

No. 129248

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1/4/2023 12:47 PM  
CYNTHIA A. GRANT  
SUPREME COURT CLERKIN THE  
SUPREME COURT OF ILLINOIS

JAMES R. ROWE, in his official	)	On Appeal from the Circuit Court of
capacity as Kankakee County State’s	)	the Twenty-First Judicial Circuit,
Attorney; MICHAEL DOWNEY, in his	)	Kankakee County, Illinois.
official capacity as Kankakee County	)	
Sheriff,	)	
	)	
Plaintiffs-Appellees,	)	
	)	
v.	)	
	)	
KWAME RAOUL, in his official	)	
capacity as Illinois Attorney General;	)	No. 2022CH16
JAY ROBERT PRITZKER, in his	)	
official capacity as Governor of the	)	
State of Illinois; EMANUEL	)	
CHRISTOPHER WELCH, in his official	)	
capacity as Speaker of the Illinois	)	
House of Representatives; and	)	
DONALD F. HARMON, in his official	)	
capacity as Illinois Senate President,	)	The Honorable
	)	THOMAS W. CUNNINGTON,
Defendants-Appellants.	)	Judge Presiding.

**AGREED MOTION TO ACCELERATE BRIEFING UNDER  
ILLINOIS SUPREME COURT RULE 311(B)**

Pursuant to Supreme Court Rule 311(b), Defendants-Appellants Kwame Raoul, in his official capacity as Attorney General of the State of Illinois; JB Pritzker, in his official capacity as Governor of the State of Illinois; Emanuel Christopher Welch, in his official capacity as Speaker of the Illinois House of Representatives; and Donald F. Harmon, in his official capacity as Illinois Senate President (“defendants”), by their attorneys, move this Court to place this appeal on an accelerated docket. All parties agree to the relief sought in this motion.

In support of this motion, defendants state the following:

1. In January 2021, the General Assembly passed the SAFE-T Act, and Governor Pritzker signed it into law the following month. *See* Pub. Act No. 101-652 (2021). A central component of the Act is the reform of pretrial release procedures in Illinois—that is, the procedures that govern whether a defendant who has been charged with a crime, but not yet gone to trial, is detained or released while his or her case proceeds. The Act primarily does so by eliminating the use of cash bail and establishing a new set of pretrial procedures governing detention and release. *See id.* § 10-255; *see also* Pub. Act No. 102-1104, § 70 (2022).

2. Between September and November 2022, state’s attorneys and sheriffs in 64 counties filed substantively identical civil actions challenging the Act as a whole and its pretrial release provisions in particular. The parties filed an agreed motion with this Court to transfer those cases and consolidate them with the first-filed case, *Rowe v. Raoul*, No. 2022 CH 16, in the Circuit Court for the Twenty-First Judicial Circuit, in Kankakee County, Illinois, and the Court granted that motion on October 31, 2022. *See Rowe v. Raoul*, No. 129016 (Oct. 31, 2022).

3. On December 28, 2022, the circuit court entered an opinion resolving plaintiffs’ claims in *Rowe*. The court granted defendants summary judgment as to certain of plaintiffs’ claims, but agreed with plaintiffs that the provisions governing pretrial release violated the constitutional provisions governing the separation of powers, the rights of defendants to bail, and the rights of crime victims. Defendants

filed a direct appeal with this Court under Supreme Court Rule 302(a) on December 30, 2022.

4. Between December 29 and 31, 2022, state's attorneys in other counties who were not party to *Rowe* sought (and, in some cases, obtained) temporary restraining orders purporting to enjoin enforcement of the pretrial release provisions in those counties. To maintain consistent pretrial procedures throughout the State, this Court issued an order on December 31, 2022, providing that the effective date of the pretrial release provisions would be stayed during the pendency of the appeal in *Rowe*. See *People ex rel. Berlin v. Raoul*, No. 129249 (Dec. 31, 2022). The order directed the Clerk of the Court to contact the parties and coordinate an expedited process for briefing and arguing this appeal. *Id.*

5. The parties have now conferred about the appropriate schedule for proceedings in this matter and suggest that the Court enter an order granting an accelerated docket and establishing the following deadlines:

<b>Record on appeal:</b>	Friday, January 20, 2023
<b>Defendants-appellants' opening brief:</b>	Thursday, January 26, 2023
<b>Plaintiffs-appellees' response brief:</b>	Friday, February 17, 2023
<b>Defendants-appellants' reply brief:</b>	Monday, February 27, 2023
<b>Oral argument:</b>	In the March 2023 calendar

6. Counsel for defendants-appellants conferred with counsel for plaintiffs-appellees about this schedule. All parties agree to the relief sought in this motion.

## CONCLUSION

For these reasons, the Court should: (1) order that the appeal be accelerated under Rule 311(b); and (2) establish briefing deadlines consistent with the parties' proposal.

Respectfully submitted,

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State of Illinois

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Solicitor General

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ENTER:

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JUSTICE

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JUSTICE

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JUSTICE

DATED: \_\_\_\_\_

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**CERTIFICATE OF FILING AND SERVICE**

I certify that on January 4, 2023, I electronically filed the foregoing **Agreed Motion to Accelerate Briefing Under Illinois Supreme Court Rule 311(b)** with the Clerk of the Supreme Court of Illinois by using the Odyssey eFileIL system.

I further certify that counsel for the other participants in this matter, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served by the Odyssey eFileIL system.

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Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/ Alex Hemmer

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