No. 131608

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, -vs- JESSIE JACKSON, Defendant-Appellant.	))))))))))	Appeal from the Appellate Court of Illinois, No. 5-23-0504. There on appeal from the Circuit Court of the Fifth Judicial Circuit, Vermilion County, Illinois, No. 19-CF-650. Honorable Derek J. Girton, Judge Presiding.

REPLY BRIEF FOR DEFENDANT-APPELLANT

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ARGUMENT

The Fifth District erred in determining Vermilion County's local practice of waiting until the trial date for the speedy trial clock to begin is not a substantial burden and that the speedy trial clock does not begin to run the day a defendant demands trial.

Jackson argued in his opening brief that the Fifth District Appellate Court erred in finding that the speedy trial clock, having been tolled, did not resume the day a defendant demanded trial due to a Vermilion County practice of considering the delay to continue to count against a defendant until the next set trial date. (Def Br. 10). In support, Jackson argued: (A) the plain language of the Speedy Trial Act ("the Act") establishes that the speedy trial clock begins to run upon demanding trial, including when the clock has previously been tolled; (B) this Court and all Illinois appellate district courts have followed this practice; (C) the lower court's reliance on *People v. Majors,* 308 Ill. App. 3d 1021 (4th Dist. 1999), was misplaced; (D) this interpretation of the Act allows for disparate results between counties; (E) the Fifth District miscalculated the speedy trial period; (F) Illinois Supreme Court Rule 21(a) prohibits Vermilion County's "local practice;" and (G) the Act contains protections from abuse. (Def Br. 10-36).

The State does not dispute that the Fifth District misinterpreted *Majors*, nor does it otherwise defend that interpretation of that case. (Def. Br. Issue I.C; St. Br. 10-18). Neither does the State dispute that different counties should not be permitted to have their own interpretations of the Act, or that doing so would violate Rule 21(a); it instead contends that the Fifth District's interpretation of the Act was correct and should control. (Def. Br. Issues I.D, I.F; St. Br. 10-18). In support, the State argues that: (1) Jackson's understanding of when the speedy trial period begins or resumes contradicts the holding in *People v. Cordell*, 223

Ill. 2d 380 (2006), which the State characterizes as implicitly arguing that *Cordell* should be overturned (St. Br. 10); (2) Jackson's citations to pre-1999 cases are improper due to the amendment to the Act of that year (St. Br. 18); (3) the Act's protections do not support Jackson's argument that the speedy trial period begins to run upon a trial demand (St. Br. 24); and (4) Jackson's trial was timely, as the State was "entitled to" additional time under section 103-5(c) of the Act (St. Br. 28).[1] The State's arguments are unpersuasive and should be rejected.

A. The clear, plain language of the Speedy Trial Act states that the speedy trial clock begins to run upon a defendant demanding trial.

The State declares that, "just as a defendant who agrees to continue his case to a set trial date has agreed to the delay until that trial date, a defendant who agrees to a continuance without setting a trial date has effectively agreed to continue the trial at least until the trial court's next available date." (St. Br. 13). In other words, in the State's view, a defendant's demand for trial does not start the speedy trial clock on the day of the demand. Rather, the State contends, the clock does not start to run until the actual date of trial, no matter how many weeks that date occurs after the demand. In short, the State would require a defendant to *both* demand trial *and* to set a trial date; and even then, the clock would not resume *until* that trial date. The Act says no such thing, and the State's logic goes against its plain language.

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[1] In its Statement of Facts, the State includes allegations from the information and the prosecutor's proffer of the case at arraignment, which were not stipulated to at the stipulated bench trial. (St. Br. 2-3, citing R. 8 and C. 30-32). Not only were these facts therefore presented inaccurately, but they are irrelevant to the issues presented in this case. *See* Ill. Sup. Ct. R. 341(h)(6). Further, neither the information nor the prosecutor's proffer of the case are to be considered evidence.

Under the Act, every person in custody will be tried within 120 days from the date they are taken into custody "unless delay is occasioned by the defendant." 725 ILCS 5/103-5(a) (2023). The Act explains that "[d]elay occasioned by the defendant shall temporarily suspend for the time of the delay . . . and *on the day of expiration of the delay* the said period shall continue at the point at which it was suspended." 725 ILCS 5/103-5(d) (emphasis added). The question here is whether the phrase "the day of expiration of the delay" means the day a defendant demands trial, as Jackson urges, or the date set for trial after demanding trial at a previous court date, as the State asserts.

As explained in depth in Jackson's opening brief, the plain and ordinary meaning of the Act's language demonstrates that the speedy trial clock begins running when a defendant demands trial. (Def. Br. 12-14). In contrast, the State and the Fifth District read "the day of expiration of the delay" to mean the trial date set after a defendant demands trial. (St. Br. 12); *People v. Jackson*, 2025 IL App (5th) 230504-U, ¶ 35. To accept this reading of the Act, one must incorrectly consider "the time from a defendant's announcement that he is demanding a speedy trial until the next trial date" to be "a part of the defendant's most recent motion to continue," *Jackson*, 2025 IL App (5th) 230504-U, ¶ 31, a notion that adds words and meanings to the statute, a practice this Court has firmly rejected. *See People v. Johnson*, 2013 IL 114639, ¶ 12. The Act's plain language does not require a defendant to *both* demand trial *and* set a trial date; the obvious meaning of the Act is that demanding trial ends the delay, and the speedy trial period resumes. *See People v. Shinkle*, 128 Ill. 2d 480, 486 (1989). When a defendant agrees to a continuance, they agree to the delay to the next set court date, and no further.

The State's reading of the Act goes against the plain and clear meaning of the statute, and this Court should reject its arguments.

B. This Court has long established that the speedy trial clock begins to run when the defendant demands trial – nothing in the speedy trial statute says otherwise.

In response to Jackson's argument that Illinois case law has long recognized that a trial demand starts the speedy trial clock, the State contends that Jackson's trial demands were insufficient, Jackson's pre-1999 case law is not relevant, this Court's opinion in *Cordell* supports its argument that a trial demand alone is not sufficient to start the speedy trial clock, and that Jackson seeks to "overturn" that decision. Each of the State's points misunderstands Illinois law, the facts of this case, or both.

i. The State's assertion that Jackson's trial demands in this case were insufficient is meritless.

The State asserts that the speedy trial period did not begin running on either date that Jackson demanded trial because, "on those dates he asked the court to set the case for trial," which is " 'not equivalent to an objection for the purposes of section 103-5(a)' unless they are in the form of an objection to a newly proposed delay." (St. Br. 16, quoting *Cordell*, 223 Ill. 2d at 391). In making this argument, the State attempts to shift the issue from one of speedy trial calculation to one of sufficient speedy trial demand. The State's interpretation of *Cordell* is incorrect, and the State's shift in question is both inappropriate and meritless.

First, not only were Jackson's demands for trial sufficient, but the trial and appellate court below recognized them as such. On March 22, 2022, Jackson made his first demand with the following interaction:

Counsel: Good morning, Your Honor. Asking for

speedy trial for Mr. Jackson at this time.
Court: Do you want May 3rd?
Counsel: Yes, we'll set it there, Your Honor.
Court: We'll show May 3rd for trial.

(R. 71). While counsel said she was "asking" for speedy trial, this is sufficient because there is no "magic word" to demand trial. *See People v. Peco*, 345 Ill. App. 3d 724, 734 (2d Dist. 2004). Further, the trial court clearly recognized counsel's phrasing as a trial demand, as it instantly offered a date for trial. The trial court's response on April 25, 2023, when Jackson demanded trial again, was nearly identical:

Counsel: Judge, my client is demanding trial pursuant to the speedy trial statute.
* * *
Court: Be happy to set it Tuesday, this coming Tuesday, and we will find a judge that can try the case for you if you want to be ready.
* * *
Counsel: Tuesday, that would be May 2nd?
Court: Are you ready for trial on May 2nd?
Counsel: Sure.

(R. 164-65). The trial court again heard Jackson's demand for trial and responded by scheduling trial. Accordingly, on both March 22, 2022, and April 25, 2023, the trial court interpreted Jackson's statements as trial demands. *See People v. Buford*, 374 Ill. App. 3d 369, 372 (2d Dist. 2007) (a trial court's determination of whether a defendant's demand was sufficient to invoke the speedy trial statute will be upheld on appeal absent an abuse of discretion). Also, the Fifth District never questioned the sufficiency of the trial demands, instead focusing on the calculation of the speedy trial term. *See Jackson*, 2025 IL App (5th) 230504-U, ¶¶ 6, 8.

At all stages of this case, the question has been regarding the speedy trial term, rather than sufficiency of the trial demand. Neither the trial court nor the appellate court found Jackson's demands to have been insufficient. Accordingly,

this Court should reject the State's argument out of hand.

ii. The State incorrectly asserts that speedy trial cases prior to 1999 "have no precedential value."

In maintaining its assertion that this case involves a sufficient trial demand rather than a speedy trial calculation, the State says a large number of Jackson's case cites "have no precedential value because they predate the 1999 amendment to section 103-5(a)." (St. Br. 18). This assertion is incorrect, as the 1999 amendment to the Act does not impact the calculation of the speedy trial period when a sufficient demand is made, as it was here.

Cordell and its briefing explain the reasoning behind the 1999 amendment to the Act. The pre-amended statute did not contain the last sentence of section 103-5(a), which requires a written or oral objection by the defendant to a delay in trial; thus, only affirmative acts that caused or contributed to the delay would toll the speedy trial clock. *Cordell*, 223 Ill. 2d at 386. As *Cordell* explained, the lack of an "affirmative act" requirement led the appellate court in *People v. Healy*, 293 Ill. App. 3d 684, 694 (1st Dist. 1997), to overturn the defendant's murder conviction even though defense counsel made ambivalent statements in response to proposed trial dates, such as, "I have no problem with any date," "Any day will be fine," or "Sure." *Cordell*, 223 Ill. 2d at 386-88, *citing Healy*, 293 Ill. 3d at 69. *Healy* led the General Assembly to quickly amend the Act to prevent the clock from tolling by mere silence or acquiescence; instead, a defendant must expressly object to any delay by demanding trial. *People v. Yankaway*, 2025 IL 130207, ¶ 89. *See also* Brief for Plaintiff-Appellant State of Illinois, *Cordell*, 2006 WL 452835, ** 12-15 (addressing legislative history of P.A. 90-705, amending the Act). The 1999 amendment thus heightened the requirements of a trial demand, going from

"only affirmative acts" such as express agreements and continuances as acts attributable to defendants, to requiring defendants make a statement orally or in writing that they are demanding trial. 725 ILCS 103-5(a).

Because the 1999 amendment to the Act did not change how speedy trial calculations occur, Jackson's pre-1999 authority explaining as much is still good law on that issue. In fact, this Court recently cited pre-amended cases in its decision in *Yankaway*, when discussing the Act. 2025 IL 130207, ¶ 73 (*citing People v. Kliner*, 185 Ill. 2d 81, 123 (1998) (when defendant is in custody for more than one charge, the State must bring him to trial on one of those charges within 120 days of his arrest and must try him on the remaining charge within 160 days from judgment of the first charge) and *People v. Brown*, 92 Ill. 2d 248, 255 (1982) (when defendant is in custody on all charges, the 160-day period commenced when defendant was sentenced on first prosecuted charge)), ¶ 85 (*citing People v. Turner*, 128 Ill. 2d 540, 550 (1989) (delays attributed to defendant toll the speedy trial term)), ¶ 91 (*citing People v. Pearson*, 88 Ill. 2d 210, 215 (1981) (to avoid being bound by attorney's actions, defendant must clearly and convincingly attempt to assert his right to discharge his attorney and proceed to immediate trial)), ¶ 99 (*citing People v. Staten*, 159 Ill. 2d 419, 432 (1994) (circuit court's decision to reschedule trial with express acknowledgment and acquiescence of the defense tolled the speedy trial period)). That the 1999 amendment to the Act addressed the sufficiency of a demand for trial does not alter pre-1999 case law interpreting other parts of the Act. Jackson's authority is still good law.

iii. The State misunderstands *People v. Cordell*, and incorrectly asserts that Jackson is asking this Court to overturn it.

Jackson argues that the speedy trial period begins to run when a defendant

demands trial, regardless of whether or not trial had been previously scheduled, as Illinois courts have long and consistently recognized. (Def. Br. 14-18). In response, the State characterizes that argument as contending that this Court's opinion in *Cordell* was "wrongly decided and the legislature intended 'basic requests' for trial to resume the running of the speedy trial period." (St. Br. 18). Jackson made no such argument. *See* (Def. Br. 20 (parenthetically citing *Cordell* one time, for a general proposition of law)). And in any event, the State grossly misreads the holding and application of *Cordell*.

Citing *Cordell*, the State argues that "this Court has long recognized that a defendant's request for trial before a delay has been proposed does not cause the tolled speedy trial clock to resume running." (St. Br. 12). *Cordell*, however, held no such thing. In *Cordell*, 223 Ill. 2d at 391, the question before this Court was whether the defendant needed to object to the proposed trial outside the speedy trial period. The crucial fact in that case was the defendant's failure to object when the trial court proposed and set the trial date outside of the speedy trial period. *Id*. Nothing in *Cordell* addressed the sufficiency of a trial demand required for the speedy trial period to resume.

The State attempts to apply *Cordell* by asserting that Jackson's request for trial was "not a 'demand' made in response to a proposed delay" because it occurred before the trial date had been proposed and therefore "d[id] not cause the speedy trial clock to run between the defendant's request for a trial date and the trial date set in response to that request." (St. Br. 13). The State then argues that a 'demand' for trial "is relevant *only when made as an objection to a proposed delay*, in which case it prevents that delay from tolling the 120-day period." (St. Br. 13) (emphasis added). In sum, the State claims that *Cordell* held that trial

demands do not affect the speedy trial clock, and instead, that clock only begins to run if a defendant makes a trial demand, the court proposes a trial date that constitutes a "proposed delay," and then the defendant objects to such a delay. (St. Br. 13). The State's assertion misreads *Cordell* for several reasons.

First, though, the State argues that this Court has adopted its reading of *Cordell*, (St. Br. 12), no Illinois court has cited *Cordell* to assert as much. Second, like the State does here, this misreading improperly moves the focus in *Cordell* to the consideration of a sufficient demand. The crux of *Cordell* was not the insufficiency of the trial demand, but the defendant's failure to object when the trial court suggested a trial date beyond the speedy trial period. *Cordell*, 223 Ill. 2d at 391. Finally, when Jackson demanded trial both times, he was initially offered trial dates *within* the speedy trial period. (R. 71, 164-65). When the trial court asked to reschedule his court date to outside of the speedy trial period, Jackson objected, as *Cordell* requires. (R. 169). Jackson is not asking this Court to overturn *Cordell*, nor does his argument support overturning *Cordell*, either explicitly or implicitly.

iv. Under the State's interpretation of the Speedy Trial Act, a defendant cannot ever toll the speedy trial term after agreeing to a single continuance.

The State's explanation of when the speedy trial period would resume after demanding trial essentially strips the Act of any and all meaning and creates chaos and confusion amongst the courts. Under the current understanding of the Act, generally speaking, the clock begins running upon arrest, is tolled upon a defendant's delay, such as an agreed continuance, and resumes running after a defendant demands trial. 725 ILCS 5/103-5(a); (Def Br. 12-18). According to the State, however, when a defendant agrees to a continuance without setting a trial

date, the defendant is "*previously agree[ing]*" to the delay until the *next trial date*, which a defendant "cannot revoke . . . by simply requesting trial during that day." (St. Br. 16 (emphasis in original)). In the State's view, the detail of importance appears to be whether a defendant had a trial date set when they sought a continuance. This detail seems to be so crucial to the State that, when trial was set for May 3, 2022, after Jackson's first trial demand, the State argued the speedy trial period remained tolled through the set trial date, despite having filed a continuance on April 29, 2022, over the defense's objection. (St. Br. 14). Under the State's approach, Jackson's objection to that continuance, an event typically understood as a clear example of objecting to a delay and making it attributable to the State, is not relevant because trial had been set for May 3.

In addition, the State asserts that, when agreeing to a continuance, a defendant is inherently agreeing to the delay until the next available trial date after the hearing, as well, even if they demand trial at the following court date. (St. Br. 11-13, 16-17). This second proposition not only adds language to the Act, but it is illogical, and misunderstands the Act. Delays from a crowded docket or the court's schedule are typically attributable to the State. *People v. Schmidt*, 233 Ill. App. 3d 512, 516 (3d Dist. 1992); *People v. Mooney*, 2019 IL App (3d) 105607, ¶ 23 (*overruled on other grounds*). The State's interpretation thus wipes out long-understood precedent about attributing delays under the Act.

The speedy trial term begins running upon a defendant being detained. *People v. Stanitz*, 367 Ill. App. 3d 980, 983 (2d Dist. 2006). In most cases, the speedy trial term tolls upon arraignment, when the defendant agrees to a continuance. *People v. Ingram*, 2020 IL App 2d 180353, ¶ 16. By the State's interpretation of the Act, however, agreeing to a continuance at arraignment does not protect a

defendant's right to a speedy trial.

To protect their client's right to a speedy trial under the State's theory, defense counsel can no longer agree to a general continuance at arraignment. Instead, defense counsel must go to trial within the 120 day period, despite the fact that counsel may not be ready to go to trial within 120 days: they need time to receive and analyze discovery received from the State and investigate. Defense attorneys would therefore be forced to make the impossible choice of objecting to a necessary continuance to protect their client's speedy trial right or providing effective assistance by ensuring they have sufficient time to prepare for trial. The State's reading of the Act leads to an absurd result, which would ultimately lead to harming all defendants' rights.

This method is further impractical because waiting to resume or start the speedy trial clock for an agreed-upon trial date inherently reduces the State's desire to promptly schedule trial. If the clock does not run when a defendant demands trial, but remains tolled until the next set trial date, then the State has no sense of urgency in scheduling trial. In contrast, this would incentivize prosecutors to schedule trial out for months in advance, farther out than necessary, because the time between a demand and the set trial date becomes, essentially, free to the State. This is a stark contrast to the trial judge in this case, who was willing to find Jackson another judge who could try him within the speedy trial period. (R. 166). This is also contrary to the Act's language, and all prior Illinois case law, as no court apart from the Fifth District in this case has ever interpreted the Act in this manner. In determining the clock does not run upon demand, the State is, in essence, stripping the "speedy" out of the Speedy Trial Act.

C. The trial court and appellate court's reliance on *People v. Majors*

is misplaced, as both courts ignored a crucial factual distinction.

The State does not address *Majors* before this Court. In fact, the State does not cite to *Majors* once, even when stating the basis of the Fifth District's decision, despite that court's heavy reliance on that decision. (St. Br. 8-9). The State thus appears to have no defense of either the State's or Fifth District's reliance on *Majors*, instead choosing to base its argument on completely different case law. Jackson therefore rests on his opening brief's discussion of why *Majors* neither applies to or resolves this case. (Def. Br. 18-20).

D. The Fifth District's interpretation of the Act allows for absurd and disparate results between counties that will create potential equal protection or due process concerns.

The State does not address Jackson's example of how the Fifth District's interpretation would lead to Samuel in Sangamon and Victor in Vermilion receiving two "identical-yet-different" speedy trial calculations. (Def. Br. 20-24). This is because the State asserts that this Vermilion County practice of resuming the speedy trial clock not on demand, but at the next trial date, was not "some idiosyncratic local rule," but an exercise of the trial court's "judicial function of interpreting and applying section 103-5(a)." (St. Br. 30-31, citations omitted). But that proves Jackson's point that this approach creates absurd and disparate results between Illinois counties. Whether the trial court determined the speedy trial period began running on the day set for trial due to a county-specific rule or his own judicial interpretation, the result is different calculations of the speedy trial period for procedurally identical defendants. Every appellate district and this Court has consistently, outside of this case, treated the speedy trial term as beginning or resuming with a trial demand, as is statutorily required. *See* (Def. Br. 14-18). This change in "interpretation" leads to absurd and disparate results,

contradicting the spirit of the Act and Illinois Supreme Court rule 21(a).

E. The Fifth District miscalculated the speedy trial term in this case, and Jackson was tried beyond the statutorily required 120-day limit.

Under Jackson's interpretation of the Act, in which a trial demand resumes the speedy trial clock, his trial did not begin until 173 days passed that were attributable to the State, violating the Act. (Def. Br. 24-28). The State disagrees with that calculation. However, its calculation here differs from its calculation at both the trial level and on direct appeal. The State's current calculation also does not match the calculations made by either the trial or appellate court. The State's repeated changes in its calculation of the speedy trial period throughout this case further illustrates why the State's interpretation is overly confusing, unnecessary, and contrary to Illinois law. In contrast, Jackson's calculation has been clear and consistent, as it is drawn from a straightforward reading of the Act, as uniformly interpreted by Illinois courts until the appellate court's decision in this case.

The State has had a different calculation each time it has been required to do so. In the circuit court, the State calculated the speedy trial period as 51 days. (C. 157).[2] On direct appeal, it said 13 days. (St. Br. 5-23-0504, p. 7-13).[3] But now, to this Court, it says 47 days. (St. Br. 15). At each stage of litigation, the State has changed its view for whether certain periods of time are attributable to Jackson or the State. It is noteworthy that the State now asserts, without

[2] All parties, including the Fifth District, agree that the State's pleadings at the trial level included a miscalculation. *People v. Jackson*, 2025 IL App (5th) 230504-U, ¶ 10, fn 2.

[3] This Court can take judicial notice of the appellate court briefing in this case. On January 9, 2026, counsel requested that the Clerk of Court for the Fifth District submit certified copies of the parties' briefs to this Court.

explanation, that the speedy trial clock did not even resume running when the State requested a continuance after Jackson's trial demand, to which Jackson promptly objected. (St. Br. 14, A1). Nothing in the State's argument, here or at any prior stage, would explain this change in the speedy trial term. The State's inability to agree *with itself* on the calculation of the speedy trial period in this case indicates that its method of determining the starting and tolling of the speedy trial period is unclear, contrary to Illinois law, and overly complicated.

Jackson, however, has maintained his method of calculating the speedy trial period throughout this case. Trial counsel understood the speedy trial term to begin running at Jackson's first speedy trial demand, to toll at his agreement for a continuance, and to begin running again at his second trial demand, resulting in more than 120 days elapsing. (C. 161). Trial counsel gave an alternative calculation at the motion to dismiss with the term beginning to run again on May 2, 2023, the trial date that was set before being rescheduled at the State's request, to overcome the State's misuse of *Majors*. (C. 161). Appellate counsel agreed with trial counsel's original understanding of the period, and maintains that calculation to this day. (Def Br. 25). This understanding – that the speedy trial term tolls at an agreed continuance or defense delay, and resumes as soon as a defendant demands trial – is clear and straightforward, making it easy for attorneys across Illinois to understand. Illinois courts have uniformly shared this interpretation, and apart from the decision in this case, the State fails to cite even one case sharing its interpretation of how the speedy trial term begins to run.

F. Illinois Supreme Court Rule 21(a) prohibits Vermilion County's county-specific rule, both substantively and procedurally.

The State agrees with Jackson that no local rule governs speedy trial in the circuit in which Vermilion sits, noting the Supreme Court requirements of making such a local rule. (St. Br. 30-31). However, the State *instead* asserts that this was not the trial court "appl[ying] a local rule," but instead "exercis[ing] its 'judicial function of interpreting and applying' " the Act. (St. Br. 31). Regardless, this is a red herring. No matter if the trial court made its decision based on a local rule or its own judicial interpretation, this interpretation of the Act, as explained in depth in Jackson's opening brief and above, is incorrect.

G. The Fifth District's concern about a defendant taking advantage of the speedy trial system is unwarranted because protections against such abuse were written into the Speedy Trial Act itself.

The State asserts that the two protections written into the Act are insufficient, while also asserting that here, it would have been "entitled" to one of those protections. (St. Br. 24-26, 28-30). Not only is the State attempting to have its cake and eat it too with these incompatible arguments, but the State is also ignoring key facts that are inconvenient to its arguments.

First, the State declares that neither section 103-5(c) or 103-5(f) supports Jackson's interpretation of 103-5(a) because a defendant could "game" the system, even with these protections in place. (St. Br. 24-26). It argues:

> *If a defendant could unilaterally resume a tolled 120-period merely by requesting trial, then neither of these provisions would prevent defendants from wielding the 120-day period "as a sword, after the fact, to defeat a conviction."* Under defendant's interpretation of section 103-5(a), for example, a defendant could object to continuances, causing those continuances to count against the 120-day period, until only 30 days remained, then request continuances himself until he saw that the trial court had no available trial dates within the next 30 days. At that point, the defendant could request trial, causing the speedy-trial clock to resume, safe in the knowledge that the court will be unable to try him

> within the 30 days remaining. In this scenario, neither subsection (c) nor (f) would provide the People a means of preventing dismissal of the charges on speedy-trial grounds. If the People had already gathered all their evidence, then they cannot obtain the additional 60 or 120 days that subsection (c) allows for the limited purpose of gathering material evidence or DNA test results.

(St. Br. 25-26, citations omitted) (emphasis added). There are numerous issues with this reasoning. First and foremost, a defendant *can* "unilaterally resume a tolled 120-period merely by requesting trial" (St. Br. 25), as the Act guarantees that right. 725 ILCS 103-5. Second, the State's argument about wielding the 120-day period as a sword "after the fact, to defeat a conviction" (St. Br. 25), points only to possible actions the defendant could take *prior* to being convicted. Tellingly, the State does not explain how a defendant would know the trial court had no available trial dates within the speedy trial period prior to demanding trial. Nor does it explain why the State would need more time if it already has its material evidence. Finally, consistent with its attempt to undo other well-established speedy trial law, *see* subpart B(iv), *supra*, the State's hypothetical ignores the long established proposition that delays due to a crowded docket are attributable to the State, *Schmidt*, 233 Ill. App. 3d at 516, and not the defendant, a question that is not at issue here, as the trial court insisted that it could find a judge to cover Jackson's trial if necessary. (R. 166).

The State says Jackson cannot just demand trial and move to the front of the line, but under prior, unquestioned case law, that *is* the case if a defendant is demanding trial and the State has no avenue to receive an extension. Otherwise, the defendant must be discharged with the charges dismissed. *People v. Woodrum*, 223 Ill. 2d 286, 299 (2006). The State here uses the number of 30 days in its

hypothetical, knowing that if the number was 21 or less, then the State *would* have an avenue for an extension.725 ILCS 103-5(f). Regardless of what the State thinks, the legislature chose 21 days as the amount of time where the State can request an extension, something that, again, is not at issue here.

The State also asserts that Jackson's trial would have been timely under his own calculations because it was "entitled to additional time under section 103-5(c)" to secure the attendance of its material witnesses. (St. Br. 28-29). The word "entitled," however, is inappropriate. As the State itself notes elsewhere , the State "*may* obtain a 60-day extension of time to obtain material evidence." (St. Br. 24, 30, *citing People v. Williams,* 2023 IL App (1st) 192463, ¶¶ 80, 83) (emphasis added) and *People v. Wollenberg*, 37 Ill. 2d 480, 485-87 (1967)). To obtain such an extension, the State must actually request it and must show due diligence. *People v. Spears*, 395 Ill. App. 3d 889, 893 (2009). No such request was made in this case. By saying the State is "entitled" to additional days because the State *could* have requested more additional time, without actually doing so, effectively adds time to the speedy trial period without any action by the prosecution. Too, the State's argument essentially asks this Court to make an advisory opinion that it exercised due diligence, without any argument or evidence that it "began efforts to locate its witness in sufficient time to secure his or her presence before the speedy trial term expired." *People v. Ealy*, 2019 IL App (1st) 161575, ¶ 44. This request is inappropriate.

Finally, and most importantly, the State's argument seems to forget that Jackson has a *statutory right* to a speedy trial. The Act's entire purpose is to protect a defendant's constitutional right to a speedy trial. *People v. Garcia*, 251 Ill. App. 3d 473, 483 (1993). This right, which has been granted to all defendants in Illinois

by the legislature, has regularly been described by Illinois courts as a "shield to protect the accused from unjust and prejudicial delays occasioned by the state." *Ingram*, 2020 IL App (2d) 180353, ¶ 14. The State, however, consistently accuses Jackson of attempting to use his speedy trial right instead as a "sword" to defeat his conviction. (St. Br. 13, 17, 25). Looking at the record, though, it is clear that Jackson merely sought to assert his speedy trial right, and the State provides no evidence to suggest Jackson is instead attempting to use the Act after the fact to overturn his conviction.

When Jackson first demanded trial on March 22, 2022, only 16 days of the 120-day speedy trial period had passed, counting the time from Jackson's arrest to Jackson's arraignment. (Def Br. 25). This is the only time period that all parties agree is attributable to the State. (Def Br. 25; St. Br. 14). The case was set for trial, and the State made no objection to that date, nor made any indication that the State was not yet ready for trial. (R. 71). At this point, it is unclear how Jackson could have been attempting to utilize his speedy trial right "as a sword" by demanding the State go to trial when over 100 days remained in the speedy trial period.

On April 25, 2022, over a month after Jackson's demand, and over 17 months after Jackson's arrest, the State filed a motion for consumption of DNA evidence. (R. 79). Nothing in the record explains why the State had not already filed such a motion, and nothing prior to Jackson's trial demand indicates that the State planned to file such a motion. Indeed, the facts presented at Jackson's later stipulated bench trial revealed that the complainants knew Jackson, such that identity was not particularly at issue. (R. 4-8, 202-08). Jackson properly objected to the State's request for a continuance, as he had already demanded trial. (R.

86). When Jackson first demanded trial on March 22, 2022, he was ready to go to trial with the evidence the State had provided. When he received the DNA evidence only a few days prior the to June 3, 2022, court date, he determined he needed time to examine and incorporate that new evidence. (R. 96-97).

At this point, if the speedy trial period had begun running again on Jackson's first demand, a total of 89 days would have been attributable to the State, and only 31 days would remain. If Jackson had been attempting to use the speedy trial statute as a "sword," as the State argues, (St. Br. 13, 17, 25), it would have been more strategic for Jackson to continue to let the clock run, further reducing the number of days remaining on the clock. Instead, Jackson filed a continuance on June 3, 2022, in order to toll the speedy trial clock to give himself more time to assess this newly tendered evidence. Jackson was using the speedy trial statute as it was intended.

Jackson next demanded trial on April 25, 2023, and agreed to go to trial on May 2, 2023, a mere week later. (R. 173-74). As stated above, 31 days remained in the speedy trial statute at this point – Jackson was not "springing" trial on the State. This demand took place over 10 months after the State had tendered the DNA evidence, and no new evidence had been produced in that time. As Jackson had already demanded trial previously, the State should have anticipated that Jackson could assert his speedy trial right once he was ready for trial. Nothing in the record indicates that the State would not have been ready for trial after receiving the DNA evidence: in fact, on August 9, 2022, several months earlier, the State had asserted that it was ready for trial. (R. 128). Jackson demanded trial because he was, again, ready and wanted to proceed to trial rather than remain in limbo. This is exactly the purpose of the Act. By repeatedly demanding trial

and objecting to the State's delays when he was ready for trial, Jackson was using his speedy trial right as a shield as it was intended.

H. Conclusion

The Fifth District and the State's new interpretations of the Speedy Trial Act, which find that the speedy trial clock does not begin to run upon a defendant demanding trial, are blatantly incorrect. The plain language of the Act is clear that the speedy trial clock begins running upon demanding trial, and until this case, all courts in Illinois have understood the Act to say as much. The lower court's decision creates absurd and disparate results between counties. The Fifth District miscalculated the speedy trial period in this case, as Jackson was tried after more than 120 days had passed that were attributable to the State, and Jackson's conviction should therefore be vacated.

CONCLUSION

For the foregoing reasons, Jessie Jackson, defendant-appellant, respectfully requests that this Court reverse the Fifth District's decision in *People v. Jackson*, 2025 IL App (5th) 230504-U, and order that Jackson's conviction be reversed.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 20 pages.

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IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, -vs- JESSIE JACKSON, Defendant-Appellant.	))))))))))	Appeal from the Appellate Court of Illinois, No. 5-23-0504. There on appeal from the Circuit Court of the Fifth Judicial Circuit, Vermilion County, Illinois, No. 19-CF-650. Honorable Derek J. Girton, Judge Presiding.

NOTICE AND PROOF OF SERVICE

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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 January 12, 2026, the Reply Brief was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. 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 defendant-appellant in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Reply Brief to the Clerk of the above Court.

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