

Effective July 1, 2020

1

IT IS HEREBY ORDERED that the following temporary procedures will apply to all cases assigned to the Criminal Division:

1. All jury trials (felony, misdemeanor, traffic) will commence on Thursdays at 1:30 p.m. After following the procedures outlined below, the jury trials that started on Thursdays will be continued over to either Monday, Tuesday or Wednesday of the following week. Jury selection will begin on Monday, Tuesday or Wednesday mornings at 8:30 a.m. Tuesday jury trials are limited to six-person juries and will only apply to traffic and misdemeanor cases.
2. At 1:30 p.m. on the Thursday preceding the Monday, Tuesday and Wednesday trials, the Judge will ask each party if they are answering ready for trial. If answering ready for trial, both sides must provide the following information:
 - A. Each party must provide the Judge with a written list of the witnesses they intend to call at trial and provide a basic description of the role of each witness. This witness list should be the witnesses the party actually intends to call excluding rebuttal witnesses. An example of a witness list and the general description is contained below:

WITNESS	DESCRIPTION OF THE ROLE OF EACH WITNESS
Jane Doe	The victim of the alleged offense
John Doe	Occurrence witness to provide identification of the Defendant
Officer Gates	Arresting Officer
Bill Nextel	Witness to provide foundation for phone records
Jim Lab Tech	Expert witness to prove firearm in working condition


- B. Each party must provide the Judge with a copy of the served subpoena for all material witnesses, with the exception of law enforcement personnel, lab personnel, medical professionals and other “professional” witnesses that the parties anticipate calling. For the purpose of this Administrative Order, a material witness is defined as a witness needed to prove a material element of the case.
 - C. All material witnesses, with the exception of law enforcement personnel, lab personnel, medical professionals and other “professional” witnesses that the parties anticipate calling, must either personally appear in open court or appear remotely on Thursday at 1:30 p.m. If a material witness has been validly served with a subpoena for the Thursday afternoon court session, said material witness can be excused from appearing at the Thursday afternoon session if counsel can represent to the Court the material witness has been personally served, contacted, is cooperative, and will appear pursuant to the subpoena.

- D. Each party must confirm with the Judge that they have spoken to all the witnesses and confirmed that they have received their subpoena and can appear for trial on any day of the following week. It is essential that the witnesses be available on any day of the following week since the trial may start on Monday, Tuesday, or Wednesday and continue into the rest of the week.
 - E. All Motions in Limine and any other pre-trial motions must be completed no later than Thursday at 4:30 p.m. No Motions in Limine or other pre-trial motions will be heard on Monday, Tuesday or Wednesday.
- 3. If both parties have met the requirements outlined in #2A, #2B, #2C, #2D, and #2E the Judge will consider the case ready for trial. The Judge will order that all subpoenas be continued over until Monday of the next week. For twelve-person jury trials the parties will not know until Friday at 9:00 a.m. if the case will be set on either Monday or Wednesday.
 - 4. If either party is unable to meet the requirements outlined in #2A, #2B, #2C, #2D, or #2E the Judge may not consider the case to be ready for trial. A party who has not meet the requirements outlined in #2A, #2B, #2C, #2D, and #2E may ask the Court to find the case is ready for trial. The Court will make the decision whether the case is ready for trial after hearing arguments from both sides.
 - 5. All parties whose cases have been found ready for trial must provide the Judge with an email address and phone number where they can be reached.
 - 6. Upon completion of the Thursday afternoon court calls all criminal judges will inform the Presiding Judge of the Criminal Division of the cases that have been found ready for trial. The Presiding Judge will evaluate the number of cases ready for trial and will prepare a trial schedule for the following week. The factors that will be considered by the Presiding Judge when setting the trial schedule include, but are not limited to, the following:
 - a. the nature of the charge;
 - b. the custodial status of the defendant;
 - c. if a speedy trial demand has been made by the defendant;
 - d. if the speedy trial clock is running or been tolled;
 - e. the number of days remaining on the speedy trial clock calendar;
 - f. special considerations based upon witness issues (limited availability, travel plans, etc.), and
 - g. any requests made by the parties.
 - 7. No later than 9:00 a.m. on the Friday following the Thursday jury trial call, the Presiding Judge will issue a written order to all parties scheduling the cases for trial on either Monday, Tuesday, or Wednesday. An example of a scheduling order is below:

JURY TRIAL SCHEDULE FOR THE WEEK OF			
TRIAL ORDER	MONDAY	TUESDAY	WEDNESDAY
#1	P vs J Defendant 18 CF 1234	P vs Defendant, 18CM 2	P vs. Joe Defendant, 18 CF 2345
#2	P vs. Pat Defendant 17 CF 4567	P vs Defendant, 18TR 9	P vs. Luke Defendant 17 CF 333
#3	---	---	---
#4	---	---	---

8. No later than 3:00 p.m. on the Friday following the Thursday trial setting, if a case that has answered ready for trial has been resolved through an agreement or an event has occurred which will require a party to file a motion to continue the trial, the party must notify the Presiding Judge of the Criminal Division.
9. All parties whose trials commenced on Thursday and continued over to Monday, Tuesday or Wednesday must appear at 8:00 a.m. in courtroom 201 of the Judicial Center on the date set. The trial listed first will be the trial that will proceed. If the trial scheduled first is unable to go, the next scheduled trial will proceed. This same process will be utilized until a trial proceeds. The Court will continue, on the Court's motion due to pandemic issues, all other cases set for trial that day pursuant to Supreme Court of Illinois Order M.R. 30370 signed on May 20, 2020, that states in part "The Chief Judges of each circuit may continue trials under further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in Section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. **This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.**"

Entered this 29th day of June, 2020


 John Barsanti
 Presiding Judge, Felony Division

<p>A true copy of the original of this document is on file in my office</p> <p>Attest: <u>June 29</u>, 20 <u>20</u></p> <p>Thomas M. Hartwell Circuit Court Clerk, Kane County, Illinois</p> <p>By: <u>Thomas M. Hartwell</u> Deputy Clerk</p>
