceedings of July 29, 2005 Petition seeking relief under the Post Conviction Relief Act
R2159	Report of Proceedings of August 12, 2005 Petition seeking relief under the Post Conviction Relief Act
R2176	Court denies relief
R2181	Report of Proceedings of August 12, 2005 Review of filing
R2203	Report of Proceedings of September 2, 2005 Motion Hearing- Motion for Reconsideration filed August 31, 2005
R2207	Court granted Motion for Reconsideration for the purpose of allowing subsequent inquiry regarding the allegations of ineffective assistance of counsel.
R2218	Report of Proceedings of September 2, 2005 Motion Hearing/Pro Se Motion for Reconsideration filed August 31, 2005

R2222 Motion for Reconsideration granted for the purpose of allowing subsequent inquiry regarding the allegations of ineffective assistance of counsel (Duplicate)

R2233 Report of Proceedings of September 23, 2005
Status Hearing

R2241 Report of Proceedings of January 13, 2006
Review

R2255 Report of Proceedings of March 21, 2006
Hearing on pending motions

R2260 Report of Proceedings of July 7, 2006
Motion Hearing

R2261 Defense Motion for Substitution of Judge for cause

R2262 Defense Opening Argument on Motion

R2267 State's Opening Argument on Defense Motion

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Ronald L. Stoecker	R2269			

R2273 Defense Closing Argument on Motion

R2274 State's Closing Argument on Defense Motion

R2281 Motion for Substitution of Judge for cause denied

R2288 Report of Proceedings of October 27, 2006
Status Review

R2294 Report of Proceedings of December 15, 2006
Motion to Withdraw

R2295 Motion to withdraw by Mr. Woller
Motion to Dismiss the Fourth Supplemental Amended Post-Conviction
Petition

R2298 Motion to withdraw as counsel (Granted)

Volume 11 of 14

- R2138A Report of Proceedings of June 24, 2005
 Status Hearing
- R2138B Defense Petition for Relief from Judgment

Volume 12 of 14

- R2302 Report of Proceedings of March 20, 2009
 Attorney Appearance
- R2303 Defendant has filed a Motion for Forensic DNA testing pursuant to 725
 Illinois Compiled Statutes 5/116-3
- R2304 Defendant filed a Motion for leave to proceed as a pauper
- R2308 Report of Proceedings of March 27, 2009
 Status on hearing/case continued
- R2312 Report of Proceedings of April 17, 2009
 Hearing on Motions/Case continued for status
- R2318 Report of Proceedings of April 24, 2009
 Status Hearing
- R2324 Report of Proceedings of May 8, 2009
 Status Hearing
- R2329 Report of Proceedings of June 12, 2009
 Status Review
- R2333 Report of Proceedings of August 7, 2009
 Status Hearing
- R2340 Report of Proceedings of August 14, 2009
 Status Hearing
- R2355 Report of Proceedings of September 4, 2009
 Status Hearing
- R2366 Report of Proceedings of October 9, 2009
 Continuance
- R2372 Report of Proceedings of November 13, 2009
 Status Hearing/Post-Conviction Motion

R2377 Report of Proceedings of January 22, 2010
Status Hearing

R2382 Report of Proceedings of May 21, 2010
Defendant's Motion for Substitution of judge

R2388 Report of Proceedings of October 2, 2010
Motion to Substitute

R2390 Defense Argument on Motion to Substitute

R2391 State's Argument

R2397 Motion Denied

R2400 Report of Proceedings of February 18, 2011
Status Hearing

R2408 Report of Proceedings of April 8, 2011
Continuance

R2412 Report of Proceedings of April 15, 2011
Motion Hearing

R2422 Report of Proceedings of April 29, 2011
Review

R2427 Report of Proceedings of May 13, 2011
Review of Motions

Volume 13 of 14

R2436 Report of Proceedings - December 2, 2011
Petition for Successive Post-Conviction Relief

Volume 14 of 14

R2441 Report of Proceedings of November 18, 2016
Ruling

R2442 Defendant's Petition for Relief for a judgment
Petition is dismissed

RECORD SHEET

Case No. 96-CF-14 Vol. INature of Case 3 Cts. 1st Degree Murder

People of the State of Illinois

vs.

Ronald Lee Strecker

Attorneys:

Sts. Atty. - James D. Owens
 Stark Co. Courthouse
 Toulon, Ill. 61483
 (309) 286-3221

Asst. Sts. Atty.
 Ed Parkinson
 725 S. Second St
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 62704
 (217) 782-4628

Joseph M. Boushery
 Reynolds, Murphy + Assoc.
 529 Commerce Bank Bldg.
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Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
7/23/96	C-269	Criminal Information filed	
7/23/96	C-271	Interim Order (for warrant) filed.	
7/23/96		Warrant of Arrest (dated 7-22-96) issued and delivered to Stark Co. Sts. Atty. for service.	
8/1/98	C-277	Motion for Disclosure of Samples filed	
4/11/97	Cashen C-272	Bill of Indictment filed. (7 Cts)	
4/11/97	Cashen C-286	Motion & Order to Seal Bill of Indictment filed.	
4/11/97	Cashen	Warrant of Arrest issued & del. to SCSD for service.	
7/21/97	Cashen C-281	Petition for Release of Bill of Indictment filed	
9/4/97	Cashen C-283	Motion & Order to Dismiss (Cts I, II, IV, VI & VII) filed.	
9/10/97	C-284	Warrant of Arrest issued, std. no service (7-22-96 warrant) for	
1/16/98	Spore D. Long C-285	Motion & Order to Publish Any Suppressed Documents filed	
1/16/98	C-286	Affidavit of Assets & Liabilities filed.	
1/16/98	Spore D. Long C-287	Interim Order (A in custody. Charges read, indictments	
R1		unsealed.	
1/20/98	C-288	Motion for Discovery filed	
1/22/98	C-290	Motion for Disclosure of Samples & Other Relief filed	
1/22/98	C-293	Notice of Hearing (1-23-98-98) filed.	
1/23/98	C-294	Discovery filed.	A-12

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. INo. 2

Nature of Case.....

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
1 23 98	C-296	Warrant of Arrest ret. w/ service filed.	16.00
1 23 98	Shore R10 D. Long C-297	Interim Order (setting jury, hrs) filed.	
1 23 98	Shore C-298	Interim Order (granting motion for samples) filed.	
1 23 98	Shore C-299	Order for Defendant to Produce filed.	
1 29 98	Shore C-301	Order for Defendant to Produce filed.	
2 2 98	C-303	Motion to Change Place of Trial filed.	
2 4 98	C-335	Notice of Intent to Remain Silent filed.	
2 6 98	C-336	Discovery filed.	
2 6 98	C-340	Proof of Service filed.	
2 6 98	Shore C-341	Interim Order filed.	
2 17 98	C-342	Discovery filed.	
2 25 98	C-348	Discovery filed.	
2 25 98	C-379	Proof of Service filed.	
2 27 98	C-380	People's Memorandum in Response to Defendant's Motion to Change Place of Trial filed.	
2 27 98	C-389	Entry of Appearance filed.	
2 27 98	Shore D. Long	A, atty Bouherry, Sta. Atty + Asst. Sta Atty. pres. for motion to change to place of trial. Donna Ratcliff, Marilyn Stoecker + Joseph Stoecker testified. Dep. A - petition attached to motion referred to - not asked to be admitted. Argument given. Court denied motion.	
R30			

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Ad. INo. 3

Nature of Case.....

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
2 27 98	Shore C-390	Interim Order filed	
3 5 98	C-391	Notice of Hearing (2-6-98) filed	
3 5 98	C-392	Motion for App't of & Authorization for Payment of an Investigator filed	
3 6 98	C-395	Amended Notice of Hearing (3-6-98) filed.	
3 6 98	C-396	Discovery filed.	
3 6 98	C-399	Proof of Service filed.	
3 6 98	Shore D. Long R92 C-400	Order Authorizing Investigator filed.	
3 10 98	C-402	Discovery filed	
3 10 98	C-403	Proof of Service filed.	
3 11 98	C-404	Motion to Continue Jury Trial filed.	
3 11 98	C-406	Notice of Hearing (3-13-98 at 1:30) filed.	
3 11 98	C-407	Proof of Service filed.	
3 11 98	C-408	Proof of Service filed.	
3 13 98	C-409	Petition for Rule to Show Cause filed.	
3 13 98	C-411	Motion in Limine filed.	
3 13 98	C-413	Motion for Preservation of Evidence filed.	
3 13 98	C-416	Notice of Copying Records filed.	
3 13 98	C-417	Demand for Speedy Trial filed.	
3 13 98	Shore D. Long R97	A, Borsberry, St. Latty pres. Investigator pres. A does not object to cont. jury to June 22. A remanded to custody of SCSD	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 N.H.I.No. 4

Nature of Case.....

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
3 13 98	<u>Shore</u> C-418	Order Appointing Investigator filed	
3 13 98	<u>Shore</u> C-419	Interim Order (cont. to June call) filed	
3 18 98	C-420	Notice of Hearing (3-27-98-11) filed.	
3 18 98	C-421	Notice of Copying Records filed.	
3 18 98	C-422	Notice of Copying Records filed.	
3 18 98	C-423	Discovery filed.	
3 18 98	C-424	Proof of Service filed.	
3 24 98	C-425	Amended Notice of Hearing (3-27-98 at 11:00 AM) filed	
3 24 98	C-426	Motion to Compel OSF filed	
3 25 98	C-428	Proof of Service filed	
3 26 98	C-429	Response to Motion to Compel & Motion to Quash filed	
3 26 98	C-436	Affidavit (BF Havellyn) filed	
3 27 98	C-34	Subpoena (P. Marcouller) rtd. w/ service filed behind record sheet	\$29.00
3 27 98	C-37	Subpoena (St. Francis - OSF) filed behind record sheet.	
3 27 98	<u>A. Shore</u> <u>L. Siller</u>	A, atty. Borscherry, St. Atty - Owens, Asst. Kirkinson pres. for motion to compel, RTSC, motion to preserve evidence. Agreed orders presented on motion to preserve + motion to compel. Testimony given by Aaron Small of ISP lab - Joliet + Patricia Marcouller of the ISP lab - Morton. Court orders say testing to be done ASAP. Court makes no finding of contempt. A remanded to custody of SCSD.	
R111			

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. INo. 5

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
3 27 98	<u>Shore</u> C-439	Order for Preservation of Evidence filed	
3 27 98	<u>Shore</u> C-440	Order to Compel OSF filed	
3 27 98	<u>Shore</u> C-441	Interim Order (re: testing) filed	
3 27 98	<u>Shore</u> C-442	Interim Order (re: contempt) filed	
2 19 98	C-344	Discovery filed	
2 19 98	C-367	Proof of Service filed	
All Vol. II.			

RECORD SHEET

Case No. 96-CF-14 Vol. IINature of Case Ct. III - First Degree Murder
Ct. II - Agg. Crim. Sex Assault

People of the State of Illinois

vs

Ronald Lee Stoecker

Attorneys:

Sts. Atty. - James D. Owens Asst. - Ed. Parkinson
 Stark Co. Courthouse
 Toulon, Ill. 61483
 (309) 284-3221
 Joseph M. Borahery
 Reynolds, Murphy & Assoc.
 529 Commercial Bank Bldg
 Peoria, Ill. 61602-1190
 (309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	6-23-98 Subpoena's placed behind record sheet	COSTS
4/1/98	C-443	Discovery filed	
4/1/98	C-444	Proof of Service filed	
4/6/98	C-445	Motion to Make Available Intercepted Communications filed	
4/7/98	C-449	Order to Make Available Intercepted Communications filed	
4/8/98	C-450	Proof of Service filed	
4/9/98	C-451	Order to Make Available Intercepted Communications filed	
4/13/98	C-452	Proof of Service filed.	
4/21/98	C-453	Discovery filed	
4/21/98	C-455	Proof of Service filed	
4/24/98	C-456	Discovery filed.	
4/24/98	C-457	Proof of Service filed.	
4/29/98	C-458	Discovery filed	
4/29/98	C-459	Proof of Service filed	
5/8/98	C-460	Discovery filed.	
5/8/98	C-461	Proof of Service filed.	
5/8/98	C-462	Motion for Expert Witness Fees filed.	
5/8/98	C-464	Notice of Hearing (5-15-98 at 1:30) filed.	
5/13/98	C-465	Discovery filed	
5/13/98	C-466	Proof of Service filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol #No. 2

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
5/15/98	Shore	C-467 Order (allowing special agents Rebmann & Dintermuth to serve subpoenas) filed	
5/15/98	Shore	C-468 Order for Expert Witness Fees filed	
5/15/98		C-38 Subpoena (J. Dison) w/service filed	
5/15/98		C-39 Subpoena (B. Winn) rtd w/service filed	
5/18/98		C-40 Subpoena (A. Kitterman) rtd w/service filed	
5/18/98		C-42 Subpoena (B. Kewerts) rtd w/service filed	
5/18/98		C-43 Subpoena (R. Kitterman) rtd w/service filed	
5/18/98		C-45 Subpoena (J. Kraft) rtd w/service filed	
5/18/98		C-46 Subpoena (C. Hinchee) rtd w/service filed	
5/18/98		C-48 Subpoena (L. Hinchee) rtd w/service filed	
5/18/98		C-49 Subpoena (T. Frisby) rtd w/service filed	
5/18/98		C-50 Subpoena (J. Frisby) rtd w/service filed	
5/18/98		C-51 Subpoena (M. O'Neill) rtd w/service filed	
5/18/98		C-52 Subpoena (R. Stoecker) rtd w/service filed	
5/18/98		C-53 Subpoena (L. Demuison) rtd w/service filed	
5/18/98		C-54 Subpoena Duces Tecum (Mr. Lemegar) rtd w/service filed	
5/19/98		C-55 Subpoena (C. Hensand) rtd w/service filed	
5/19/98		C-56 Subpoena (D. Rebmann) rtd w/service filed	
5/19/98		Subpoena (C. Henry) rtd w/service filed wrong file Aug 15-98	
5/20/98		C-57 Subpoena (G. Booker) rtd w/service filed	
5/20/98		C-59 Subpoena (J. Francis) rtd w/service filed	

ADDITIONAL RECORD SHEET

Case No. 96-CF 14, Vol. IINo. 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
5 21 98	C-60	Subpoena Duces Tecum ^(A. Depietron) rtd. w/ service filed	
5 21 98	C-61	Subpoena (+ Wilkinson) rtd w/ service filed	
5 21 98	C-62	Subpoena (J. Strecker) rtd w/ service filed	
5 22 98	C-63	Subpoena (B. Martini) rtd w/ service filed	
5 22 98	—	Subpoena (M. Boyd) rtd. w/ service filed. ^{removed per order} 5-29-98	5.00
5 26 98	C-65	Subpoena (J. Stoecker) rtd. w/ service filed.	22.00
5 26 98	C-66	Subpoena (Jas. Stoecker) rtd. w/ service filed.	22.00
5 26 98	C-67	Subpoena (L. Hinchey) rtd. w/ service filed.	—
5 26 98	C-68	Subpoena (K. Bowberry) rtd w/ service filed	—
5 26 98	C-69	Subpoena (D. Altman) rtd. w/ service filed.	—
5 26 98	C-71	Subpoena (J. L. Altman) rtd w/ service filed.	38.00
5 26 98	C-75	Subpoena (C. White) rtd. w/ service filed	—
5 27 98	C-76	Subpoena (J. Bean) rtd. w/ service filed.	
5 27 98	C-77	Subpoena (J. James) rtd - w/ service filed	
5 27 98	C-79	Subpoena (B. Jedicinski) rtd - w/ service filed	
5 27 98	C-81	Subpoena (S. Peterson) rtd w/ service filed	
5 27 98	C-83	Subpoena (S. Mc Graw) rtd w/ service filed	
5 27 98	C-84	Subpoena (J. Daniel) rtd w/ service filed	
5 27 98	C-469	List of Witnesses filed	
5 27 98	C-475	Proof of Service filed	
5 28 98	C-86	Subpoena (S. Erlebush) rtd w/ service filed	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol IINo. 4

Nature of Case.....

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	COSTS
5-28-98	C-476 Discovery filed	
5-28-98	C-477 Proof of Service filed	
5-28-98	C-478 Discovery filed	
5-28-98	C-479 Proof of Service filed	
5-28-98	C-480 Discovery filed	
5-28-98	C-481 Proof of Service filed	
5-28-98	C-88 Subpoena (J Winterroth) rtd w/ service filed	
5-28-98	C-90 Subpoena (D Heinz) rtd w/ service filed	
5-28-98	C-92 Subpoena (T Johnson-Sparks) rtd w/ service filed	
5-28-98	C-94 Subpoena (M Alcorn) rtd w/ service filed	
5-28-98	C-95 Subpoena (J Costilow) rtd w/ service filed	
5-28-98	C-97 Subpoena (J Payette) rtd w/ service filed	
5-28-98	C-99 Subpoena (P Vercillo) rtd w/ service filed	
5-28-98	C-101 Subpoena (P Immesette) rtd w/ service filed	
5-28-98	C-103 Subpoena (N Cooper) rtd w/ service filed	
5-28-98	C-105 Subpoena (J Fiorini) rtd w/ service filed	
5-28-98	C-107 Subpoena (J Burch) rtd w/ service filed	
5-28-98	C-109 Subpoena (J Ernstman) rtd w/ service filed	
5-28-98	C-111 Subpoena (S Gerard) rtd w/ service filed	
5-28-98	C-113 Subpoena (T Merchie) rtd w/ service filed	
5-28-98	C-114 Subpoena (K Parker) rtd w/ service filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. IINo. 5

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	COSTS
5-28-98	C-116 Subpoena (D. Hill) rtd. w/ service filed	
5-28-98	C-118 Subpoena (B. O'Neil) rtd. w/ service filed	
5-29-98	C-482 Motion + Order to Seal Subpoenas filed	
5-29-98	C-120 Subpoena (M. Ramo) rtd. w/ service filed	
6-1-98	C-121 Subpoena (P. Marcouiller) rtd. w/ service filed	29.00
6-1-98	C-124 Subpoenas (R. Wilk, D. Krynski) rtd. w/ service filed	—
6-3-98	C-483 Discovery filed	
6-3-98	C-485 Proof of Service filed	
6-3-98	C-131 Subpoena (K. Shulfoyle) rtd. w/ service filed	
6-3-98	C-132 Subpoena (M. Celand) rtd. w/ service filed	
6-3-98	C-133 Subpoena (K. Kedzior) rtd. w/ service filed	16.00
6-3-98	C-135 Subpoena (B. Bodemes) rtd. w/ service filed	
6-3-98	C-137 Subpoena (H. Cialandi) rtd. w/ service filed	
6-4-98	C-138 Subpoena (G. Barwick) rtd. w/ service filed	
6-4-98	C-486 Amended List of Witnesses filed	
6-4-98	C-492 Proof of Service filed	
6-4-98	C-140 Subpoena (D. Leach) rtd. w/ service filed	
6-4-98	C-142 Subpoena (J. Keenan) rtd. w/ service filed	
6-4-98	C-144 Subpoena (J. Lewis) rtd. w/ service filed	A-21
6-5-98	C-146 Subpoena (P. Skrt) rtd. w/ service filed	15.00
6-5-98	C-148 Subpoena (B. Martin) rtd. w/ service filed	27.50

ADDITIONAL RECORD SHEET

Case No.

96-CF-14 Vol. II

No.

6

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	COSTS
6 5 98	C-151 Sulipoena (D. Ottman) rtd. w/ service filed.	23.00
6 5 98	C-152 Sulipoena (J. Ottman) rtd. w/ service filed.	38.00
6 5 98	C-155 Sulipoena Duces Tecum (K. Crackel) rtd. w/ serv. filed.	15.00
6 5 98	C-157 Sulipoena Duces Tecum (B. Sosch) rtd. w/ serv. filed.	40.50
6 5 98	C-158 Sulipoena (D. Streitmatter) rtd. w/ service filed.	
6 5 98	C-159 Sulipoena (D. Streitmatter) rtd. w/ service filed.	
6 5 98	C-160 Sulipoena (D. King) rtd. w/ service filed.	15.00
6 5 98	C-162 Sulipoena (R. Allen) rtd. w/ service filed.	15.00
6 5 98	C-164 Sulipoena (S. Hucal) rtd. w/ service filed.	15.00
6 5 98	C-166 Sulipoena (W. Johnston) rtd. w/ service filed.	15.00
6 5 98	C-168 Sulipoena (M. Barnosky) rtd. w/ serv. filed.	39.50
6 5 98	C-170 Sulipoena (T. Esser) rtd. w/ service filed.	
<p>see Vol. III.</p> <p>Sulipoenas filed behind record sheet</p>		

RECORD SHEET

Case No. 96-CF-14 Vol. III

People of the State of Illinois

vs-

Ronald Lee Stoecker

 Ct. III
 Nature of Case First Degree Murder
 Ct. V Agg. Crim. Sex Assault

Attorneys:

 Sts. Atty - James D. Owens, Stark Co. Courthouse
 Danon, Ill. 61483 (309) 286-3221
 - Joseph M. Borsberry, Reynolds, Murphy & Co.
 529 Commercial Bank Bldg., Peoria, IL 61610
 (309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6 5 98	C-493	Motion in Limine (Gloria Jean Reillo/Stoecker) filed	
6 5 98	C-495	Motion in Limine (Hearsay) filed	
6 5 98	C-497	Motion in Limine (Audiotapes) filed	
6 5 98	C-499	Motion to Suppress DNA evidence, or in the alternative, for other relief filed.	
6 5 98	C-502	Motion to Suppress (Wiretaps) filed	
6 5 98	C-507	Motion for Declaration Regarding Discovery filed	
6 5 98	C-509	Motion to Allow Supplemental Jury Voir Dire filed	
6 5 98	C-510	Motion for Interim Atty. Fees filed.	
6 5 98	C-513	Notice of Hearing filed.	
6 5 98	Shore C-514	Order of Interim Atty. Fees (copy to C. CLK 6-8-98) filed	
6 5 98	Shore J. Long C-515	Motion & Order for Appointment of Private Process Server filed.	
6 5 98	Shore C-516	Interim Order (6-19-98 1:30) filed.	
6 8 98	C-171	Subpoena (S. Leming) rtd. w/ service filed.	
6 8 98	C-173	Subpoena (K. Boehl) rtd. w/ serv. filed	
6 8 98	C-175	Subpoena (C. Maran) rtd. w/ service filed.	
6 8 98	C-177	Subpoena (P. Keen) rtd. w/ serv. filed	
6 8 98	C-179	Subpoena (G. Wasson) rtd. w/ serv. filed.	

ADDITIONAL RECORD SHEET

Case No.

96-CF-14 Vol III

No.

2

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	COSTS
6 8 98	C-181 Subpoena (J. Taylor) rtd. w/ serv. filed.	
6 8 98	C-183 Subpoena (K. Frederick) rtd. w/ serv. filed.	
6 8 98	C-185 Subpoena (J. Skoryak) rtd. w/ serv. filed.	
6 8 98	C-187 Subpoena (J. Bugasenic) rtd. w/ serv. filed.	
6 8 98	C-189 Subpoena (R. Fought) rtd. w/ serv. filed.	
6 9 98	C-517 Discovery filed.	
6 9 98	C-518 Proof of Service filed.	
6 10 98	C-190 Subpoena (M. O'Neill) rtd. w/ service filed.	
6 10 98	C-191 Subpoena (P. Ford) rtd. w/ service filed.	
6 11 98	C-193 Subpoena (J. Dickerson) rtd. w/ service filed.	
6 11 98	C-194 Subpoena (S. Hunkel) rtd. w/ service filed.	
6 11 98	C-196 Subpoena (M. O'Grady) rtd. w/ service filed.	
6 11 98	C-198 Subpoena (R. Van Daele) rtd. w/ service filed.	
6 11 98	C-200 Subpoena (M. Britt) rtd. w/ service filed.	
6 11 98	C-202 Subpoena (B. Petentier) rtd. w/ service filed.	
6 11 98	C-204 Subpoena (R. Sandoval) rtd. w/ service filed.	
6 12 98	C-206 Subpoena (S. Decrenae) rtd. w/ service filed.	43.00
6 15 98	C-209 Subpoena (R. Downson) rtd. w/ service filed.	
6 17 98	C-210 Subpoena Duces Tecum ^(B. Mah) rtd. w/ service filed.	A-24
6 17 98	C-214 Subpoena (A. Small) rtd. w/ service filed.	
6 17 98	— Defendant's Preliminary List of Witnesses filed.	per B+JDO removed 6-19-98 due to address

ADDITIONAL RECORD SHEET

Case No. 96-CF-14-Vol IIINo. 3

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6/17/98	C-519	Amended Proof of Service filed	
6/17/98	C-520	Motion for Leave to Supplement Discovery filed	
6/17/98	C-521	Motion for Leave to Allow Telephone Evidence Deposition filed	
6/17/98	C-219	Subpoena (D. Fruge) rtd w/service filed	
6/17/98	C-220	Subpoena (R. Hanner) rtd w/service filed	38.00
6/18/98	C-222	Subpoena (T. Centuelli) rtd w/service filed	
6/19/98	C-523	Defendant's Supplemental Jury Voir Dire filed	
6/19/98	C-527	Defendant's Amended List of Witnesses filed	
6/19/98	C-529	Defendant's List of Exhibits filed	
6/19/98	C-532	Authority in support of Defendant's Motion In Limine (Prior Bad Acts) filed	
6/19/98	C-534	Authority in support of Defendant's Motion to Suppress (Wiretaps) filed	
6/19/98	C-537	Authority in support of Defendant's Motion In Limine (Hearsay) filed	
6/19/98	R179 S. Shore D. Long C-538	Order (on oral motion by R. Kinnick Jr) filed	
6/19/98	S. Shore D. Long C-540	Interim Order filed.	
6/19/98	Shore C-541	Interim Order filed.	
6/22/98	Shore C-542	Order for Payment of Costs filed.	
6/22/98	Shore D. Long C-544	Interim Order (Hearsay Motion) filed	
6/22/98	Shore D. Long C-545	Interim Order (Bad Acts Motion) filed	
	R231		

A-25

ADDITIONAL RECORD SHEET

Case No. 96-CF-14- Vol. IV

No. 4

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6 22 98	C-223	Subpoena (Tammy Stoecker) rtd. filed.	
6 22 98	C-224	Subpoena (M. Mastrangelo) rtd. w/service filed.	
6 22 98	C-226	Subpoena (S. Miller) rtd. w/service filed.	
6 22 98	C-228	Subpoena (A. Small) rtd. w/o service filed.	
6 22 98	Shore J. Long	Jury selection began. No jurors at adjournment.	
6 23 98	C-230	Subpoena (S. Erlindush) rtd. w/service filed.	
6 23 98	C-231	Subpoena (R. Wamsley) rtd. w/service filed.	29.00
6 23 98	C-233	Subpoena (R. DeMay) rtd. w/service filed.	37.00
6 23 98	C-235	Subpoena (G. Schuhert) rtd. w/service filed.	23.00
6 23 98	C-236	Subpoena (G. Kreiser) rtd. w/service filed.	
* 6 23 98		Subpoenas placed behind record sheet *	
6 23 98	C-238	Subpoena rtd. w/service (Tammy Jo Stoecker) filed.	16.00
6 23 98	C-240	Subpoena (S. Eubank) rtd. w/service filed.	
6 23 98	Shore J. Long	Jury selection continued. The first panel of four jurors were selected and sworn. Jurors were asked to return 6-24-98.	
R405			
6 24 98	C-546	Additional Discovery filed.	
6 24 98	C-548	Additional Discovery filed.	
6 24 98	C-549	Additional Discovery filed.	
6 24 98	C-550	Motion to Amend Ct. III of Bill of Indictment filed.	
6 24 98	C-552	Motion in Limine (Shelley Eubank) filed.	

A-26

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol IIINo. 5

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6-24-98 6-24-98 R631	C-554 Shore H. Long	Motion in Limine (Letters to Ill. State Police) filed. Jury selection continued. Panel #2 selected + sworn. Record was made of juror concerns. 2 additional peremptories were given to the D. State's motion to amend Ct. III along w/ motions in Limine are to be addressed 6-25-98 in AM. Panel #3 and 3 alternate jurors were selected + sworn. All other jurors were excused. Court recessed 6:22 PM. (State's) List of Exhibits filed	
6-25-98 6-25-98 R900	C-556 Shore H. Long	Parties pres. Motion hearings held. Opening statements given. State witnesses: Tara Sparks, Mark Alcorn, Ladie Streitmatter, Susan Kottman, Marcio O'Neill, Brenda Martin, Jerry James, Fred Winterhake, Alice Demetreeon, Jeff Daniel, and Bob Winn testified for the State. Pro. exh. 2-17, 21-23 ²⁴ , 25, 107, 27-32, #37-a note, 34-40 (including #37-photo), 41 (also D #1), 48, 51 offered + admitted. A exh. #1, 2 offered + admitted.	
6-25-98 6-25-98 6-25-98 6-26-98 6-26-98 6-26-98	Shore H. Long C-559 C-241 C-243 C-244 C-246 C-248	Interim Order (re: motion to amend Ct. III) filed. Subpoena (P. Perkins) rtd. (transferred to NY office) filed. Subpoena (P. Perkins) rtd. w/ delivery to Dennis Smith filed. Subpoena (G. Dolieslager) rtd. w/ service filed. Subpoena (G. Eastman) rtd. w/ service filed. Subpoena (M. O'Grady) rtd. w/ service filed.	33.00 31.00 A-27

ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. IIINo. 6

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6 26 98		C-249 Subpoena (T.J. Stoecker) rtd. w/service filed.	
6 26 98		C-250 Subpoena (M. Stoecker) rtd. w/o service filed.	
6 26 98		C-252 Subpoena (T. Stoecker) rtd. w/o service filed.	
6 26 98		C-254 Proof of Subpoena service (D. Oldman) filed.	23.00
6 26 98		Additional Exhibits for the State filed.	
6 26 98		C-255 Subpoena (AT&T Corp) rtd. w/corp. service filed.	—
6 29 98		C-564 Δ ¹ Second Amended List of Witnesses filed.	
6 29 98		C-567 Δ ⁵ Amended List of Exhibits filed.	
6 29 98		C-571 State's Addlt. Exhibit List filed.	
6 26 98 R1128	Shore J. David	Sts Atty, Asst Sts. Atty, Atty Bors., Δ pres. Jury trial cont. M. Ognyezek, D. Oldman, R. Stoecker, R. Fougat, W. Sima, B. Remerta, J. Frisley, T. Frisley testified for the people. Pec. exh. 83-85, 106 were offered + admitted. Ro. exh. # 51- Log sheet renumbered as # 107.	
6 29 98 R1233	Shore J. David	Sts Atty, Asst Sts Atty, Bors., Δ pres. Jury trial continues. J. Eastman, R. Jednak, J. Winterboth, J. Castliow, J. Cooper, R. Allen, J. Hucal, J. Marcouiller, P. Marcouiller testified for the state. Δ exh. 8, 9 offered + admitted. Pec. exh. 105, 38-97, 94A, 99, 110, 111, 107-109, 123, 123A, 124, 124A, 125, 125A, 126, 126A, 126B were offered + admitted.	
6 30 98		Power outage in Toulon moved the trial to Marshall Co. by consent of the parties. To begin 1:30 p.m.	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. IIINo. 7

Nature of Case.....

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6 30 98 R1373	S. Shore J. David	Atty. Owens, Asst. Parkinson, Atty. Borsberry, A pres. Jury trial continues. M. Czynyok, A. Small, R. Carter, D. Reimann testified for the state. Glenn Schinbert testified out of order for the D. People's exhibits 50-82, 86, 110, 111, 117, 119, 121, 130, 131, 131A, 132-137 offered and admitted.	
7 1 98 R1471	S. Shore J. David	Atty. Owens, Asst. Parkinson, Atty. Borsberry, A pres. Jury trial continues. Dr. P. Immesate, Thos. Merchie, Sgt. Wamsley, L. DeMay, M. Cernovich, M. Hammond testified for the state. J. Winterroth, M. Stoecker, Sammy Jo Stoecker Hodges, J. Dickerson, H. Gualandi, M. Finnegan, J. Altman, R. Lasch testified for the D. Pco. ex. 1, 24, 33, 42-47, 101-104, 104A, 112-114, 118, 120, 122, 128, 129, 138-143, 145 to 151 admitted.	
7 1 98	C-257	Subpoena (J. Winterroth) std. w/ service filed.	
7 1 98	C-258	Subpoena (D. Streitmatter) std. w/ service filed.	
7 1 98	C-259	Subpoena (W. Lewis) std. w/o service filed.	
7 2 98 R1676	S. Shore J. David	Atty. Owens, Asst. Parkinson, Atty. Borsberry, A pres. Jury trial continues, John M. Stoecker, R. Ketterman, C. Humble, L. Hinchee, C. Hinchee, P. Stoecker, M. J. Kreiser, Jos. Stoecker, F. Stoecker, F. Stoecker Sr., M. Toplitz testified for the D. See next pg.	

ADDITIONAL RECORD SHEET

Case No.

96-CF-14 Vol. III

No.

8

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
7 2 98	A. Shore J. David	Deph. 4, 10, 11, 11A, 17, 18, 19, 20, 21, 23, 72-74 and Pro. exh. 152, 153 admitted. Δ rested.	
7 3 98 R1126	A. Shore J. David	Δ, Doty Borsberry, Atty Owens, Asst. Parkinson pres for continuation of trial. J. Frisley, D. Reimann, L. Demison testified for the state in rebuttal. Pro. 4h. #154 was admitted. Sur-rebuttal by Δ had Tammy Jo. Hodges testified. Jury instruction conference held. Closing arguments given. Bailiffs sworn. Deliberations began 2:00 PM. Jury knocked w/ verdict 4:11 PM. Parties assembled, verdict read - 4:45 PM. Jury polled. Sentencing set for 2:00 PM 8-14-98. Δ made statement to court. Δ remanded to custody of SCSD. Atty. Bors. granted permission to w/draw Deph. #11A.	
go to Vol. IV.			

RECORD SHEET

Case No.

96-CF-14, 7/14/98

Nature of Case

Ct. II First Degree Murder

Ct. V - Agg. Crim. Sex. Assault

People of the State of Illinois

7/5.

Ronald Lee Stecker

Attorneys:

Att. Atty. James D. Green
 Stark Co. Courthouse
 Joliet, Ill 61483
 (309) 286-3221

A - Joseph M. Borsberry
 Reynolds, Murphy Assoc.
 529 Commercial Bank Bldg.
 Peoria, Ill. 61602-1190
 (309) 674-5557

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
7 3 98	C-573	"Refused/Withdrawn" jury instructions filed.	
7 3 98	C-590	"Given" jury instructions filed.	
7 3 98	C-618	Jury Instructions as returned from jury filed	
7 3 98	C-640A	Jury Questions/Answers filed. (unmarked verdict forms)	
7 3 98	C-645	Jury Verdict - Ct. III filed.	
7 3 98	C-646	Jury Verdict - Ct. V filed	
7 3 98	J. Shore J. Daniels	Final Order filed.	
7 10 98	C-648	Order for Payment of Costs (7-13-98 copy to Co. Clk.) filed.	
7 22 98	C-650	Notice of Hearing (8-14-98 at 2 pm) filed	
7 22 98	C-651	Defendant's Motion for New Trial filed	
8 11 98	C-653	Pre-sentence Investigation filed (manila envelope)	
8 12 98	C-811	Notice of Copying Records (OSP) filed	
8 12 98	C-812	Notice of Copying Records (Proctor) filed	
8 12 98	C-813	Notice of Copying Records (Meth) filed	
8 12 98	C-814	Notice of Copying Records (Zeller) filed	
8 14 98	C-790	1st, 2nd, 3rd Affidavits to PSI filed in manila envelope	
8 14 98	C-815	Motion to Quash Subpoena Duces Tecum filed	A-31
8 14 98	C-261	Subpoena (Cust of Rec - Zeller) ntd w/service filed	
8 14 98	C-263	Subpoena (Cust of Rec - Meth Med Ctr) ntd w/service filed	
8 14 98	C-265	Subpoena (Cust of Rec - Proctor Hosp) ntd w/service filed	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. IV

No. Vol. IV Page 2

Nature of Case.....

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
8/14/98	C-267	Subpoena ret (Cust Rec - St Francis) ret w/ unfiled	
8/14/98	Shore C-817A	Order denying A's motion for new trial filed	
8/14/98	C-818	Motion to Quash filed	
8/14/98	Shore C-827	Order granting Motion to Quash A's subpoena. Decees return filed	
8/14/98	Shore Long	A, Atty Bosberry, State's Atty pres. Atty Morris for OSF pres. Motion to Quash Subpoena's for OSF + Methodist Med Ctr granted. Motion for new trial denied. Sentencing Hearing held. Michelle Hammond, Mary Atkins, Gloria Stuecker testified in aggravation. Judicial notice taken of OP - 96-CM-5. Mantign, Joseph, Thomas Stuecker and Tammy Jo Hodges testified in mitigation. Arguments given - A read prepared statement to Court. A sentenced by Court - Appeal rights read. A remanded to Custody of SCSD.	
8/14/98	Shore C-828	Judgment - Sentence to Illinois Dept of Corrections filed	
8/17/98	C-830	Copy Court Disposition filed - orig m/ Joliet	
8/17/98	C-832	Certificate of Jail Days Served filed	A-32
8/17/98	C-833	Statement Pursuant to 730 ILCS 5/5-4-1(D) filed	
8/19/98	C-836	Notice of Hearing (9-18-98 at 11:30) filed	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14No. Vol IV - 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
8 19 98	C-837	Defendants' Motion to Reconsider Sentence filed	
8 20 98	C-839	^{Copy} Corrected Court Disposition filed - orig to Joliet	
8 24 98	C-840	Receipt of defendant by DOC filed	
8 24 98	C-841	Letter from A re: appeal filed	
9 14 98	C-805	Addendum to PSI - filed in manilla envelope.	
9 16 98	C-843	Defendants' Second Motion for New Trial filed.	
9 16 98	C-845	Motion for Attorney Fees filed.	
9 16 98	C-865	Notice of Hearing (9-18-98 - 11:30) filed.	
9 18 98	^{Shore} C-866	Order of Attorney Fees filed. (9-22-98 del. to C. clk)	
9 18 98	^{Shore} C-867	Interim Order (denying motions) filed	
9 18 98	^{Shore} C-868	Interim Order (Boro withdraw, apptd. Appell. S.D.) filed.	
9 18 98	^{Shore} C-869	Order for Free Transcript and Apptment of the Office of the State Appellate Defender as Counsel on Appeal filed	
9 23 98	C-870	Notice of Appeal filed.	
9 23 98	C-872	Certificate of Mailing filed.	
9 28 98		A's copy of Notice of Appeal rtd. to this office - envelope attached to 9-23-98 Cert. of Mailing. Notice resent to A at "K67356, Pontiac Correctional Center, 700 W. Lincoln St, Pontiac, IL 61764."	
9 29 98	C-874	Appellate Court Docketing Order filed.	
11 2 98	R-III	Report of Proceedings (3-27-98) filed.	

A-33

RECORD SHEET

Case No. 96-CF-14, Vol. V

People of the State of Illinois

VS

Ronald Lee Stoecker

Nature of Case Ct. III First Degree MurderCt. IV Aggravated Crim -
Sex. Assault

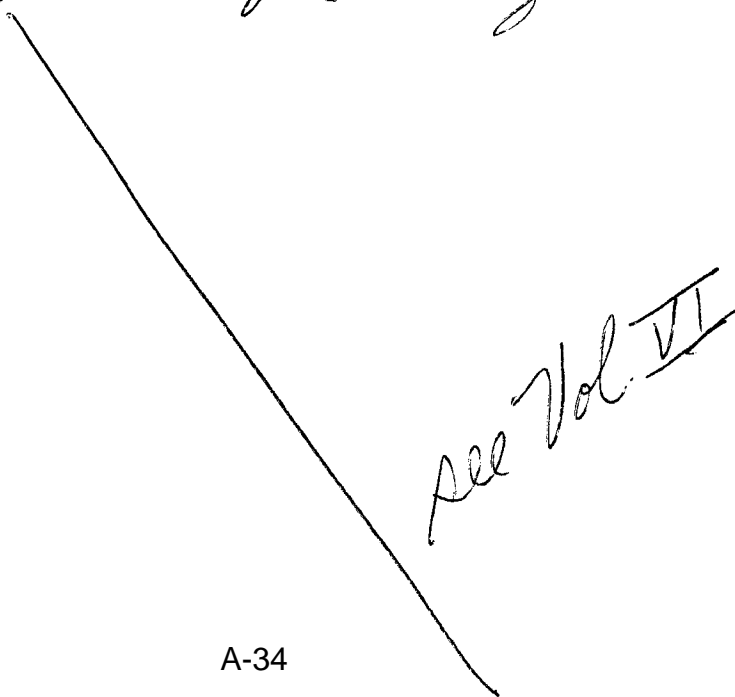
Attorneys:

Sts. Atty - James D. Owens
Hank Co. Courthouse, Toulon, Ill. 61478
(309) 286-3221

Asst. - Ed. Parkinson

D - Joseph M. Borahery, Reynolds, Murphy, & Assoc.
529 Commerce Bank Bldg, Peoria, Ill. 61602-1174
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
11 9 98	R-1	Report of Proceedings (1-16-98) filed.	
11 9 98	R-10	Report of Proceedings (1-23-98) filed.	
11 9 98	R-30	Report of Proceedings (2-27-98) filed.	
11 9 98	R-92	Report of Proceedings (3-6-98) filed.	
11 9 98	R-97	Report of Proceedings (3-13-98) filed.	
11 9 98	R-149	Report of Proceedings (6-5-98) filed.	
11 9 98	R-179	Report of Proceedings (6-19-98) filed.	
<div style="text-align: center;">  <p>See Vol. VI</p> </div>			

Case No. 96-CF-14, Vol. VI

RECORD SHEET

Nature of Case Ct. III - First Degree Murder
Ct. V Agg. Crim. Sex. Assault

People of the State of Illinois

75.

Ronald Lee Stoeker

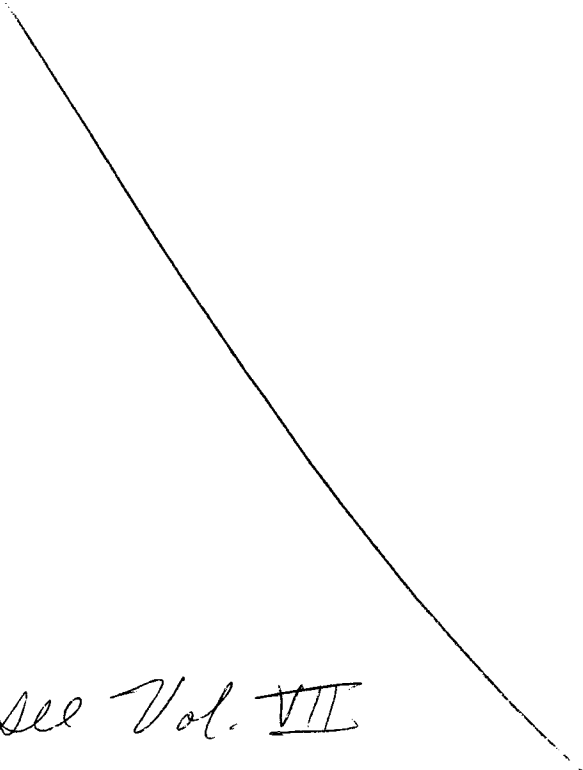
Attorneys:

Attorneys:
 Att. Atty - James D. Owens, Stark Co. Courthouse
 Toulon, Ill. 61483 (309) 286-3221

Asst. - E. d. Parkinson

West. - E. D. Parkinson
D - Joseph M. Bonaltery, Reynolds, Murphy + Assoc.
529 Commerce Bank Bldg, Peoria, Ill. 61602-1190
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE			JUDGE AND REPORTER	COSTS
11	9	98	R-231	Report of Proceedings (6-22-98) filed
				
see Vol. VII				

A-35

RECORD SHEET

Case No. 96-CF-14, Vol. VIINature of Case Ct. III First Degree Murder
Ct. V Agg. Crim. Sex. AssaultPeople of the State of Illinois
vs.

Ronald Lee Hoecker

Attorneys:

Sta. Atty. - James D. Owens, Stark Co. Courthouse
Luton, Ill. 61483 (309) 286-3221
Asst. - Ed. Parkinson
A - Joseph M. Borsberry, Reynolds, Murphy &
152 1/2 Commerce Bank Bldg, Peoria, IL 61602
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
11 9 98	R-405	Report of Proceedings (6-23-98) filed.	
		See Vol. <u>VIII</u>	

RECORD SHEET

Case No. 96-CF-14, Vol. VIII

Nature of Case Ct. II - First Degree Murder
Ct. V - Agg. Crim. Sex. Assault

People of the State of Illinois
 vs

Ronald Lee Stecker

Attorneys:

Sta Atty - James D. Owens, Stark Co. Courthouse
Toulon, Ill. 61483 (309) 286-3221

Asst - Ed. Parkinson

A - Joseph M. Bonaterry, Reynolds, Murphy & Assoc.
529 Commerce Bank Bldg, Peoria, Ill. 61602-1196
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
11 9 98	R-631	Report of Proceedings (6-24-98) filed.	
		<div data-bbox="797 1694 1075 1757" data-label="Text"> <p>see Vol. IX</p> </div>	

RECORD SHEET

Case No.

96-CF-14, Vol. X

People of the State of Illinois

vs.

Ronald Lee Strecker

Nature of Case

Ct. III First Degree Murder
Ct. IV Agg. Crim. Sex. Assault

Attorneys:

St. Atty - James D. Owens, Stark Co. Courthouse
Loulou, Ill. 61483 (309) 286-3221

Asst. - Ed. Parkinson

D - Joseph M. Borsberry, Reynolds, Murphy &
529 Commerce Bank Bldg, Peoria, IL 61602-1170
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	COSTS
11 12 98	R-1128	Report of Proceedings (6-26-98) filed.
11 12 98	R-1233	Report of Proceedings (6-29-98) filed.
See Vol. XI		

RECORD SHEET

Case No. 96-CF-14 Vol XINature of Case Ct. III First Degree Murder
Ct. IV Aggravated Crim. Sex.
Assault

People of the State of Illinois

v/s.

Ronald Lee Strecker

Attorneys:

Sts. Atty. James D. Owens, Stark Co. Courthouse
Loulon, Ill. 61483 (309) 286-3221
Asst. - Ed ParkinsonD - Joseph M. Borahine, Reynolds, Murphy & Assoc.
524 Commerce Bank Bldg, Peoria, IL 61602 1190
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
11 12 98	R-1373	Report of Proceedings (6-30-98) filed.	
		<div data-bbox="568 1680 909 1764">All Vol. XII</div>	

Case No. 96-CF-14 Vol. XII

RECORD SHEET

People of the State of Illinois

75.

Ronald Lee Hoecker

Nature of Case

Ch. III First Degree Murder
Ch. IV Aggravated Crim.

Attorneys:

Att. Atty - James D. Owens, Stark Co. Courthouse
Burlington, Ill. 61483 (309) 286-3221

Asst. - E. J. Parkinson

D - Joseph M. Boraher, Reynolds, Murphy & Assoc.
1529 Commerce Bank Bldg., Peoria, Ill 61602-1190
(309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE			JUDGE AND REPORTER	COSTS
11	12	98	R-1471	Report of Proceedings (7-1-98) filed.
<p>see vol. <u>XIII</u></p> <p>A-41</p>				

RECORD SHEET

Case No. 96-CF-14 Vol. XIII

People of the State of Illinois

v/s.

Ronald Lee Strecker

Nature of Case Ch. II - First Degree Murder
Ch. II - Aggravated Crim.
Sex. Assault

Attorneys:

Att. Gen. - James D. Owens, Stark Co. Courthouse
 Peoria, Ill. 61603 (309) 286-3221
 (309) 286-3221 -
 Asst. - Ed. Parkinson
 D - Joseph M. Lonsberry, Reynolds, Murphy & Assoc.
 529 Commerce Bank Bldg, Peoria, Ill. 61602-1196
 (309) 674-5551

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
11 12 98	R-1676	Report of Proceedings (72-98) filed	
		<div data-bbox="438 1680 876 1764">see Vol. XIV</div>	

RECORD SHEET

Case No.

96-CF-14 Vol. XIV

Nature of Case

Ct. IV First Degree Murder
Ct. V - Agg. Crim. Sex. Assault

Attorneys:

Sto. Atty - James D. Owens, Stark's Courthouse
Ladon, Ill. 61483 (309) 286-3221

Asst. - Ed Parkinson

A - Joseph M. Borsherry, Reynolds, Murphy & Assoc.
556 Commerce Bank Bldg, Peoria, Ill. 61602-1
(309) 674-5557

People of the State of Illinois

vs.

Ronald Lee Strecker

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER	COSTS
11/12/98	R-1926	Jury Trial Report of Proceedings (7-3-98) filed.
11/9/98	R-2046	Report of Proceedings (8-14-98) filed.
11/9/98	R-2124	Report of Proceedings (9-18-98) filed.
see Vol. XV		

RECORD SHEET

Case No.

96-CF-14 Vol IV

Nature of Case

Ct. VI First Degree Murder
Ct. V Agg. Crim. Sex. Assault

People of the State of Illinois

Attorneys:

Sts. Atty - James D. Owens, Stark C. Conithas
 Toulon Ill. 61483 (309) 286 3221
 Asst. - Ed Parkinson
 D - Joseph M. Barnberry, Reynolds, Mississippi
 529 Commerce Bank Bldg, Peoria, Ill. 61602
 (309) 674-5551

Ed Woller

211 W. 1st St.

Kewanee Ill 61443

309-882-0006

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
8-24-99	C-877	Subpoena (M. M. Ramsey, Ramsey) rtd w/ser. filed.	
11-23-98	C-889	Certificate of Mailing filed	
11-24-98	C-890	Certification of Record (Receipt by Appell. Ct.) filed	
2-11-98	C-891	Copy IL State Police BOT Report returned filed (w/comm.)	
8-25-99	C-878	Subpoena Before Grand Jury (D. Reimann) rtd w/ser. filed	
8-25-99	C-880	Subpoena (J. Barnick) rtd. w/ser. filed.	
8-25-99	C-881	Subpoena (M. Lehmann) rtd. w/ser. filed.	
8-25-99	C-882	Subpoena (M. Atkins) rtd. w/ser. filed	
8-25-99	C-883	Subpoena (W. Berchman) rtd. w/ser. filed.	
8-25-99	C-884	Subpoena (J. Singleton) rtd. w/ser. filed.	
8-25-99	C-885	Subpoena (R. Taylor) rtd. w/ser. filed.	
8-25-99	C-886	Subpoena (T. Redic) rtd. - not fd. filed.	
8-25-99	C-887	Subpoena (H. Agofeja) rtd. - not fd. filed.	
8-25-99	C-888	Subpoena (R. Taylor) rtd. w/ser. filed.	
1-10-2000	C-892	Appellate Ct. Mandate filed.	
5-2-05	C-907	Petition for Relief from judgment jurisdiction filed	
5-2-05	C-921	Motion for Appointment of Counsel and to proceed as a poor person filed	
5-2-05	C-923	Notice of Filing filed	
5-6-05	C-924	Court Order filed	
5-11-05	C-925	Cert. of mailing filed	

RECORD SHEET

Case No. 96-LF-14 Vol. IVNature of Case Murder

People of the State of Illinois

Attorneys:

vs.

Ronald L. Stoecker

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
11	23	98	C-889	Certificate of Mailing filed	
11	24	98	C-890	Certification of Record (Rec'd by appell. ct.) filed	
12	11	98	C-891	Copy ISP-BOI report return filed (corrections)	
1	10	00	C-892	Appellate Court Mandate filed	
5	2	05	C-907	Petition for Relief from Judgment ^{jurisdiction} filed	
5	2	05	C-921	Motion for Appointment of Counsel and to Proceed as a poor person filed	
5	2	05	C-923	Notice of Filing filed	
5	6	05	C-924	Court Order filed	
5	11	05	C-925	Certificate of Mailing filed	
5	27	05	KRG C-927	Interim Order filed	
6	1	05	C-928	Certificate of Mailing filed	
6	10	05	KRG GLong C-931	Interim Order filed	
6	13	05	C-931	Certificate of Mailing filed	
6	24	05	KRG C-933	Interim Order filed	
6	28	05	C-934	Certificate of Mailing filed	
7	1	05	KRG GL C-936	Interim Order filed	
7	5	05	C-937	Certificate of Mailing filed	
7	8	05	C-939	Petition for Fees filed	
				C-33	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVNo. 2

Nature of Case _____

Form AO 69-32A Bvers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
5 27 05	Galley — JC-927	Interim Order filed	
6 1 05	R2130 C-928	Certificate of Mailing filed	
6 10 05	Galley A. Long C-930	Interim Order filed	
6 13 05	C-931	Certificate of Mailing filed	
6 24 05	Galley — C-933	Interim Order filed	
6 28 05	R2139 C-934	Certificate of Mailing filed	
7 1 05	Galley A. Long C-936	Interim Order filed	
7 5 05	C-937	Certificate of Mailing filed	
7 8 05	C-939	Petition for fees filed	
7 8 05	Galley — C-943	Order filed	
7 15 05	Galley R2145 C-944	Interim Order filed	
7 22 05	C-945	651 (c) Certificate filed	
7 22 05	C-946	Report to the Court filed	
7 26 05	C-959	Notice of Filing filed	
7 26 05	C-960	Supplemental to Petition for Relief from Judgment filed	
7 28 05	C-965	Motion to Dismiss Defendants' Petition Supplemental Petition for Relief from Judgment filed	
7 29 05	Galley A. Long C-967	Interim Order filed	
8 1 05	R2150 C-968	Certificate of Mailing filed	
8 2 05	C-970	Notice of Filing filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. IVNo. 2Nature of Case Strecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
7 8 05	C-943	Order filed	
7 15 05	RRG Gibson C-944	Interim Order filed	
7 22 05	C-945	LS1(c) Certificate filed	
7 22 05	C-946	Report to the Court filed	
7 26 05	C-959	Notice of Filing filed	
7 26 05	C-960	Supplement to Petition for Relief from Judgment filed	
7 28 05	C-965	Motion to Dismiss Defendants Petition Supplemental Petition for Relief from Judgment filed	
7 29 05	C-967	Interim Order filed	
8 1 05	C-968	Certificate of Mailing filed	
8 2 05	C-970	Notice of Filing filed	
8 2 05	C-971	Motion for Appointment of Counsel and to Proceed as a Poor Person filed	
8 2 05	C-972	Petition for Writ of Habeas Corpus Jurisdiction filed	
8 5 05	KRG C-984	Interim Order filed	
8 8 05	C-985	Certificate of Mailing filed	
8 8 05	C-987	Motion for Evidentiary Hearing filed	
8 8 05	C-990	Notice of Filing filed	
8 10 05	C-991	Proof of Service filed	A-47
8 10 05	C-996	Affidavit in Support of Peoples Motion to Dismiss Defendants Petition Supplemental Petition for Relief from Judgment filed	

C-33a

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XV

No. 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
8 2 05	C-971	Motion for Appointment of Counsel and to Proceed As a Poor Person filed	
8 2 05	C-972	Petition for Writ of Habeas Corpus jurisdiction filed	
8 5 05	Galley C-984	Interim Order filed	
8 8 05	C-985	Certificate of Mailing filed	
8 8 05	C-987	Motion for Evidentiary Hearing filed	
8 8 05	C-990	Notice of Filing filed	
8 10 05	C-991	Proof of Service filed	
8 10 05		Motion for Attorney's Fee	
8 10 05	C-996	Affidavit in Support of People's Motion to Dismiss Defendants Petition / Supplemental Petition for Relief from Judgment filed	
8 10 05	C-999	Proof of Service filed	
8 10 05	C-1000	Notice of Hearing filed	
8 12 05	Galley St. Long RA/54, R 2181	Atty. Shells, Atty. Owens pres for hrg. Court denied petition for post conviction relief. Further filings to be made ^{filed} 9/2/05. Order to come. Once order received - Clerk to mail copy of order and transcript of today to A.	
8 12 05	C-1002	Amended Report to the Court filed.	A-48

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVNo. 3Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
8 10 05	C-999	Proof of Service filed.	
8 10 05	C-1000	Notice of Hearing filed	
8 10 05	C-1001	Proof of Service filed.	
8 12 05	C-1002	Amended Report to the Court filed.	
8 12 05	KRG LGR	Atty. Sheets, Atty. Owens pres for hrg. Court denied Petition for Post-Conviction Relief. Further filings to be made by 9-2-05. Order to come. Once order rec'd. - copy of order and transcript of today's proceedings to be mailed by Clerk to Defendant.	
8 15 05	R-2181 C-1034a	Report of Proceedings of 8-12-05 filed	
8 19 05	C-1015	Motion to Dismiss Defendants' (i) Petition for Writ of Habeas Corpus (8-2-05) (ii) Motion for Exhibitory Hearing (8-8-05) filed	
8 19 05	C-1017	Notice of Hearing filed	
8 19 05	C-1018	Proof of Service filed	
8 19 05	KRG C-1020	Order filed	
8 19 05	C-1026	Order filed	
8 22 05	C-1027	Certificate of Mailing filed (inc. RDP-8-12-05-1034a)	
8 31 05	C-1035	Notice of Filing filed	
8 31 05	C-1036	Motion for Reconsideration filed	
9 2 05	C-1046	Petitioner's Motion for Extension of Time filed C-33b	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XV

No. 4

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
8 15 05	R-2181	R-2159 Report of Proceedings (8-12-05) filed.	
8 19 05	C-1015	Motion to Dismiss Defendants (i) Petition for Writ of Habeas Corpus (filed 8-2-05), and (ii) Motion for Evidentiary Hearing (filed 8-8-05) filed.	
8 19 05	C-1017	Notice of Hearing filed	
8 19 05	C-1018	Proof of Service filed	
8 19 05	Halley C-1020	Order filed	
8 19 05	Halley C-1026	Order filed	
8 22 05	C-1027	Certificate of Mailing filed.	
8 31 05	C-1035	Notice of Filing filed	
8 31 05	C-1038	Motion for Reconsideration filed	
9 2 05	C-1046	Petitioner's Motion for Extension of Time filed	
9 2 05	C-1048	Notice of Filing filed	
9 2 05	Halley C-1049	Interim Order filed	
9 7 05	R-2203 + R-2218 C-1050	Certificate of Mailing filed	
9 14 05	R-2203	Report of Proceedings for 9-2-05 filed.	
9 14 05	C-1051	Certificate of Mailing filed	
9 19 05	C-1068	Notice of Filing filed	
9 19 05	C-1069	Response to State's Motion to Dismiss Petition for Writ of Habeas Corpus filed	
9 30 05		Certified mail std signed filed error	

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RECORD SHEET

Case No.

96-CF-14 Vol. XVI

Nature of Case

Ch. III First Degree Mur
Ch. V Agg. Crim. Sex. Assault

People of the State of Illinois

VS.

Ronald Lee Stoecker

Attorneys:

James P. Owens, Sr. atty.
130 W. Main St.
Joliet, Ill. 61483
(309) 284-3221Ed Weller
211 W. 1st St.
Kewanee, Ill. 61443
(309) 852-0606

Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
9 19 05	C-1070	Notice of Filing filed	
9 19 05	C-1071	Supplement to Motion for Reconsideration + Renewed Request for An Evidentiary Hearing filed	
9 23 05	⁶³²³³ G. Long C-1087	Petition to Review Scheduling Dates filed	
9 23 05	⁶³²³³ D. Long C-1090	Interim Order filed	
9 23 05	⁶³²³³ D. Long C-1091	Order filed (original)	
9 23 05	⁶³²³³ D. Long C-1094	Order filed (faxed w/ orig. signature)	
9 23 05	C-1097	Faxed copy of Order filed	
9 23 05	C-1100	Certificate of Mailing filed	
9 23 05	C-1089	A Letter to Judge Halley filed	
9 30 05	C-1108	Notice of Filing filed	
10 24 05	C-1109	Motion for Discovery filed	
10 24 05	C-1112	Notice of Filing filed	
10 24 05	C-1113	Request for Admissions filed + Affidavit in Support of filing	
10 24 05	C-1117	Notice of Filing filed	
10 24 05	C-1118	Motion for Discovery filed	
10 24 05	C-1123	Notice of Filing filed	
10 24 05	C-1124	Motion for Production of Documents filed	

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ADDITIONAL RECORD SHEET

Vol. XVICase No. 96-CF-14No. 2Nature of Case Ronald Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
10 24 05	C-1126	Notice of Filing filed	
10 24 05	C-1127	Motion for Post-Conviction Forensic DNA Testing filed	
10 24 05	C-1135	Notice of Filing filed	
10 24 05	C-1136	Motion for Leave to File Supplemental/Amended Post Conviction Petition Incorporated with the Supplemental/Amended Post-Conviction Petition filed	
10 24 05	C-1150	Notice of Filing filed	
10 24 05	C-1151	Motion for Preservation of Evidence filed	
10 24 05	C-1156	Certificate of Mailing filed	
10 25 05	C-1157	Certificate of Delivery filed	
10 25 05	<u>Halley</u> C-1158	Faxed copy of Order filed	
10 26 05	C-1159	Certificate of Mailing filed	
10 26 05	<u>Halley</u> C-1161	Original Order filed	
11 2 05		Return Receipt received & filed and attached to Cert. of Mailing of 10-26-05	
11 4 05	C-1162	Motion to Continue filed	
11 4 05	C-1165	Notice of Filing filed	
11 4 05	C-1166	Petition for Writ of Habeas Corpus Ad Testificandum filed	
11 7 05	C-1168	Defendants' letter with attachments filed	

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ADDITIONAL RECORD SHEET

Vol. XVII
3

Case No. 96-CF-14

No.

Nature of Case

Ronald Stoecker

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
11 9 05	Halley C-1171	^{for copy} Order setting Hearing on Defendants Motion to Continue filed	
11 9 05	C-1172	Certificate of Mailing filed	
11 10 05	Halley C-1174	Original Order setting Hearing on Defendants Motion to Continue filed	
11 22 05	Halley C-1175 C. Kurns	Interim Order filed	
11 22 05	C-1176	Cert. of Mailing filed	
11 30 05	C-1178	Notice of Filing filed	
11 30 05	C-1179	Motion for Separate Judge to Hear Petitioner's Motion for Recuse filed	
11 30 05	C-1181	Notice of Filing filed	
11 30 05	C-1182	Motion for Recuse filed	
11 30 05	C-1183	Affidavit in Support of Motion for Recuse filed	
11 30 05	C-1186	Notice of Filing filed	
11 30 05	C-1187	Motion for Extension of Time filed	
11 30 05	C-1190	Notice of Filing filed	
11 30 05	C-1191	Motion for Substitution of Counsel filed	
11 30 05	C-1194	Notice of Filing filed	
11 30 05	C-1196	Motion for Evidentiary Hearing filed	
11 30 05	C-1200	Notice of Filing filed	
11 30 05	C-1201	Motion for Fees for Scientific DNA Testing filed	

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ADDITIONAL RECORD SHEET

Vol. XVI
4

Case No. 96-CF-14

No. _____

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
11 30 05	C-1203	Notice of Filing filed	
11 30 05	C-1204	Motion for the Appointment of a Private Investigator and Request for Private Investigator Fees filed	
11 30 05	C-1207	Notice of Filing filed	
11 30 05	C-1208	Objection to the Court's Nov. 22, 2005 Interim Order filed	
11 30 05	C-1210	Notice of Filing filed	
11 30 05	C-1211	Petition for Writ of Habeas Corpus Ad Testificandum filed	
11 30 05	C-1214	Notice of Filing filed	
11 30 05	C-1215	Petitioner's Second Supplemental/Amended Post-Conviction Petition filed	
11 30 05	C-1218	Affidavit in Support of Second Supplemental/Amended-Post Conviction Petition filed	
12 6 05	C-1219	Petitioner's Third Supplemental/Amended Post-Conviction Petition filed	
12 6 05	C-1226/1251	Certificate filed	
12 9 05	Callery C-1227 K. Duray-Smith	Interim Order filed	
12 12 05	C-1228	Certificate of Mailing filed	
		C-339	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14Vol. XVI
5
No.

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
12 16 05		Return Receipt rec'd & filed and attached to cert. of mailing of 12-12-05	
12 27 05	Barrera — C-1230	Order filed	
12 27 05	C-1231	Certificate of Mailing filed	
12 29 05	C-1233	Letter from Defendant filed	
12 29 05	C-1234	Certificate of Mailing filed	
1 3 06		Return Receipt filed	
1 13 06	C-1236	Petition for Fees filed	
1 13 06	R2241 Borden C-1240	Const Order filed (atty fees) (copy to Co. Clk.)	
1 13 06	L. Long	Interim order filed	
1 17 06	Borden C-1242	Certificate of Mailing filed	
1 23 06		Return Receipt filed	
2 21 06	C-1244	Notice of Filing filed	
2 21 06	C-1245	Motion for Separate Judge to Hear Petitioner's Motion for Substitution of Judge filed	
2 21 06	C-1247	Notice of Filing filed	
2 21 06	C-1248	Motion for Substitution of Judge filed	
2 21 06	C-1252	Affidavit in Support of Motion for Substitution of Judge Stuart V. Borden filed	
2 21 06	C-1253	Certificate of Mailing filed	
2 28 06		Return Receipt filed attached to cert of mail.	
3 9 06	C-1263	Petition for Order to Return Defendant for Prosecution. Filed C-334	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVINo. 4Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
11 30 05	C-1207	Notice of Filing filed	
11 30 05	C-1208	Objection to the Courts Nov. 22, 2005, Interim Order filed	
11 30 05	C-1210	Notice of Filing filed	
11 30 05	C-1211	Petition for Writ of Habeas Corpus and Testificandum	
11 30 05	C-1214	Notice of Filing filed	
11 30 05	C-1215	Petitioner's Second Supplemental/Amended Post Conviction Petition filed	
11 30 05	C-1218	Affidavit in Support of Second Supplemental/Amended Post Conviction Petition filed	
12 6 05	C-1219	Petitioner's Third Supplemental/Amended Post-Conviction Petition filed	
12 6 05	KRG C-1226	LSI Certificate filed	
12 9 05	KRG C-1227	Interim Order filed	
12 12 05	C-1228	Certificate of Mailing filed	
12 14 05	C-1228	Rt. receipt rec'd + filed - attached to cert of mail - 12 12 05	
12 27 05	Berra C-1236	Order filed	
12 27 05	C-1231	Certificate of Mailing filed	
12 29 05	C-1233	Letter from Defendant filed	
12 29 05	C-1234	Certificate of Mailing filed	
1 3 06	C-1231	Return receipt filed	
1 13 06	C-1236	Petition for Fees filed	
		C-339	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVINo. 5Nature of Case Strecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
1	13	06	SPB C-1240	Court Order filed (atty fees)	
1	13	06	SPB GL C-1241	Interim Order filed	
1	17	06	C-1242	Certificate of Mailing filed	
2	21	06	C-1244	Notice of Filing filed	
2	21	06	C-1245	Motion for Separate Judge to Hear Petitioner's Motion for Substitution of Judge filed	
2	21	06	C-1247	Notice of Filing filed	
2	21	06	C-1248	Motion for Substitution of Judge filed	
2	11	06	C-1252	Affidavit in Support of Motion for Substitution of Judge Stuart P. Borden filed	
2	21	06	C-1253	Certificate of Mailing filed	
2	28	06	C-1253	Return recpt. filed	
3	9	06	C-1263	Petition for Order to Return Defendant for Prosecution filed	
3	10	06	SPB C-1265	Order for Return of Defendant for Prosecution filed	
3	21	06	SPB GL C-1266	Interim Order filed	
3	22	06	C-1267	Certificate of Mailing filed	
3	24	06	C-1269	Notice of Filing filed	
3	24	06	C-1270	Objection to the Courts March 21, 2006 Proceedings filed	
3	27	06	C-1267	Return recpt. filed	
4	7	06	SPB C-1272	Interim Order filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVINo. 6Nature of Case Stecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
4	10	06	C-1273	Certificate of Mailing filed	
4	10	06	C-1275	Hard copy of Petitioner's Fourth Supplemental/Amended Post Conviction Petition filed	
4	11	06	C-1286	Affidavit filed	
4	11	06	C-1288	Affidavit filed	
4	11	06	C-1290	Original Petitioner's Fourth Supplemental/Amended Post-Conviction Petition filed	
4	11	06	^{SPB} C-1297	Interim Order filed	
4	11	06	C-1298	Certificate of Mailing filed	
4	17	06	C-1298	Return Receipt filed	
4	18	06	C-1298	Return Receipt filed	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14Vol. XVI
No. 6

Nature of Case

Form AO 69-32A Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
3/10/06	Borden C-1265	Order for Return of Defendant for Prosecution filed	
3/21/06	Borden S. Long R 2255 C-1266	Interim Order filed.	
3/22/06	C-1267	Certificate of Mailing filed	
3/24/06	C-1269	Notice of Filing filed	
3/24/06	C-1270	Objection to the Courts March 21, 2006 Proceedings filed	
3/27/06		Return Receipt rec'd + attached to Cert. of mailing filed	
4/7/06	Borden S. Long C-1272	Interim Order filed.	
4/10/06	C-1273	Certificate of Mailing filed.	
4/10/06	C-1275	^{1st & 2nd copy} Petitioner's Fourth Supplemental/amended Post-Conviction Petition filed	
4/11/06	C-1290	Original Petitioner's Fourth Supplemental/ Amended Post-Conviction Petition filed	
4/11/06	C-1286	Affidavit filed	
4/11/06	C-1288	Affidavit filed	
4/11/06	Borden C-1297	Interim Order filed	
4/11/06	C-1298	Cert. of mailing	

See Vol. XVII
c-331

RECORD SHEET

Case No.

96-CF-14 Vol XVII

Nature of Case

Ct. III First Degree Murder
Ct. IV Agg Crim. Sex. Assault

People of the State of Illinois

VS

Ronald Lee Strecker

Attorneys:

St. City.

James P. Owens
1441 K Co. Courthouse
Jenison, Ill. 61483
309-286-3221Edward A. Woller
211 W. 1st St.
Jenison, Ill. 61443
309-852-0604

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
4/17/06		Return Receipt filed	
4/18/06		Return Receipt filed	
4/19/06	C-1300	Motion to Substitute Judge for Cause filed	
4/19/06	C-1302	Affidavit in Support of Motion for Substitution filed	
4/21/06	Borden C-1304	Court Order filed	
4/21/06	Borden C-1305	Interim Order filed	
4/24/06	C-1307	Certificate of Mailing filed	
5/1/06		Return Receipt filed	
5/8/06	Barr C-1310	faxed copy of Order filed	
5/10/06	Barr C-1311	Order filed	
5/10/06	C-1312	Cert. of Mailing filed	
5/17/06		Return Receipt filed	
5/19/06	C-1314	Notice of Filing filed	
5/19/06	C-1315	Petition for Writ of Habeas Corpus Ad Testificandum filed	
6/2/06	Barr C-1317	Habeas Corpus Ad Testificandum filed	
6/19/06	C-1318	Proc. of Service filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14No. 2, Vol. XVIINature of Case Ronald Lee Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
7	7	06	Barra A. Long C-1319	Δ, Atty. Woller, Atty. pres. before Judge Barra on hearing on substitution of Judge. Δ testified. Motion denied. Case remanded to Judge Borden	
7	7	06	Barra A. Long C-1319	Interim Order filed	
7	7	06	Borden A. Long R 2260	Judge Borden pres. Δ allowed to file pleadings he brought with him today.	
7	7	06	C-1320	Motion to Stay Post-Conviction Proceedings Pending Interlocutory Appeal of Denial/Dismissal of Motion for Substitution of Judge filed.	
7	7	06	C-1321	Affidavit in Support of Motion to Stay Post-Conviction Proceedings Pending Interlocutory Appeal filed.	
7	7	06	C-1322	Notice of Filing filed.	
7	7	06	C-1323	Notice of Interlocutory Appeal filed.	
7	7	06	C-1324	Motion for Free Copy of the Transcripts and Record on Appeal filed.	
7	7	06	C-1325	Notice of Filing filed.	
7	7	06	Borden A. Long C-1326	Interim Order filed	
7	13	06	C-1327	Notice of Interlocutory Appeal filed	A-61
7	13	06	C-1328	Motion for Free Copy of the Transcripts and Record on Appeal filed	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14No. 3

Nature of Case _____

Vol XVIII

Form AO 69-32A Ryers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
7 17 06	Borden C-1329	for copy Order for Free Transcript and Appointment of the Office of the State Appellate Defender as Counsel on Appeal filed.	
7 17 06	C-1330	Certificate of Mailing filed	
7 18 06	Borden C-1343	Order for Free Transcript and Appointment of the Office of the State Appellate Defender as Counsel on Appeal filed	
7 24 06	C-1344	Notice of Filing filed	
7 24 06	C-1345	Motion to Dismiss Habeas Corpus Petition Without Prejudice filed	
7 24 06	C-1346	Certificate of Delinery filed	
8 28 06		Notice of Filing filed	
8 28 06		Motion for Leave to File Fifth Supplemental/Amended Post-Conviction Petition Incorporated with the Fifth Supplemental/Amended Post-Conviction Petition filed.	
8 28 06		Separate Exhibit Appendix in support of Petition for Post-Conviction Relief filed	
8 29 06		Notification from Appellate Court concerning Dismissal of Appeal filed.	
8 29 06		Certificate of Mailing filed	

8-25-06 filings on 10/1/06

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RECORD SHEET

Case No. 96-CF-14 Vol. XVIIINature of Case Cts 1-4 Murder
Cts 5-7 Agg. Crim. Sex Assault

People of the State of Illinois

Attorneys:

Sts Atty. James D. Owens
 Stark Co. Courthouse
 Toulon, Ill. 61483
 309-284-5941

Edward Woller
 211 W. 1st St.
 Kewanee, Ill. 61443
 309-852-0604

vs.
Ronald L. Stoecker

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
8 28 06	C-1349	Notice of Filing filed	
8 28 06	C-1350	Motion for Leave to File Fifth Supplemental/Amended Post-Conviction Petition Incorporated with the Fifth Supplemental/Amended Post-Conviction Petition filed.	
8 28 06	C-1413	Seperate Exhibit Appendix in support of Petition for Post-Conviction Relief (to pg. #100) filed ^{the rest of} it is in Vol. XIX	
see Vol. XIX			

RECORD SHEET

Case No.

96-05-14 Vol. ~~LIX~~

Ch. 1-7 Murder

Nature of Case

Ch. 5-7 Agg. Crim. Sex. Assault

People of the State of Illinois
vs.

Ronald L. Hoecker

Attorneys:

The Hon. James D. Owens
 Stark Co. Courthouse
 Joliet, Ill. 61483
 309-264-3221
 Edward Woller
 211 W. 1st St.
 Joliet, Ill. 61413
 309-852-0606

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
8-28-06		Continuation - pgs #152 to end of Separate Exhibit Appendix in support of Petition for Post-Conviction Relief filed	
8-29-06		Copies of 8-28-06 filings mailed to defendants, Atty Woller, and Appellate Defender.	
8-29-06	C-1635	Notification from Appellate Court as to Dismissal by Appeal filed.	
8-29-06	C-1636	Certificate of Mailing filed.	
9-5-06		Return Receipt filed	
9-29-06	Borden C-1638	Interim Order filed	
9-29-06	C-1639	Notice of Filing filed.	
10-2-06	C-1642	Certificate of Mailing filed	
10-6-06	C-1647	Letter to attorneys woller filed	
10-10-06	C-1649	Letter from Defendant filed	
10-18-06	C-1650	Letter from Defendant filed	
10-18-06	C-1651	Appellate Court Mandate filed.	
10-18-06	C-1653	Notice of Mandate filed.	
10-18-06	C-1656	Certificate of Mailing filed.	
10-20-06	C-1661	Certificate of Delivery filed.	
		C-33	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. XIXNo. 2Nature of Case Ronald K. Stecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
10 27 06	Borden C-1466 S. Jurick R. J. B. B.	Interim Order filed	
10 30 06	C-1467	Certificate of Mailing filed	
11 1 06	C-1469	Copy of Letter & mailed to Atty. Woller filed	
11 6 06	C-1470	Notice of Filing filed	
11 6 06	C-1471	Motion to Discharge Appointed Counsel and Proceed Pro Se in Own Defense filed	
11 6 06	C-1724	Notice of Filing filed	
11 6 06	C-1725	Motion for Order of Subpoena Duces Tecum for Transcripts of Grand Jury Proceedings for Return of Indictment filed	
11 6 06		Return Receipt filed	
11 13 06	C-1734	Letter from Defendant filed	
11 13 06	C-1735	Notice of Filing filed	
11 13 06	C-1736	Sending of Additional Exhibits in Support of Fifth Amended Petition and 5-116 Motion for Retesting of DNA Evidence filed	
11 17 06	C-1747	Alternative Motion to Extend Filing Deadline filed.	
11 17 06	C-1749	Motion to Adopt and File Motion for Leave to File Fifth Supplemental/Amended Post-Conviction Petition Incorporated With the Fifth Supplemental/Amended Post-Conviction Petition filed.	

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RECORD SHEET

Case No.

96-CF-14 Vol XX

Nature of Case

Cts. 1-4-Murder
Cts. 5-7 Agg. Crim. Sex. Assault

People of the State of Illinois

VS.

Ronald L. Stacker

Attorneys:

Sts. Atty - James D. Owens
Stark Co. Courthouse
Toulon, Ill. 61483
309-286-3221Ed Waller #127
211 W. 1st St.
Kewanee, Ill. 6144
309-852-6606

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER	COSTS
11 22 06	C-1751 Letter for Defendant filed	
12 4 06	C-1752 Notice of Filing filed	
12 4 06	C-1753 Petitioner's Motion to Strike appointed Counsel. Motion for Extension of Filing Deadline filed	
12 6 06	C-1754 Motion to Dismiss Petitioner's Fourth Supplemental / Amended Post-Conviction Petition filed	
12 6 06	C-1763 Proof of Service filed	
12 13 06	Return Recpt. attached to proof of service filed	
12 14 06	C-1765 Letter from Defendant filed	
12 14 06	C-1767 Notice of Filing filed (copy)	
12 14 06	C-1768 Petitioner's Response to State's Motion to Dismiss filed (copy)	
12 15 06	Borden, C-1777 S. Jarick Court Order filed.	
12 15 06	Borden, C-1778 S. Jarick Interim Order filed	
12 18 06	R. 2244 C-1779 Certificate of Mailing filed	
12 22 06	C-1791 Motion to Dismiss Petitioner's Fifth Supplemental / Amended Post-Conviction Petition filed	
12 22 06	C-1840 Proof of Service filed.	

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ADDITIONAL RECORD SHEET

Vol. XX

Case No. 96-CF 14No. 2Nature of Case Ronald L. Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
12 27 06		Return Receipt filed.	
12 27 06	C-1842	Notice of Filing filed.	
12 27 06	C-1843	Motion to Strike States Motion to Dismiss Fifth Supplemental Petition, and Alternately; Petitioner's Anticipatory Response to States Motion to Dismiss filed.	
12 27 06	C-1859	Notice of Filing filed.	
12 27 06	C-1860	Motion for Order for Same Day Transport filed.	
12 29 06	Borden C-1864	Order filed.	
12 29 06	C-1868	Notice of Petitioner of Adverse Judgment filed.	
12 29 06	C-1869	Certificate of Mailing filed.	

see Vol. XXI

RECORD SHEET

Case No.

96-4514 Vol. XXI

Nature of Case

Cts. 1-4 Murder
Cts. 5-7 Agg. Crim. Sex. Abuse

People of the State of Illinois

vs.

Ronald L. Stoecker

Attorneys:

Att. Atty. James D. Owens
State Co. Courthouse
Joulon, Ill. 61483
309-286-3221

Δ-pro se

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
1 5 07	C-1875	Letter from Defendant to Clerk-reply attached filed	
1 5 07	C-1877	Proof of Service filed	
1 8 07		Return Receipt filed-attached to cert. of mail.	
1 12 07	Shore C-1880	Order Upon Status Review filed	
1 16 07	C-1882	Certificate of Mailing filed	
1 16 07	C-1885	Notice of Filing filed	
1 16 07	C-1886	Objection to None Service filed	
1 16 07	C-1888	Notice of Filing filed	
1 16 07	C-1889	Motion to Reconsider filed	
1 26 07	Borden C-2079	Order filed	
1 29 07	C-2080	Certificate of Mailing filed	
1 30 07	C-2082	Notice of Filing filed	
1 30 07	C-2083	Motion to Correct the Docket filed	

See vol. XXII

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RECORD SHEET

Case No. 96-CF-14 Vol. XIIINature of Case Cts. 1-4 Murder
Cts. 5-7 Agg. Crim. sex assault

People of the State of Illinois,

VS.

Ronald R. Stoelker

Attorneys:

Sts. Atty. James D. Owens
 130 W. Main
 Lorton, IL 61483
 (309) 286-3221

Δ - prose

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
2	1	07	C-2085	Motion to Dismiss: (i) Defendant's Motion for Post Conviction Forensic DNA Testing filed Oct. 24, 05 (ii) Defendant's Motion for Preservation of Evidence filed Oct. 24, 05 (iii) Defendant's Motion for Discovery, filed Oct. 24, 05 filed (iv) Defendant's Request for Admissions filed Oct. 24, 05 (v) Defendant's Motion for Fees for Scientific DNA Testing filed Nov. 30, 05 (vi) Defendant's Motion for Appointment of a Private Investigator and Request for Private Investigator Fees filed Nov. 30, 05 filed.	
2	1	07	C-2092	Motion to Dismiss Defendant's Motion for Order for Same Day Transport filed Dec. 27, 06 filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14
Vol. XXX

No. 2

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
21	07		C-2094	Motion to Dismiss Defendant's Motion for Production of Documents filed Oct. 24, 05	24, 05
21	07		C-2096	Motion to Dismiss Defendant's Motion for Appointment of Counsel and to Proceed As a Poor Person filed Aug. 2, 05	2, 05
21	07		C-2101	Amended Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus filed Aug. 2, 05	
				First Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus filed Aug. 19, 05	
27	07		C-2105	Proof of Service filed	
28	07		C-2108	Notice of Filing filed	
28	07		C-2109	Petitioner's objection to Court's Judicial Bias and Abuse of Discretion and Request for Ruling on Motion for Reconsideration of Dismissal of Fifth Supplemental Petition filed	
216	07		C-2116	Notice of Filing filed	A-70
216	07		C-2117	Objection to and Motion to Strike States	
				C-33t	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14No. 3Nature of Case Vol XXII

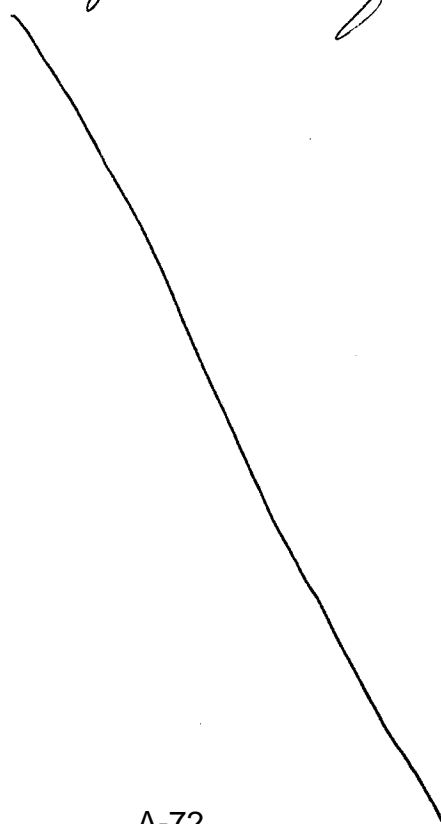
Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
2	16	07	Cont.	Motion to Dismiss Post-Conviction Forensic Retesting filed	
2	20	07	Borden — C-2119	Order filed	
2	20	07	C-2120	Notice to Petitioner of Adverse Judgment filed.	
2	20	07	C-2121	Certificate of Mailing filed	
3	2	07	C-2124	Notice of Appeal filed	
3	2	07	C-2125	Notice of Filing filed.	
3	2	07	C-2126	Motion for Free Copy of the Transcript and Record on Appeal filed	
3	6	07	Borden — C-2127	Order for Free Transcript and Appointment of the Office of the State Appellate Defender as Counsel on Appeal filed	
3	6	07	C-2128	Certificate of Mailing filed.	
3	8	07	C-2153	A's letter filed.	
3	8	07	C-2156	Clerk's letter to A filed	
3	9	07	C-2157	Current Docketing Statement filed	
4	20	07	R-2136	Report of Proceedings (6-10-05) filed.	
4	20	07	R-2139	Report of Proceedings (7-1-05) filed.	
4	20	07	R-2145	Report of Proceedings (7-15-05) filed	
4	20	07	R-2152	Report of Proceedings (7-29-05) filed.	
4	20	07	R-2181 — 2159	Report of Proceedings (8-12-05) filed.	A-71
			C-33u		

ADDITIONAL RECORD SHEET

Case No. 96-OF-14 XXIINo. 4Nature of Case Ronald L. Strecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
4 20 07	R-2218 + 2203	Report of Proceedings (9-2-05) filed	
4 20 07	R-2233	Report of Proceedings (9-23-05) filed	
4 20 07	R-2241	Report of Proceedings (1-13-06) filed	
4 20 07	R-2255	Report of Proceedings (3-21-06) filed	
4 20 07	R-2260	Report of Proceedings (7-7-06) filed	
4 20 07	R-2288	Report of Proceedings (10-27-06) filed	
4 20 07	R-2294	Report of Proceedings (12-15-06) filed	
			

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RECORD SHEET

Case No.

96-CF-14 Vol. XXIII

Nature of Case

Murder

People of the State of Illinois

VS.

Ronald Lee Stoecker

Attorneys:

Att. City - James D. Owens
 Stark Co. Courthouse
 Toulon, Ill. 61483
 309-256-3221

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
5-1-07		Appeal mailed to Appellate Court - app. mailed to A	
5-4-07	C-2159	Certification of Record filed	
8-28-08	C-2160	Letter to Clerk from A - response attached filed	
9-10-08	C-2162	Letter from A filed. Response attached	
11-14-08	C-2164	A Notice of Issuance of Mandate filed	
11-14-08	C-2166	Mandate of Appellate Court filed.	
11-19-08	C-2180	Certificate of Mailing filed.	
*9-24-08	C-2165	Letter from defendant filed	
2-25-09	C-2181	Motion for Appointment of Counsel filed	
2-25-09	C-2183	Motion for Leave to File and Proceed in Forma Pauperis filed	
2-25-09	C-2184	Notice of Filing filed.	
2-25-2009	C-2187	Motion for Forensic DNA Testing filed.	
2-25-09		Copy of today's filings emailed to Judge Shore, copy to be delivered to Judge Salley on 2-27-09 to see who will handle this case and set a hearing.	
3-20-09	R2302 Salley, C-2208 D. Jurick	Interim Order filed.	
3-23-09	C-2209	Certificate of Mailing filed	
3-27-09	R2308	Return recpt. filed - on Cert of Mail. 3-23-09	
3-27-09	Salley, C-2211 D. Jurick	Interim Order filed.	
3-30-09	C-2212	Motion for Appointment of Counsel filed	A-73
		C-33 w	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVIIINo. 2

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
3	30	09	C-2214	Motion for Leave to File and Proceed in Forma Pauperis for Petition for Relief from Judgment filed	
3	30	09	C-2217	Notice of Filing filed	
3	30	09	C-2218	Petition for Relief from Judgment Jurisdiction filed	
3	31	09	C-2236	Certificate of Mailing filed	
4	3	09		return receipt filed	
4	16	09	C-2232	Motion to Dismiss Defendants Motion for Forensic DNA Testing filed February 25, 2009 filed	
4	16	09	C-2248	Proof of Service filed	
4	17	09	Sally C-2250 ES Harris R 2312	Interim Order filed	
4	21	09	C-2251	Certificate of Mailing filed	
4	22	09	C-2253	Proof of Service filed	
4	24	09	R 2318	Return receipt for cert of mail of 4-21-09 filed - attached to cert.	
4	24	09	Sally C-2254 J. Jurick	Interim Order filed	
4	24	09	C-2255	Certificate of Mailing filed	
4	28	09	R 2324	Return Receipt filed	
5	8	09	Sally C-2257 J. Jurick	Interim Order filed	
5	8	09	C-2258	Certificate of Mailing filed	
5	12	09		Return Receipt filed	
6	12	09	Sally C-2260 J. Jurick R 2329	Interim Order filed	
6	16	09	C-2261	Certificate of Mailing filed	
				C-33X	

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ADDITIONAL RECORD SHEET

Case No. 96-CF 14 Vol. XVIIINo. 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER	COSTS
6 19 09	R2333 Return Receipt filed	
8 7 09	Halley, J. C-2263 - Interim Order filed	
8 13 09	R2334 Return Receipt filed	
8 14 09	Halley, J. C-2266 Interim Order filed	
8 14 09	R2335 C-2267 Certificate of Mailing filed	
8 24 09	C-2269 Mailing std-attached to cert of mail of 8-14-09 filed	
8 24 09	C-2269 Certificate of Mailing filed	
9 4 09	Halley, J. C-2271 Interim Order filed	
9 10 09	R2355 C-2272 Certificate of Mailing filed	
9 18 09	Halley, J. C-2274 Interim Order filed	
9 18 09	C-2275 Certificate of Mailing filed	
9 23 09	Return receipt filed	
10 9 09	C-2277 Certificate filed	
10 9 09	Halley, J. C-2279 Interim Order filed	
10 9 09	R2366 C-2280 Certificate of Mailing filed	
11 13 09	Halley, J. C-2284 Interim Order filed	
11 16 09	R2372 C-2285 Certificate of Mailing filed	
1 22 10	Halley, J. C-2287 Interim Order filed	
1 25 10	R2397 C-2288 Certificate of Mailing filed	
1 29 10	Return Receipt filed	
3 8 10	C-2290 Notice of Filing filed	
3 8 10	C-2291 Motion to Substitute Judge for Cause filed	
	C-334	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. XXIIINo. 4

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
3	8	10	C-2292	Certificate of Mailing filed.	
3	11	10		Return receipt filed	
3	12	10	Shore C-2297	Order filed.	
3	12	10	C-2298	Certificate of Mailing filed.	
3	18	10	Borden C-2300	Order filed.	
3	18	10	C-2301	Certificate of Mailing filed	
3	25	10		Return Receipt filed	
4	23	10	Galley C-2303	Interim Order filed	
4	23	10	C-2304	Cert of mailing filed	
4	28	10		Return Receipt filed	
5	7	10	C-2306	Supplement to Petitioner's Motion for Forensic ^{DNA} Testing filed.	
5	19	10	Galley C-2309	fax copy of Interim Order filed	
5	19	10	C-2310	Certificate of Mailing filed	
5	24	10		Return receipt filed	
5	21	10	Galley C-2312	Interim Order filed	
5	24	10	R2382 C-2313	Certificate of Mailing filed	
5	28	10		Return Receipt filed	
8	26	10	C-2315	Notice of Filing filed	
8	26	10	C-2316	Affidavit in Support of Motion to Substitute judge for Cause filed.	
9	2	10	Galley C-2318	Order filed	
9	2	10	C-2319	Cert. of Mailing filed C-332	

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ADDITIONAL RECORD SHEET

Case No. 96-CF 14 Vol. 23No. 5

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
9	3	10	Shore	- C-2321	Interim Order filed
9	3	10		C-2322	Report of Proceedings (5-21-10) filed
9	7	10		C-2328	Certificate of Mailing filed
9	8	10			Return Receipt filed
9	10	10			Return Receipt filed
9	30	10		C-2336	Letter from D advising of New Address filed
10	1	10	Shore		Hearing held. Order to come.
1	21	11	K.D. Smith	C-2339	Interim Order filed
1	24	11	Gallen	C-2340	Certificate of Mailing filed.
1	28	11			Return Receipt filed
1	28	11	Gallen	C-2342	Interim Order filed.
1	31	11		C-2343	Certificate of Mailing filed
2	4	11			Return receipt filed
2	4	11		C-2345	Report of Proceedings (10-2-10) filed
2	4	11	Gallen	C-2357	Interim Order filed
2	4	11		C-2358	Certificate of Mailing filed.
2	9	11			Return Receipt filed

see Vol. XXIV

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RECORD SHEET

Case No. 96-CF-14, Vol. XXIVNature of Case Murder

People of the State of Illinois

vs

Ronald L. Stoecker

Attorneys:
 STS ATTY JAMES D. OWENS
 P.O. Box 476
 Toulon, IL 61483
 309-286-3221

PD ROBERT McBRIDE
 P.O. Box 269
 Henry, IL 61537
 309-364-2423

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
2 18 11	Halley C-2372 S. Jurick R2400	Interim Order filed.	
2 22 11	C-2373	Certificate of Mailing filed	
2 25 11	C-2375	Report of Proceedings for 2-18-11 filed	
2 25 11	C-2383	Certificate of Mailing filed	
2 28 11		Return Receipt filed	
3 2 11		Return Receipt filed	
3 7 11	C-2392	Notice of Filing filed.	
3 7 11	C-2393	(DNA Testing) Letter to Judge Halley filed	
3 7 11	C-2394	Certificate of Mailing filed	
3 14 11		Return Receipt filed	
3 28 11	C-2397	Supplement to Motion for DNA Testing filed	
3 28 11	C-2398	Notice of Filing filed.	
3 29 11	C-2399	Certificate of Mailing filed	
4 4 11		Return Receipt filed	
4 8 11	Halley C-2402 S. Jurick R2409	Interim Order filed.	
4 11 11	C-2403	Certificate of Mailing filed	
4 15 11	R2412	Return Receipt filed	
4 15 11	Halley S. Jurick	Sts Atty, Atty McBride present. Hearing held on motion. Motion denied	
4 26 11	C-2405	Report of Proceedings filed (4-15-11)	
4 26 11	C-2415	Certificate of Mailing filed C-33ab	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXIVNo. 2

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
4	28	11	C-2426	Notice of Filing filed.	
4	28	11	C-2427	Notice of appeal filed.	
4	28	11	C-2428	Motion for Free Copy of the Transcripts and Record on Appeal filed.	
4	29	11	Galley C-2429 A. J. J. R-2422	Interim Order filed.	
5	2	11	C-2430	Certificate of Mailing filed.	
5	2	11	C-2435	Certificate of Mailing filed.	
5	2	11		Return receipt filed.	
5	6	11	R-2312 C-2439a	Report of Proceedings (4-17-09) filed.	
5	11	11	R-2318 C-2440	Report of Proceedings (4-29-11) filed.	
5	12	11	C-2445	Certificate of Mailing filed.	
5	16	11		Return Receipt filed.	
5	13	11	C-2446	Correspondence from A filed.	
5	13	11	C-2448	Docketing Statement filed.	
5	13	11	C-2450	Motion for Leave to Extend Filing Deadline for Motion to Reconsider filed.	
5	13	11	Galley C-2451 A. J. J. R-2427	Order for Free Transcript and Appointment of the Office of the State Appellate Defender as Counsel on Appeal filed.	
5	13	11	Galley C-2452	Order for Free Transcript on Appeal filed.	
5	13	11	Galley C-2453	Order filed (discharge atty McBride)	
5	13	11	C-2454	Certificate of Mailing filed.	
5	13	11	C-2463	Certificate of Mailing filed.	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXIVNo. 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
5 18 11		Return Receipt filed	
5 18 11		Return Receipt filed	
* 5 17 11	C-2472	Report of Proceedings - 5-13-11 filed.	
5 18 11	C-2481	Current Docketing Statement filed.	
5 18 11	C-2483	Certificate of Mailing filed.	
5 18 11	C-2484	Certificate of Mailing filed.	
5 23 11		Return Receipt filed	
5 24 11	R-2388	Report of Proceedings - 10-2-10 filed (10-1-10)	
5 27 11	R-2302	Report of Proceedings - 3-20-09 filed.	
5 27 11	R-2308	Report of Proceedings - 3-27-09 filed.	
5 27 11	R-2318	Report of Proceedings 4-24-09 filed.	
5 27 11	R-2324	Report of Proceedings 5-8-09 filed.	
5 27 11	R-2333	Report of Proceedings 8-7-09 filed.	
5 27 11	R-2340	Report of Proceedings - 8-14-09 filed.	
5 27 11	R-2355	Report of Proceedings 9-4-09 filed.	
5 27 11	R-2366	Report of Proceedings 10-9-09 filed.	
5 27 11	R-2372	Report of Proceedings 11-13-09 filed.	
5 27 11	R-2377	Report of Proceedings 1-22-10 filed.	
5 27 11	R-2382	Report of Proceedings 5-21-10 filed.	
5 27 11	R-2400	Report of Proceedings 2-18-11 filed.	
5 27 11	R-2408	Report of Proceedings 4-8-11 filed.	
		33 C-ad	A-80

ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. XXIVNo. 4

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
5 27 11	R-2412	Report of Proceedings - 4-15-11 filed.	
5 27 11	R-2422	Report of Proceedings - 4-29-11 filed.	
5 27 11	R-2427	Report of Proceedings - 5-13-11 filed.	
6 6 11	R-2329	Report of Proceedings - 6-12-09 filed.	

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RECORD SHEET

Case No. 96-CF-14 Vol. XXVNature of Case Murder

People of the State of Illinois

vs

Ronald Lee Stoeker

Attorneys:
STS ATTY JAMES D. OWENS
P.O. Box 476
Toulon, IL 61483
309-286-3221

Form AO 69-32 Byers Printing Company, Springfield, Illinois.

DATE	JUDGE AND REPORTER		COSTS
6/27/11	C-2487	Certification of Record filed	
10/21/11	C-2488	Notice of Filing filed	
10/21/11	C-2489	Leave to File Successive Petition for Post-Conviction Relief filed	
10/21/11	C-2493	Successive Post-Conviction Petition filed	
10/21/11	C-2553	Motion for Leave to File and Proceed in Forma Pauperis filed	
10/21/11	C-2694	Motion for Appointment of Counsel filed.	
10/26/11		Copies of 10-21-11 filings std. to S by certified mail C/O Warden Davis. 10-31-11- return recpt filed	
10/21/11	C-2556	Seperate Exhibit Appendix in Support of Petition for Successive Post-Conviction Relief on behalf of Ronald L. Stoeker, #K-67356 Pinckneyville Correctional Center P.O. Box 999 Pinckneyville, IL	C-2274 filed
12/2/11	Galley Pattay	Interim Order filed	
12/4/11		Certificate of Mailing filed	
12/13/11		Return Receipt filed	
12/22/11	R-2436	Report of Proceedings - 12-2-11 filed	
12/22/11		Certificate of Mailing filed	
12/29/11		Return Receipt filed	
1/24/12	C-2705	Notice of Filing filed	A-82
1/24/12	C-2706	Motion for Appointment of Counsel and Objection to the Court Proceedings of 12-2-11 filed	C-330f

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXVNo. 2Nature of Case Ronald Strecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
1 24 12	C-2714	Certificate of Mailing filed	
*2 7 12	Borden C-2719	Order filed (denying 10-21-11 motion)	
*2 8 12	C-2722	Certificate of Mailing filed	
1 27 12	Borden C-2717	Court Order filed	
1 27 12	C-2718	Certificate of Mailing filed	
2 9 12	C-2723	Motion to Reconsider filed	
2 9 12	C-2744	Certificate of Mailing filed	
2 14 12		Return Receipt filed	
2 16 12	C-2744	Return Receipt filed	
2 17 12	Borden C-2745	Court Order filed (motion to reconsider denied)	
2 21 12	C-2746	Certificate of Mailing filed	
3 1 12	C-2747	Notice of Filing filed	
3 1 12	C-2748	Motion for Free Copy of the Transcripts and Record on Appeal filed	
3 1 12	C-2749	Docketing Statement filed	
3 8 12	C-2752	Notice of Appeal filed	
3 8 12	C-2753	Certificate of Mailing filed	
3 8 12	C-2754	Certificate of Mailing filed	
3 9 12	Borden C-2756	Order for Free Transcripts filed	
3 13 12	C-2757	Certificate of Mailing filed	
3 14 12	C-2753	Return Receipt filed	
3 15 12	C-2758	Current Docketing Order - Due Dates filed	
3 16 12	C-2760	Certificate of Mailing filed	

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ADDITIONAL RECORD SHEET

Case No. 96 CF 14 Vol. XXVNo. 3Nature of Case Ronald Strocker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER	COSTS
3/19/12	C-2757	Return Receipt filed
3/21/12	C-2760	Return Receipt filed
4/12/12	C-2761	Certificate of Mailing filed.
4/12/12		Appeal Record since last appeal mailed to 3 rd Appellate Ct.
4/17/12	C-2762	Certification of Record - rtd. showing receipt filed
4/18/12	C-2761	Receipt for cert. mail filed
8/21/12	C-2764	Notice of Filing filed (not original signatures)
8/21/12	C-2765	Petition for Relief from judgment filed (not original signature)
10/12/12	C-2770	Notice of Filing filed
10/12/12	C-2776	Leave to File an Amended Petition for Relief from Judgment filed
10/12/12	C-2781	Motion for Appointment of Counsel filed
11/16/12	Borden C-2783	Order filed
11/16/12	C-2784	Certificate of Mailing filed.
11/26/12	C-2784	Return receipt filed
11/30/12	C-2782	Notice of Filing filed
11/30/12	C-2787	Motion to Reconsider filed
12/7/12	C-2793	Notice of Filing filed.
12/7/12	C-2794	Notice of Appeal filed
12/7/12	C-2795	Motion for Free Copy of the Transcript and Record on appeal filed
12/7/12	C-2796	Docketing Statement filed.

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXVNo. 4Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
12	12	12	<i>Shore</i> C-2798	Order for Free Transcript on Appeal filed	
12	12	12	<i>Shore</i> C-2799	Order in Regard to Motion to Reconsider Order of 11-16-12 filed	
12	12	12	C-2800	Certificate of Mailing filed	
12	12	12	C-2800	Return Receipt filed	
<p>see Vol. XXVI</p>					

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RECORD SHEET

Case No.

96-414 Vol. XXVI

Nature of Case

Murder

People of the State of Illinois
vs.
Ronald L. Stoeker

Attorneys:

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
12/26/12	C-2801	Notice of Filing filed	
12/26/12	C-2802	Motion to Reconsider filed	
12/26/12	C-2808	Notice of Filing filed	
12/26/12	C-2809	Motion to Reconsider The Courts Order filed 12-12-12 filed	
1/2/13	C-2814	Letter from Defendant filed	
1/3/13	C-2815	Current Deposition Statement filed	
1/18/13	C-2817	Order in Regard to Motion to Reconsider filed to the Courts Order filed on 12-12-12 filed.	
1/23/13	C-2819	Certificate of Mailing filed.	
1/23/13	C-2820	Certificate of Mailing filed	
1/28/13	C-2821	Letter from Appellate Court Dismissing Appeal filed	
1/28/13	C-2822	Certificate of Mailing filed	
1/10/13	R-2138 a	Reprt of Proceedings (6-24-05) filed	
1/28/13	C-2823	Letter from Defendant re: apptmt of Counsel filed	
2/1/13	C-2822	Return Receipt filed	
1/31/13	C-2828	Letter from Defendant filed	
2/8/13	C-2829	Notice of Filing filed	
2/8/13	C-2830	The Petitioner Respectfully Objects to Part of the Court Proceedings of January 18, 2013 filed	
2/8/13	C-2835	Order Upon Request Review of "Objection" and Request for Appointment of Counsel filed by A 28-13 filed	
		C-339i	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14, Vol. XXVINo. 2

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
2	11	13	C-2836	Certificate of Mailing filed	
2	14	13	C-2837	Notice of Issuance of Mandate filed	
2	14	13	C-2838	Mandate filed	
2	19	13	C-2842	Notice of Filing filed	
2	19	13	C-2843	Request for Representation by Civil Legal Services Provider filed	
2	19	13	C-2846	Certificate of Mailing filed	
2	20	13	C-2846b	Return Receipt filed	
2	25	13	C-2846b	Return Receipt filed	
4	19	13	Shore	Order in Regard to "Request for Representation by Civil Legal Services Provider" filed by Defendant Feb. 19, 2013 filed.	
4	22	13	C-2847	Certificate of Mailing filed	
4	29	13	C-2848b	Return Receipt filed	
5	13	13	C-2849	A Notice of Issuance of Mandate filed	
5	13	13	C-2850	Mandate filed.	
5	13	13	C-2861	Certificate of Mailing filed.	
5	20	13	C-2861b	Return Receipt filed.	
5	20	13	C-2862	Certificate of Service filed	
5	24	13	Shore C-2864	Order Denying Motion to Reconsider in Regard to Order Denying 2-1401 Relief filed	
5	28	13	C-2870	Certificate of Mailing filed	
5	28	13	C-2862b	Return Receipt filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXVINo. 3Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
6	3	13	C-2871	Notice of Filing filed	
6	3	13	C-2872	Notice of Appeal filed	
6	3	13	C-2873	Motion for Free Copy of the Transcripts and Record on Appeal filed	
6	3	13	C-2874	Docketing Statement filed	
6	3	13	C-2877	Certificate of Mailing filed	
6	3	13	C-2876	Return Receipt filed	
6	4	13	Shore C-2878	Order Denying Appointment of Counsel and Free Transcripts in Regard to Notice of Appeal of Order Denying Motion to Reconsider Denial of 2-1401 Relief filed	
6	10	13	C-2877b	Return Receipt filed	
6	7	13	C-2879	Amended Notice of Appeal filed.	
6	7	13	C-2880	Certificate of Mailing filed	
6	13	13	C-2880b	Return Receipt filed	
6	19	13	C-2881	Current Docketing Order - Due Date filed	
6	19	13	C-2882	Certificate of mailing filed	
6	24	13	C-2883	Certification of Record filed	
6	24	13	C-2882b	Return Receipt filed	
6	24	13		Return Receipt filed error jak	

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XVINo. 4Nature of Case Strecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
7 5 13	C-2884	Notice of Filing filed	
7 5 13	C-2885	Petition for Relief from Judgment/Collateral Attack on a Void Judgment filed (attached- Points and Authorities, Affidavit of Ronald L. Strecker)	
7 5 13	C-2959	Seperate Exhibit Appendix filed	
7 8 13	C-3050	Certificate of Mailing filed	
7 15 13		Notice of Filing filed	
7 15 13		Motion for Substitution of Judge as a Right filed	
7 15 13	C-3056	Certificate of Mailing filed	
7 15 13	C-3050 b	Return Receipt filed (mailing of 7-9-13)	
7 19 13	C-3056 b	Return Receipt filed	
8 16 13	Shore C-3057 C-3057	Order in Regard to Motion for Substitution of Judge as of Right (filed 7-15-13) filed	
8 21 13	C-3058	Certificate of Mailing filed	
8 24 13	C-3058 b	Return Receipt filed	
8 30 13	Brandt C-3059	Order filed (denying mot. to subst. judge)	
8 30 13	C-3060	Certificate of Mailing filed	
9 12 13	C-3061	Return Receipt - 9-9-13 filed	
9 12 13	C-3062	Notice of Filing filed	
9 12 13	C-3062	Objection to Aug. 30, 2013 Order filed	
9 12 13	C-3067	Certificate of Mailing filed	A-89
9 13 13	Shore C-3068	Order Referring Objection to 8-30-13 Order to Chief Judge for Review filed	C-33 a M

ADDITIONAL RECORD SHEET

Case No. 96-cv-14 Vol. XXVINo. 5Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
9/16/13	C-3069	Certificate of Mailing filed	
9/18/13	C-3067b	Return Receipt filed	
9/20/13	C-3069b	Return Receipt filed	
9/20/13	Branch C-3070	Order (on bottom of 9-13-13 order) filed	
9/24/13	C-3071	Certificate of Mailing filed	
9/30/13	C-3071b	Return Receipt filed	
11/12/13	C-3072	Letter from Defendant filed	
11/12/13	C-3073	Clerk's Response filed	
11/12/13	C-3074	Certificate of Mailing filed	
11/19/13	C-3074b	Return Receipt filed	
12/23/13	C-3075	Notice of Filing filed	
12/23/13	C-3076	Motion to Request Hearing / Ruling on Petitioner's Petition for Relief from Judgment / Collateral Attack on a Void Judgment filed	
12/23/13	C-3078	Certificate of Mailing filed	
12/30/13	C-3078b	Return Receipt filed	
12/30/13	C-3079	Summary Dismissal of Successive Petition for 2-1st Relief filed	
12/30/13	C-3107	Notice to Petitioner of Adverse Judgment filed	
12/30/13	C-3108	Certificate of Mailing filed	
1/7/14	C-3108b	Return Receipt filed	A-90
1/17/14	C-3109	Notice of Filing filed	
1/17/14	C-3110	Motion to Reconsider 12-23-13 Denial of Pet. for Relief from Judgment / Collateral Attack on a Void Judgment filed 7-5-13 filed	
		C-33 a m	

RECORD SHEET

Case No.

96-CF-14 Vol. XXVII

Nature of Case

Murder

People of the State of Illinois

vs.

Ronald L. Stoecker

Attorneys:

STS ATTY JAMES D. OWENS
P.O. Box 476
Toulon, IL 61483
309-286-3221

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
1	28	14	C-3125	Return Receipt filed	
1	29	14	Shore C-3126	Summary Dismissal of Successive Petition for 2-1401 Relief filed	
1	29	14	C-3127	Certificate of Mailing filed	
2	3	14	C-3138	Return Receipt filed	
2	10	14	C-3129	Notice of Filing filed	
2	10	14	C-3130	Notice of Appeal filed.	
2	10	14	C-3131	Motion for Free Copy of the Transcripts and Record on Appeal filed	
2	11	14	Kovich C-3132	Order filed	
2	11	14	C-3133	Certificate of Mailing filed	
2	11	14	C-3134	Certificate of Mailing filed	
2	14	14	C-3135	Return Receipt filed	
2	21	14	C-3136	Letter from A Requesting Preparation of Appeal filed	
2	24	14	C-3137	Current Docketing Statement filed	
2	26	14	C-3138	Certificate of Mailing filed	
3	3	14	C-3139	Return Receipt filed	A-92
3	3	14	C-3140	Motion for Appointment of Counsel filed	
3	3	14	C-3142	Motion to Proceed in Forma Pauperis filed	C-33 ap

ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXVIINo. 2Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
3	3	14	C-3144	Notice of Filing filed	
3	3	14	C-3145	Motion for DNA Database Search (Genetic Marker Groupings Comparison Analysis) Pursuant to 725 ILCS 5/116-5, and S.Ct. Rule 417 filed	
3	3	14	C-3158	Certificate of Mailing filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXVNo. 2Nature of Case Ronald L. Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
3	3	14	C-3141	Notice of Filing filed	
3	3	14	C-3145	Motion for DNA Database Search (Genetic Marker Chromosomes Comparison Analysis) Pursuant to 725 ILCS 5/116-5, and S.Ct. Rule 417 filed	
3	3	14	C-3158	Certificate of Mailing filed	
3	20	14	C-3159	Certificate of Mailing filed	
3	20	14		Appeal Mailed to 3 rd Dist. Appellate Ct. (03-14-0128)	
3	25	14	C-3161	Return Receipt filed	
3	28	14	C-3162	Notice from Appellate Court of Appmt. of Counsel filed	
3	28	14	C-3163	Certificate of Mailing filed	
4	3	14	C-3164	Return Receipt filed	
4	24	14	C-3165	Notice of Issuance of Mandate filed	
4	24	14	C-3166	Mandate filed (03-13-0389)	
4	24	14	C-3175	Certificate of Mailing filed	
4	25	14	C-3176	Certification of Record filed	
4	21	14	C-3177	Letter from Defendant	
4	30	14	C-3178	Return Receipt filed	
6	30	14	C-3179	Supreme Court Mandate filed	
6	30	14	C-3187	Certificate of Mailing filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14 Vol. XXVIINo. 3Nature of Case Ronald L. Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
6	30	14	C-3188	Notice of Filing filed	
6	30	14	C-3189	Motion to Preced in Forma Pauperis filed	
6	30	14	C-3191	Motion for Appointment of Counsel filed	
6	30	14	C-3193	Motion for Forensic DNA Testing filed	
6	30	14	C-3218	Separate Exhibit Appended in Support of Motion for Forensic DNA Testing filed	
7	3	14	C-3327	Return Receipt for 6-30-14 Mailing filed	
7	3	14	C-3328	A Notice of Issuance of Mandate filed	
7	3	14	C-3329	Appellate Court Mandate filed	
7	7	14	C-3353	Certificate of Mailing filed	
7	11	14	C-3353a	Return Receipt filed	
<p>see Vol. XXVIII</p>					

RECORD SHEET

Case No. 96-CF-14 Vol. XXVIIINature of Case Murder

People of the State of Illinois

v/s.

Ronald L. Strocker

Attorneys:

STS ATTY JAMES D. OWENS
P.O. Box 476
Toulon, IL 61483
309-286-3221

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
7 24 14	C-3354	Notice of Filing filed	
7 24 14	C-3355	Motion for Leave to File and Proceed in Forma Pauperis filed	
7 24 14	C-3357	Leave to File Successive Petition for Post-Conviction Relief filed	
7 24 14	C-3361	Motion for Appointment of Counsel filed	
7 24 14	C-3363	Successive Post-Conviction Petition filed	
7 24 14	C-3413	Separate Exhibit Appendix in Support of Second Successive Post-Conviction Petition filed	
7 24 14	C-3411	Affidavit in Support of Second Successive Post-Conviction Petition filed	
7 31 14	C-3551	Certificate of Mailing filed	
8 6 14	C-3551a	Return Receipt filed	
9 17 14	C-3552	Letter from Defendant filed	
9 26 14	C-3553	Order filed	
9 26 14	C-3568	Notice to Petitioner of Adverse Judgment filed	
9 26 14	C-3569	Certificate of Mailing filed	
10 1 14	C-3570	Return Receipt filed	
10 15 14	C-3571	Notice of Filing filed	A-96
10 15 14	C-3572	Motion to Reconsider the Court's September 26, 2014 Denial of Petitioner's Motion for Leave to File Successive Petition for Post-Conviction Relief filed	
10 15 14	C-3584	Certificate of Mailing filed	C-33 as

RECORD SHEET

Case No. 96-CF-14 Vol. XXIXNature of Case Murder

People of the State of Illinois
 vs.
 Ronald L. Stoecker

Attorneys:

STS ATTY JAMES D. OWENS
 P.O. Box 476
 Toulon, IL 61483
 309-286-3221

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
10 17 14	Keith	C-3587 Order filed (motion to reconsider denied)	
10 17 14		C-3588 Certificate of Mailing filed	
10 23 14		C-3589 Return Receipt filed (Oct. 15 mailing)	
10 28 14		C-3590 Return Receipt filed (Oct. 17 mailing)	
10 31 14		C-3591 Notice of Filing filed	
10 31 14		C-3592 Notice of Appeal filed	
10 31 14	Keith	C-3593 Motion for Free Copy of the Transcripts and Record on Appeal filed & Order for Free Transcripts filed	
11 3 14		C-3595 Certificate of Mailing filed	
11 7 14	Keith	C-3594 Order for Free Transcript on Appeal amended by Judge Keith to reflect appellate defender app'd.	
11 7 14		C-3596 Certificate of Mailing filed	
11 12 14		C-3597 Return Receipt filed	
11 17 14		C-3598 Current Docketing Order - Due Dates filed	
11 17 14		C-3599 Certificate of Mailing filed	

RECORD SHEET

Case No. 96-LF-14 Vol. XXIXNature of Case Murder

People of the State of Illinois

vs.

Ronald L. Strocker

Attorneys:

STS ATTY JAMES D. OWENS
P.O. Box 476
Toulon, IL 61483
309-286-3221

Form AO 69-32 Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER	COSTS
10/17/14	Keith C-3587 Order filed (motion to reconsider denied)	
10/17/14	C-3588 Certificate of Mailing filed	
10/23/14	C-3589 Return Receipt filed (Oct. 15 mailing)	
10/28/14	C-3590 Return Receipt filed (Oct. 17 mailing)	
10/31/14	C-3591 Notice of Filing filed	
10/31/14	C-3592 Notice of Appeal filed	
10/31/14	Keith C-3593 Motion for Free Copy of the Transcript and Record on Appeal filed & Order for Free Transcript filed	
11/3/14	C-3594 Certificate of Mailing filed	
11/7/14	Keith C-3595 Order for Free Transcript on Appeal amended by Judge Keith to reflect Appellate defender apptd.	
11/7/14	C-3596 Certificate of Mailing filed	
11/12/14	C-3597 Return Receipt filed	
11/17/14	C-3598 Current Docketing Order - Due Dates filed	
11/17/14	C-3599 Certificate of Mailing filed	
11/20/14	Appeal mailed to Appellate Court	
11/20/14	C-3600 Return Receipt filed	
11/20/14	C-3601 Certificate of Mailing filed	
11/26/14	C-3602 Return Receipt filed.	

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ADDITIONAL RECORD SHEET

Case No. 96-CF-14No. 2Nature of Case Stoecker

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
12	1	14	C-3603	Notice of Filing filed	
12	1	14	C-3604	Motion to Request Hearing / Ruling on Petitioner's Motion for DNA Testing, and Motion for DNA Database Search filed	
12	1	14	C-3605	Certificate of Mailing filed	
12	4	14	C-3606	Certification of Record filed	
12	5	14	C-3607	Return Receipt filed	
2	5	15	C-3608	Certificate of Service filed	
2	5	15	C-3609	Petitioner's Second Motion to Request a Hearing / Ruling on Petitioner's Motion for DNA Testing, and Motion for DNA Database Search filed	
2	5	15	C-3610	Certificate of Mailing filed	
2	11	15	C-3611	Return Receipt filed	
2	20	15	McCawley C-3612	Court Order filed	
2	23	15	C-3613	Certificate of Mailing filed	
2	27	15	C-3614	Return Receipt filed	
3	5	15	C-3615	Notice of Filing filed	
3	5	15	C-3616	Petitioner's Third Motion to Request a Ruling on Petitioner's Motion for DNA Testing, and Motion for DNA Database Search filed	
3	5	15	C-3617	Certificate of Mailing filed	
3	10	15	C-3618	Return Receipt filed	

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ADDITIONAL RECORD SHEET

Case No. 96-CF14 Vol XXIXNo. 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
3	13	15	McCluskey C-3679	Court Order filed	
3	16	15	C-3680	Certificate of Mailing filed	
3	19	15	C-3681	Return Receipt filed.	
3	26	15	C-3682	Notice of Filing filed.	
3	26	15	C-3683	Notice of Appeal filed	
3	26	15	C-3684	Motion for Free Copy of the Record on Appeal filed.	
3	27	15	McCluskey C-3685	Order for Free Transcript and Appointment of Counsel filed	
3	30	15	C-3686	Certificate of Mailing filed.	
3	30	15	C-3687	Certificate of Mailing filed	
4	2	15	C-3688	Return Receipt filed	
4	9	15	C-3686a	Mailing to Appell. Def. etc. filed	
4	9	15	C-3689	Certificate of Mailing filed	
4	9	15		Record sent to Appellate Court	

ADDITIONAL RECORD SHEET

Case No. 96-CF19 JLC AXIXNo. 3

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
3/13/15	McCluskey C-3614	Court Order filed	
3/16/15	C-3680	Certificate of Mailing filed	
3/19/15	C-3681	Return Receipt filed	
3/26/15	C-3682	Notice of Filing filed	
3/26/15	C-3683	Notice of Appeal filed	
3/26/15	C-3684	Motion for Free Copy of the Record on Appeal filed	
3/27/15	McCluskey C-3685	Order for Free Transcript and Appointment of Counsel filed	
3/30/15	C-3686	Certificate of Mailing filed	
3/30/15	C-3687	Certificate of Mailing filed	
4/2/15	C-3688	Return Receipt filed	
4/9/15	C-3689	Mailing to Appell. Dep. std. filed	
4/9/15	C-3690	Certificate of Mailing filed	
4/9/15		Record sent to Appellate Court	
4/13/15	C-3690	Return Receipt filed	
4/14/15	C-3691	Return Receipt filed	
4/17/15	C-3692	Current Docketing Statement filed	
4/23/15	C-3693	Certification of Record filed	
8/10/15	C-3694	2- Notices from Appellate Court - appeals dismissed filed	
8/10/15	C-3696	Certificate of Mailing filed	
8/13/15	C-3697	Return Receipt filed	

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ADDITIONAL RECORD SHEET

Case No. 96 CF-14No. 4

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE	JUDGE AND REPORTER		COSTS
9 25 15	C-3098	Notice of Issuance of Mandate (3-15-211) filed (dismissed)	
9 25 15	C-3099	Mandate filed (3-15-211 - dismissed)	
9 25 15	C-3703	Notice of Issuance of Mandate (3-14-859) filed.	
9 25 15	C-3704	Mandate filed (3-14-859) (dismissed)	
9 28 15	C-3708	Certificate of Mailing filed	
10 2 15	C-3709	Return Receipt filed	
5 12 16	C-3710	Notice of Issuance of Mandate (3-14-0128) filed	
5 12 16	C-3711	Mandate filed (3-14-0128) (Denied) filed	
5 12 16	C-3721	Cert. of Mailing filed	
5 17 16	C-3722	Return Receipt filed	
5 19 16	C-3723	Record Ref from Appellate Court. Receipt filed.	
8 29 16	C-3724	Notice of Siling filed	
8 29 16	C-3726	Petitioner's Application to Proceed as a Poor Person filed	
8 29 16	C-3728	Motion for Appointment of Counsel filed	
8 29 16	C-3730	Petition for Relief from Judgment/ Collateral Attack on a Void Judgment filed	
8 29 16	C-3739	Cert. of Mailing filed	
9 2 16	C-3739	Return Receipt filed	
9 23 16	McLuskey C-3740	Court Order filed (appt. McB)	
9 26 16	C-3741	Certificate of Mailing filed	

ADDITIONAL RECORD SHEET

Case No. 96-0514 Vol. XXIXNo. 5Nature of Case Streckel

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
9	30	16	C-3761a	Return Receipt filed	
11	14	16	C-3762	Memorandum in Support of People's Motion to Dismiss (Defendants/Petitioner's) Petition for Relief from Judgment/Collateral Attack on a Void Judgment filed Aug. 29, 2016 filed	
11	14	16	C-3765 R-441	Motion to Dismiss (Defendants/Petitioner's) Petition for Relief from Judgment/Collateral Attack on a Void Judgment filed Aug. 29, 2016 filed	
11	18	16	McCuskey C-3768 S. Brown	Court Order filed	
11	18	16	C-3769	Cert. of Mailing filed	
11	28	16	C-3770	Return Receipt filed	
12	5	16	C-3771	Notice of Filing filed	
12	5	16	C-3772	Motion for Reconsideration filed	
12	6	16	McCuskey C-3795	Court Order filed (motion denied)	
12	6	16	C-3796	Certificate of Mailing filed	
12	12	16	C-3797	Return Receipt filed	
12	19	16	C-3798	Notice of Filing filed	
12	19	16	C-3799	Notice of Appeal filed	A-103
12	19	16	C-3800	Motion for Free Copy of the Transcripts and Record on Appeal filed	C-33ax

ADDITIONAL RECORD SHEET

Case No. 96-CF-14No. 6

Nature of Case _____

Form AO 69-32A Byers Printing Company, Springfield, IL

DATE			JUDGE AND REPORTER		COSTS
12	24	16	Reiter C-3801	Order for Free Transcript on Appeal filed	
12	24	16	C-3802	Cert. of Mailing filed	
12	27	16	C-3803	Return Receipt filed	
1	6	17	C-3804	Appeal Receipt Form filed	
1	6	17	R-2441	Report of Proceedings filed ¹⁽¹¹⁻¹⁸⁻¹⁶⁾	
1	6	17	C-3805	Cert. of Mailing filed	
1	13	17	C-3806	Return Receipt filed	
1	25	17	C-3807	Current Docketing Order - Due Dates filed	
1	25	17	C-3808	Cert. of Mailing filed	
2	6	17	C-3809	Return Receipt filed	
2	14	17	C-3810	Letter from Third District Appellate Court (Appointment of Counsel Allowed) filed	
2	15	17	C-3811	Cert. of Mailing (Cert. of record) filed	
2	15	17		Appeal Mailed to Appellate Court	

2019 IL App (3d) 160781

Opinion filed April 26, 2019

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2019

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 10th Judicial Circuit,
	)	Stark County, Illinois.
Plaintiff-Appellee,)	
	)	Appeal No. 3-16-0781
v.	)	Circuit No. 96-CF-14
)	
RONALD LEE STOECKER,)	
	)	Honorable Michael P. McCuskey,
Defendant-Appellant.	)	Judge, Presiding.

PRESIDING JUSTICE SCHMIDT delivered the judgment of the court, with opinion.
Justice Carter concurred in the judgment and opinion.
Justice Lytton dissented, with opinion.

OPINION

¶ 1 Defendant, Ronald Lee Stoecker, appeals the dismissal of his petition for relief from judgment, arguing that (1) his due process rights were violated where the court did not give him a meaningful opportunity to respond to the motion to dismiss and the court held an *ex parte* hearing on the motion and (2) his counsel did not adequately represent him. We affirm.

¶ 2 I. BACKGROUND

¶ 3 In 1998, a jury convicted defendant of first degree murder (720 ILCS 5/9-1(a)(2) (West 1996)) and aggravated criminal sexual assault (*id.* § 12-14(a)(2)). The evidence at trial established that 15-year-old Jean Humble left the Children's Home in Peoria, Illinois, at

approximately 8:45 p.m. on May 29, 1996. Humble accepted a ride from defendant, who drove her to a remote area, sexually assaulted her, cut her throat, and left her. Humble walked to get help. The attack occurred within a mile of defendant's previous residence, which was vacant at the time. Humble arrived at the home of Sadie Streitmatter at 10:45 p.m. and told Streitmatter that she had been raped. Streitmatter called 911, and an ambulance transported Humble to a hospital in Peoria around 12 a.m. At the hospital, Humble was unable to speak but responded to questions by writing her responses. She indicated that her assailant was driving a red, four-door car. Humble died in the hospital 30 days later.

¶ 4 On the day of the attack, defendant had attended a class in Peoria at the Center for Prevention of Abuse from 6 to 8 p.m. A member of the class testified that he saw defendant leave in a red car. At 4:30 a.m. the morning after the attack, defendant purchased a plane ticket to Costa Rica in cash and left the country. He had told his boss earlier that month that if he got into any legal trouble he would flee to Costa Rica due to their lenient extradition rules. Eighteen months after the attack, defendant was apprehended in Costa Rica and extradited to Illinois.

¶ 5 Defendant's family helped him cover up the crime. The morning after the attack, an off-duty police officer saw defendant's brother removing and burning the interior of the red car. Defendant's family testified that the car was inoperable that day due to a blown engine, his brother was disassembling the car to sell it as scrap metal, and it was common for them to burn things on their property. Defendant's mother testified that the whole Stoecker family had planned to move to Costa Rica in January 1996. They knew that moving to Costa Rica would be a violation of defendant's parole, so he planned to leave after his weekly class so he had a week before the violation would be noticed. His family also testified that, on the day of the attack,

defendant arrived home around 9 p.m. He was clean, and his demeanor was normal. His mother took him to the airport just after midnight.

¶ 6 The court sentenced defendant to concurrent terms of life and 30 years' imprisonment. We affirmed his convictions and sentences on direct appeal. *People v. Stoecker*, No. 3-98-0750 (1999) (unpublished order under Illinois Supreme Court Rule 23). Defendant then filed numerous unsuccessful postconviction petitions and petitions for relief from judgment. *People v. Stoecker*, 2015 IL App (3d) 140128-U; *People v. Stoecker*, 2014 IL 115756; *People v. Stoecker*, 2014 IL App (3d) 130389-U; *People v. Stoecker*, 2012 IL App (3d) 120183-U; *People v. Stoecker*, 384 Ill. App. 3d 289 (2008).

¶ 7 In 2016, defendant filed another *pro se* petition for relief from judgment, which is the subject of this appeal. See 735 ILCS 5/2-1401 (West 2016). In the *pro se* petition, defendant contended that his sentence to life imprisonment was void under *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and because the circuit court did not explicitly state on the record the aggravating circumstances necessitating natural life imprisonment. He argued that *Apprendi* now applied retroactively to his case based on the United States Supreme Court cases of *Johnson v. United States*, 576 U.S. ___, 135 S. Ct. 2551 (2015), and *Welch v. United States*, 578 U.S. ___, 136 S. Ct. 1257 (2016). He further contended that he acted diligently in bringing his petition because he did “did not learn of the retroactivity of *Johnson* and *Welch* until June 2016, from a Jailhouse Lawyer.”

¶ 8 On November 14, 2016, the State filed a motion to dismiss the petition, alleging that defendant's petition was not timely filed, as it was filed 16 years after judgment was entered and defendant did not provide a reasonable explanation for such delay. Moreover, the State said that the issues defendant sought to raise had previously been litigated. Appointed counsel was served

with the motion to dismiss but filed no response. On November 18, 2016, the court held a hearing on the motion to dismiss. There is no indication in the record that appointed counsel received notice of the hearing. The State was the only party present at the hearing. The court stated that defendant's presence was not required. The court did not reference appointed counsel at the hearing. The court dismissed the petition at the hearing, stating: "[T]he Court finds the People's motion and memorandum persuasive and correct as a matter of law." Defendant filed a *pro se* motion to reconsider, alleging, *inter alia*, that he was not given the opportunity to respond to the motion since the hearing was held only four days after the motion to dismiss was filed. Appointed counsel did not file any postjudgment motions. The court did not hold a hearing on defendant's motion to reconsider; instead, the court issued a written order denying the motion.

¶ 9

II. ANALYSIS

¶ 10

On appeal, defendant argues (1) that his due process rights were violated where the court granted the motion to dismiss without giving defendant a meaningful opportunity to respond and the court held an *ex parte* hearing on the motion with only the State present and (2) that appointed counsel inadequately represented defendant where he failed to file, appear, or provide any representation to defendant. We find that, even accepting defendant's argument that his due process rights were violated, any such violation would be harmless error, as the deficiencies in the petition could not be cured by remand. As the deficiencies in the petition could not be cured, defense counsel acted appropriately in this situation.

¶ 11

"We review *de novo* a claim asserting the denial of due process (*People v. Bradley*, 2017 IL App (4th) 150527, ¶ 13), as we do the dismissal of a section 2-1401 petition (*People v. Vincent*, 226 Ill. 2d 1, 18 (2007))." *People v. Rucker*, 2018 IL App (2d) 150855, ¶ 16. The constitutional right to procedural due process entitles an individual to "the opportunity to be

heard at a meaningful time and in a meaningful manner.” *In re D. W.*, 214 Ill. 2d 289, 316 (2005). “[T]he fundamental right to the opportunity to be heard ‘ “has little reality or worth unless one is informed that the matter is pending.” ’ ” *Rucker*, 2018 IL App (2d) 150855, ¶ 17 (quoting *BAC Home Loans Servicing, LP v. Mitchell*, 2014 IL 116311, ¶ 28, quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). However,

“ ‘[a]utomatic reversal is only required where an error is deemed “structural,” *i.e.*, a systemic error which serves to “erode the integrity of the judicial process and undermine the fairness of the defendant’s trial.” ’ ” *People v. Glasper*, 234 Ill. 2d 173, 197-98 (2009) (quoting *People v. Herron*, 215 Ill. 2d 167, 186 (2005)). *** “[M]ost errors of constitutional dimension are subject to a harmless error analysis. Only those constitutional violations that are ‘structural defects in the constitution of the trial mechanism,’ such as total deprivation of the right to trial counsel or absence of an impartial trier of fact, are *per se* error that necessitate remandment for a new proceeding.” *People v. Shaw*, 186 Ill. 2d 301, 344-45 (1999) (quoting *Arizona v. Fulminante*, 499 U.S. 279, 309 (1991)).’ ” *People v. Sheley*, 2017 IL App (3d) 140659, ¶ 16.

“Harmless-error analysis is ‘based on the notion that a defendant’s interest in an error-free trial must be balanced against societal interests in finality and judicial economy.’ ” *People v. Mullins*, 242 Ill. 2d 1, 23 (2011) (quoting *People v. Simms*, 121 Ill. 2d 259, 275-76 (1988)). When conducting harmless error analysis, we determine whether the outcome would have been the same regardless of the error. See *id.* We determine harmless error based on the particular facts of each case, considering the record as a whole. *People v. Howard*, 147 Ill. 2d 103, 148 (1991).

¶ 12 Even if we were to accept defendant's argument that his due process rights were violated, we find that any error in failing to allow defendant to respond to the State's motion to dismiss his petition does not rise to the level of structural error and is, therefore, subject to harmless error analysis. Defendant's petition is without merit. All of the issues raised could have been raised on one of his previous six appeals. In fact, he previously challenged his sentence, including raising an *Apprendi* issue. See *Stoecker*, 2014 IL App (3d) 130389-U. Moreover, defendant filed his petition more than 16 years after the deadline for filing a section 2-1401 petition. His reason for the delay was that he did not find out that *Johnson*, 576 U.S. ___, 135 S. Ct. 2551, and *Welch*, 578 U.S. ___, 136 S. Ct. 1257, were retroactive until June 2016. The retroactivity of *Johnson* and *Welch* have no applicability to defendant's case. As we stated in his previous appeal, "the rule established in *Apprendi* does not apply retroactively to cases whose direct appeals were exhausted prior to *Apprendi* being decided." *Stoecker*, 2014 IL App (3d) 130389-U, ¶ 16 (citing *People v. De La Paz*, 204 Ill. 2d 426 (2003)). We do not find that failing to reverse this case where defendant has already had six bites at the apple would "erode the integrity of the judicial process and undermine the fairness of the defendant's trial." *People v. Herron*, 215 Ill. 2d 167, 186 (2005). Enough judicial resources have already been wasted on another meritless collateral pleading filed by defendant. Moreover, defendant has previously fled to Costa Rica to elude authorities in this case. See *Stoecker*, No. 3-98-0750.

¶ 13 Defendant cites the Fourth District case of *People v. Bradley*, 2017 IL App (4th) 150527, ¶ 21, and the Second District case of *Rucker*, 2018 IL App (2d) 150855, for the proposition that failing to give defendant the opportunity to respond to the State's motion to dismiss is inherently prejudicial and undermines the integrity of the judicial process. We note that the Fourth District in *Bradley* held that "the trial court's failure to give defendant an opportunity to respond to the

State's motion to dismiss was inherently prejudicial and undermined the integrity of the proceedings.” *Bradley*, 2017 IL App (4th) 150527, ¶ 21. However, the Fourth District has subsequently done exactly what we do here, in similar situations. See *People v. Lofton*, 2018 IL App (4th) 150743-U (finding that, although circuit court dismissed the defendant's section 2-1401 petition two days after the State filed its motion to dismiss, any error was harmless where the defendant had previously filed one section 2-1401 petition and three postconviction petitions and the petition was meritless); *People v. Harris*, 2018 IL App (4th) 160242-U (likewise finding any error in not allowing the defendant a meaningful opportunity to respond harmless where the petition was meritless and the defendant had previously had six bites at the apple).¹ Moreover, while the Second District in *Rucker* noted that the defendant made an argument based off of this holding in *Bradley*, it only held that failing to allow the defendant to respond amounted to a due process violation. See *Rucker*, 2018 IL App (2d) 150855, ¶¶ 25-26. The court never held that such a violation would be inherently prejudicial and undermine the judicial process. Further, there is no indication that the defendants in *Bradley* and *Rucker* had amassed such a large number of meritless collateral challenges to their convictions or sentences. We find those cases distinguishable on that fact alone.

¶ 14 Defendant further argues that his appointed counsel provided inadequate representation where he failed to appear, file, or provide any representation to defendant. At the outset, we note that in *People v. Walker*, 2018 IL App (3d) 150527, ¶ 24, this court discussed the lack of clarity regarding the level of assistance required by appointed counsel in a section 2-1401 proceeding. The *Walker* court noted that in *Tedder v. Fairman*, 92 Ill. 2d 216, 226-27 (1982), “the supreme court held that although indigent criminal defendants may receive appointed counsel to represent

¹We acknowledge that unpublished decisions do not serve as authority for our decision. We mention them only to point out that we are not the first court to apply common sense to the issue at hand.

them in civil actions, appointed counsel is not required in such civil proceedings. The *Tedder* court stated that the level of assistance required for appointed counsel in such instances is to exercise due diligence.” *Walker*, 2018 IL App (3d) 150527, ¶ 25. The *Walker* court noted that, subsequently, the supreme court in *People v. Pinkonsly*, 207 Ill. 2d 555, 568 (2003), held that it was inappropriate to hold appointed counsel in section 2-1401 proceedings to the ineffective assistance of counsel standard set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *Walker*, 2018 IL App (3d) 150527, ¶ 26. The court noted that our supreme court had stated that, “[a]ssuming that the defendant was entitled to the same level of assistance on his section 2-1401 petition as on a postconviction petition, the defendant did not receive unreasonable assistance.” *Id.* ¶ 27 (quoting *Pinkonsly*, 207 Ill. 2d at 568). The court in *Walker* surmised that, since in *Pinkonsly* the parties had not asked the supreme court to decide whether the reasonable assistance standard applied to attorneys appointed in section 2-1401 proceedings, this was arguably *dicta*. *Id.* After *Pinkonsly*, this court issued an opinion in *People v. Welch*, 392 Ill. App. 3d 948, 952 (2009), which also “assume[d] that a section 2-1401 petitioner is entitled to the same level of assistance as a postconviction petitioner,” though the parties did not raise an issue with the level of assistance in this situation. See *Walker*, 2018 IL App (3d) 150527, ¶ 28. The *Walker* court stated, “Although our consideration of the above cases would persuade us to find that a section 2-1401 petitioner who is appointed counsel is entitled to reasonable assistance, we need not reach this issue. As we will discuss below, we find that appointed counsel failed to provide adequate assistance under either standard (reasonable assistance or due diligence).” *Id.* ¶ 29.

¶ 15 Like *Walker*, we do not need to determine which standard of assistance applies here because under either standard, appointed counsel’s performance was adequate. Under the reasonable assistance standard counsel has “an obligation to ensure that any existing claims are

properly presented to the court.” *Id.* ¶ 31. “[D]ue diligence require[s] appointed counsel to perform the tasks assigned by the court. [Citation.] In *Tedder*, that meant amending defendant’s *pro se* petition, which the court told counsel was inadequate.” *Id.* ¶ 36. Here, counsel could not cure the defects in defendant’s petition. Therefore, under either of these standards, counsel adequately represented defendant.

¶ 16 Even if we were to impute the stricter ineffective assistance of counsel standard on counsel’s performance, defendant still would not prevail. In order to prevail on a claim of ineffective assistance of counsel, a defendant must show both that counsel’s performance was deficient and that the deficient performance prejudiced defendant. *Strickland*, 466 U.S. at 687. Because a defendant must satisfy both prongs of the *Strickland* test to prevail, the failure to establish either precludes a finding of ineffective assistance of counsel. *People v. Henderson*, 2013 IL 114040, ¶ 11. Defendant cannot show that he was prejudiced by counsel’s allegedly deficient performance. All of the issues either could have been raised or were previously raised and, therefore, were barred by *res judicata*. Moreover, defendant could not have shown that he acted diligently in filing the petition outside of the requisite timeframe.

¶ 17 We recognize the due process concerns inherent in the trial court’s handling of this matter. However, the facts of this case call for us to affirm. Defendant has shown himself to be not only a very dangerous man but also one who, with the help of his family, will flee the jurisdiction. We find that to return defendant to the circuit court for a hearing he cannot win would needlessly expose both law enforcement and the public in general to an unreasonable risk.

¶ 18 III. CONCLUSION

¶ 19 For the foregoing reasons, we affirm the judgment of the circuit court of Stark County.

¶ 20 Affirmed.

¶ 21 JUSTICE LYTTON, dissenting:

¶ 22 The majority upholds the dismissal of defendant's petition for relief from judgment, finding that (1) any potential error in failing to give defendant the opportunity to respond to the motion to dismiss was harmless error, and (2) counsel's performance was adequate. I address each point in turn.

¶ 23 With regard to the first issue, the majority merely concludes that any potential error resulting from the court's failure to give defendant 21 days to respond to the motion to dismiss is harmless. Significantly, the majority does not answer the specific question as to whether any error actually occurred. Relying upon the holdings in *Bradley*, 2017 IL App (4th) 150527, and *Rucker*, 2018 IL App (2d) 150855, I address and answer this specific question in the affirmative.

¶ 24 In *Bradley*, the circuit court granted the State's motion to dismiss the defendant's *pro se* section 2-1401 petition a mere two days after the State had filed it, before the defendant had a chance to respond. *Bradley*, 2017 IL App (4th) 150527, ¶ 19. In *Rucker*, the State filed a motion to dismiss the defendant's *pro se* section 2-1401 petition. *Rucker*, 2018 IL App (2d) 150855, ¶ 8. The court held a hearing on the motion the same day it was filed, stating that the defendant did not need to be brought to court. *Id.* In both cases, the courts held that it violates due process "to grant a motion to dismiss a complaint without allowing the opposing party notice and a meaningful opportunity to be heard." *Bradley*, 2017 IL App (4th) 150527, ¶ 16; *Rucker*, 2018 IL App (2d) 150855, ¶ 30. Here, the court held a hearing on the State's motion to dismiss only four days after the motion was filed. Like *Bradley* and *Rucker*, defendant was not given a meaningful opportunity to respond to the motion. Moreover, defendant was represented by counsel. The record does not show that counsel was given notice of the hearing, and the hearing was held without defendant or counsel being present. Therefore, I would expressly find that defendant's

due process rights were violated. Ultimately, however, I agree with the majority's conclusion that the failure to give defendant 21 days to respond to the State's motion to dismiss was harmless.² I, therefore, concur in that portion of the analysis.

¶ 25 I dissent, however, on the alternative issue—whether counsel's performance was adequate. I believe that under either the reasonable assistance standard or the due diligence standard, counsel's failure to appear, file, or provide any representation to defendant amounted to inadequate counsel. In this case, the record does not show that appointed counsel provided any actual representation to defendant. He did not show up in court (though the record does not show that he received notice of the hearing on the motion to dismiss), he did not amend defendant's *pro se* section 2-1401 petition, he did not amend defendant's *pro se* motion for reconsideration, he did not file any postjudgment motions, nor does the record show that he spoke to defendant. In my opinion, the failure to provide any actual representation to defendant amounted to inadequate performance under either the reasonable assistance or due diligence standards. Moreover, the majority conjectures that defendant would not be able to show prejudice under the ineffective assistance of counsel standard. Our supreme court has specifically held that the *Strickland* standard does not apply to section 2-1401 proceedings. See *Pinkonsky*, 207 Ill. 2d at 568. This discussion of prejudice has no bearing on the adequacy of counsel here. I would vacate the judgment dismissing defendant's petition and remand for new section 2-1401 proceedings with new counsel.

¶ 26 I would be remiss if I did not note that whether defendant is “a very dangerous man” or “will flee the jurisdiction” (*supra* ¶ 17) has no bearing on the legal issues presented on appeal.

²In doing so, I note that the majority cites two unpublished Fourth District cases that apply harmless error in a similar scenario. It does not appear that there are any published cases that do so. Therefore, we have no actual authority contradicting the holding in *Bradley* that the failure to give a defendant an opportunity to respond to the State's motion to dismiss is inherently prejudicial. See *Bradley*, 2017 IL App (4th) 150527, ¶ 21.

Moreover, the section 2-1401 proceeding at issue in the circuit court could be accomplished without defendant present, as he had appointed counsel.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
STARK COUNTY, ILLINOIS

RONALD L. STOECKER,
Petitioner,

) Petitioner's IDOC #K67356
) Notice of Appeal,

-vs-

PEOPLE OF THE STATE OF ILLINOIS,
Respondent.

) Case No. 96-CF-14
)
) Honorable
) Michael P. McCuskey,
) Judge Presiding.

FILED
STARK CO. CIRCUIT COURT
10TH JUDICIAL COURT

DEC 19 2016

Julie A. Kenney
JULIE A. KENNEY

NOTICE OF APPEAL

An appeal is hereby taken from the Order of Judgment described below:

1) The Court to which appeal is taken is the Illinois Appellate Court for the Third Judicial District;

2) The name of the Petitioner and address:

Ronald L. Stoecker #K67356
Pinckneyville Correctional Center
P.O. Box 999
Pinckneyville, IL 62274

3) Name and address of Appellant Attorney on appeal:

Office of the State Appellate Defender
for the Third Judicial District
770 E. Etna Road
Ottawa, IL 61350

4) Petitioner is indigent and wishes counsel appointed from the Office of the State Appellate Defender for the Third Judicial District;

5) The date of Judgment or order is November 18, 2016, on the Petition for Relief from Judgment. And the Motion to Reconsider was denied on December 6, 2016.

6) Nature of the Appeal: Appeal of the Circuit Court's dismissal of the Petition for Relief from Judgment.

Dated: 12-19-16

Julie A. Kenney
Julie A. Kenney
Circuit Clerk
Stark County, Illinois

No. 124807

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 3-16-0781.
)	
Respondent-Appellee,	)	There on appeal from the Circuit
	)	Court of the Tenth Judicial Circuit,
-vs-	)	Stark County, Illinois, No. 96-CF-
	)	14.
)	
RONALD LEE STOECKER	)	Honorable
	)	Michael P. McCuskey,
Petitioner-Appellant	)	Judge Presiding.

NOTICE AND PROOF OF SERVICE

Mr. Kwame Raoul, Attorney General, 100 W. Randolph St., 12th Floor, Chicago, IL 60601, eserve.criminalappeals@atg.state.il.us;

Mr. Thomas D. Arado, Deputy Director, State's Attorneys Appellate Prosecutor, 628 Columbus, Suite 300, Ottawa, IL 61350, 3rddistrict@ilsaap.org;

Mr. James D. Owens, Stark County State's Attorney, 130 W. Main St., PO Box 476, Toulon, IL 61483-0476, scsao@mchsi.com;

Mr. Ronald L. Stoecker, Register No. K67356, Menard Correctional Center, P.O. Box 1000, Menard, IL 62259.

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 October 17, 2019, 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 case. 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 petitioner-appellant in an envelope deposited in a U.S. mail box in Ottawa, 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.

/s/Esmeralda Martinez
 LEGAL SECRETARY
 Office of the State Appellate Defender
 770 E. Etna Road
 Ottawa, IL 61350
 (815) 434-5531
 Service via email will be accepted at
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