

**Rule 610. Motions.**

(a) Motions in reviewing courts shall be governed by Rule 361.

(b) In addition to the requirements set forth in Rule 361, every motion for extension of time in a criminal case shall be supported by an affidavit or a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109) showing the following:

(1) the date on which counsel was engaged or appointed to prosecute the appeal;

(2) the number of days requested and the number of days granted on each of the previous motions for extension of time filed by the movant, and the total number of days granted on all of those previous motions;

(3) the total number of days requested and the total number of days granted on all of the previous motions for extension of time filed by other parties;

(4) the details of the case, including (i) the offenses of which the defendant was convicted, (ii) whether the conviction was the result of a bench or jury trial, (iii) the length of the sentence imposed, (iv) the date of the sentence, (v) the date on which the complete record was filed in the reviewing court and the length of the record, and (vi) whether the defendant is currently incarcerated and, if so, the defendant's projected release date;

(5) the reason for the present request for an extension and counsel's realistic expectation of the length of time needed to prepare and file the brief.

The purpose of this paragraph is the achievement of prompt preparation and disposition of criminal cases in the reviewing courts, and motions for extension of time are looked upon with disfavor.

(c) Before filing a motion for extension of time in a criminal case, counsel shall confer with opposing counsel and inquire as to whether opposing counsel intends to file an objection. The results of that inquiry shall be stated in the motion in order to allow the court to rule upon the motion without waiting until the time for filing responses has expired. If counsel is unable to confer with opposing counsel, an explanation shall be stated in the motion.

(d) In addition to the requirement of Rule 361, unless filed electronically, motions in the Supreme Court for the second, third, fourth, and fifth judicial districts shall be filed with the clerk in Springfield, and motions for the first judicial district (Cook County) shall be filed with the clerk in the Chicago satellite office.

Amended September 29, 1978, effective November 1, 1978; amended Dec. 11, 2014, eff. immediately; amended June 22, 2017, eff. July 1, 2017; amended Sept. 17, 2019, eff. immediately.

Committee Comments

(Revised September 29, 1978)

This rule is an amalgam of former Rules 49 and 49-1, and is applicable to criminal cases in both the Supreme Court and the Appellate Court.

Prior to amendment in 1978, paragraph (3) provided that a motion for extension of time should include the number of extensions previously obtained from the reviewing court and the reason for each such extension. In 1978, this requirement was made applicable to civil cases by

the addition of Rule 361(g), and accordingly paragraph (3) was rescinded and paragraph (4) became paragraph (3). Since motions in criminal cases are generally governed by Rule 361, this makes no change in the practice in criminal appeals.