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NATURE OF THE ACTION

Defendant was charged by citation with various traffic offenses, including two counts of driving under the influence (DUI), and sought to rescind the statutory summary suspension of her driver's license. A2, ¶ 4.¹ The circuit court denied defendant's petition, R28-41, the appellate court reversed, A1, ¶ 2, and this Court allowed the People's petition for leave to appeal. No issue is raised as to the sufficiency of the charging instrument.

ISSUE PRESENTED FOR REVIEW

The Vehicle Code authorizes the Secretary of State to summarily suspend the driver's license of any person arrested for DUI who, as relevant here, tests positive or above the legal limit for intoxicants. 625 ILCS 5/11-501.1(d), (g). Once the Secretary receives the sworn report of the arresting officer, the Secretary enters the suspension, *id.* § 11-501.1(e), and confirms the suspension "by mailing a notice of the effective date . . . to . . . the court," *id.* § 11-501.1(h). The driver may petition to rescind the summary suspension, and the circuit court must conduct a hearing on the petition within 30 days after receipt, *id.* § 2-118.1(b), "unless delay is occasioned by the defendant," *People v. Schaefer*, 154 Ill. 2d 250, 262 (1993). The issue presented is whether the circuit court may conduct a hearing on a petition to rescind a summary suspension before the Secretary has confirmed the

¹ "C_," "R_," "Sup. C. _," and "A_" refers to the common law record, report of proceedings, supplemental common law record, and appendix to petitioner's brief, respectively.

suspension, with the result that the court here did not abuse its discretion in holding that defendant received a timely hearing.

JURISDICTION

On November 26, 2025, this Court allowed leave to appeal.

Accordingly, the Court has jurisdiction under Supreme Court Rules 315(a), 602, and 612(b)(2).

STATUTES INVOLVED

625 ILCS 5/2-118.1 (Opportunity for hearing; statutory summary alcohol or other drug related suspension or revocation pursuant to Section 11-501.1).

(a) A statutory summary suspension or revocation of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension or revocation and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension or revocation shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension or revocation served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension or revocation rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension or revocation. The hearings shall proceed in the court in the same manner as in other civil proceedings.

The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

1. Whether the person was placed under arrest for an offense as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, or issued a Uniform Traffic Ticket out of state as provided in subsection (a) of Section 11-501.1; and
2. Whether the officer had reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while under the influence of alcohol, other drug, or combination of both; and
3. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's blood alcohol or drug concentration; or
4. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submits to a chemical test, or tests, and the test discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension or revocation and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

625 ILCS 5/11-501.1 (Suspension of drivers license; statutory summary alcohol, other drug or drugs, or intoxicating compound or compounds related suspension or revocation; implied consent).

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more, testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act

* * *

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension or revocation and disqualification for the periods specified in Sections 6-208.1 and 6-514, respectively, and effective as provided in paragraph (g).

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension or revocation on the person and the suspension or revocation and disqualification shall be effective as provided in paragraph (g).

* * *

(g) The statutory summary suspension or revocation and disqualification referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension or revocation was given to the person.

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension or revocation by mailing a notice of the effective date of the suspension or revocation to the person and the court of venue. The Secretary of State shall also mail notice of the effective date of the disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

STATEMENT OF FACTS

On April 21, 2024, defendant was charged by citation with various traffic offenses, including two counts of DUI with a first appearance date of May 17, 2024. A2, ¶ 4; Sup. C. 4-5. That same day, defendant was charged by complaint with unlawful possession of cannabis (720 ILCS 550/4(d)) in Lake County case No. 24 CF 817. A2, ¶ 4. The next day, April 22, defendant filed a petition to rescind the statutory summary suspension of her driver's license, which was assigned Lake County case No. 24 MX 216. C7-9. The circuit court set the recission petition for hearing on May 10. C10.

Defendant's DUI case began before Judge Fisz; it was then briefly consolidated with the felony drug charge and heard in a felony courtroom by Judge Collins, before being returned to Judge Fisz's courtroom. At the May 10 hearing before Judge Fisz,² the prosecutor asked that the recission matter be heard on the same day (May 17) as the felony possession charged in case No. 24 CF 817. R3. Judge Fisz asked whether defense counsel "ha[d] a problem with that," and counsel replied, "No." *Id.* Moments later, Judge Fisz again asked counsel whether he had a problem with hearing the recission petition on May 17, and counsel replied, "Nope." R5. By the parties' agreement, the recission matter was continued and consolidated with the drug possession case. C16-17.

On May 17, a different prosecutor appeared in the felony courtroom before Judge Collins in the consolidated cases. C81.³ The prosecutor stated that this was defendant's first appearance, asked the court to set pretrial release conditions, and stated that the case would be assigned to Judge Strickland, who held his call on Tuesdays. C82-84.

Judge Collins asked counsel "how far do you want to go out? June 11th? June 18th? June 25th?" C84. Defense counsel responded, "[i]f it's

² The cover sheet of the report of proceedings erroneously indicates that the proceedings transpired on May 25, 2024, before Judge Raymond D. Collins. R2; A2, ¶ 3 n. 3.

³ Due to the consolidation, the report of proceedings is designated for case No. 24 CF 817.

motion State, whatever.” *Id.* Judge Collins proposed June 25 for the preliminary hearing in the drug possession case. *Id.* Defense counsel asked if it was “the state’s motion,” *id.*, and the following exchange occurred:

THE COURT: For the date? It’s got to be motion you if you don’t — unless you want a preliminary hearing.

[DEFENSE]: No. I’d rather have motion — order is motion State.

THE COURT: Just for a status?

[STATE]: Well, no, Judge. If this is — I mean, is he demanding prelim?

THE COURT: Do you want a preliminary hearing date?

[DEFENSE]: (No response.)

THE COURT: Or you can just — by agreement you can go —

[STATE]: (unintelligible)

THE COURT: By agreement you can go to the 25th for status of prelim.

[STATE]: Judge, we’re not asking for a status date. So if he (unintelligible) to resolve it down here, then we can get a preliminary hearing date.

THE COURT: Do you want to resolve it down here?

[DEFENSE]: We can try, Judge. It’s just — I have no problem going by agreement on the criminal case, but I did file a petition to rescind on the DUI charge.

THE COURT: Right, it will go to a DUI courtroom.

[DEFENSE]: So that would — order of court or motion State.

[STATE]: The MX was in a DUI courtroom. That judge consolidated [the MX case] with the felony and sent it down here because it’s a separate MX case. We are not sure if it should now be all under the

felony because the felony case does have a DUI charge, so we're not sure what's what.

[DEFENSE]: So misdemeanor DUI —

THE COURT: So you don't want to by agreement continue the petition to rescind?

[DEFENSE]: No.

THE COURT: Well, then we have to set it for hearing in a courtroom. What courtroom is it going to?

[STATE]: That would go to T110. It's a DUI thing. It would be a Friday at 9:00 a.m.

THE COURT: June 14th, 9:00 o'clock, T110.

[DEFENSE]: And that's order of court?

THE COURT: Yes.

[DEFENSE]: Sounds good. June what?

THE COURT: June 14th.

[DEFENSE]: Do you want —

THE COURT: And we'll keep the felony down here on the other date.

C85-87. The rescission petition case was continued to June 14, 2024. C18, 86. Defense counsel did not object.

On May 28, defendant filed a motion to grant her petition to rescind, arguing that the 30-day period in which the court could timely consider her April 22 petition to rescind had expired. C19-21. On June 5, back in the original courtroom, Judge Fisz heard defendant's motion. R9-12. The prosecutor argued that defense counsel had agreed or acquiesced to the

continuances on May 10 and May 17 — either by express agreement or by silence — and had failed to demand a hearing, so the continuances entered on those dates were attributable to defendant. R11-12.

Defendant countered that the May 10 and May 17 continuances were by order of the court because the court had no option but to continue the case so long as there was no confirmation of the summary suspension from the Secretary on file. R12-13.⁴ Judge Fisz asked whether defense counsel had alerted Judge Collins that a June 14 continuance would go past “the *Traynor* [sic] time limit.” R14.⁵ Counsel replied, “I did not. It’s not my responsibility to tell the Court or the State once [the rescission petition] was filed.” *Id.* Counsel moved for a continuance to obtain the transcripts of the May 10 and May 17 proceedings, which Judge Fisz agreed to review before ruling. R20.

On June 14, after reviewing the transcripts, Judge Fisz determined that the 18 days from April 22 to May 10 were attributable to the State, and that the 7 days from May 10 to May 17 were by agreement of defendant because Judge Fisz had expressly asked defense counsel whether he objected, and counsel said he did not. R29-30. Judge Fisz then explained that on May

⁴ The Secretary’s confirmation was filed in the circuit court on May 22, 2024. Sup. C. 6-7.

⁵ Presumably a reference to *In re Trainor*, 156 Ill. App. 3d 918, 923 (4th Dist. 1987), which held that “the hearing required in section 2-118.1 must be held within [] 30 days unless delay is occasioned by the defendant, and failure to do so will require rescission of the suspension.” This Court cited *Trainor* approvingly in *Schaefer*, 154 Ill. 2d at 253.

17, Judge Collins was unaware that there was a pending petition to rescind, given that the felony matter was up for first appearance. R32-33. Judge Fisz further explained that Judge Collins suggested three different June dates for a status on the preliminary hearing, to which counsel responded only, “If it’s a motion state, whatever.” R32. After defense counsel finally told Judge Collins about the pending petition to rescind, Judge Collins suggested June 14, and counsel responded, “Sounds good,” after confirming that it was by order of the court. R33-34. Judge Fisz concluded that defense counsel’s interactions with Judge Collins were precisely the “type of gamesmanship” that the appellate court had disapproved in *People v. Boyd*, 2023 IL App (2d) 220053. R36. Judge Fisz added that had defendant genuinely wanted a timely hearing, he would have objected to the continuance. R38. Therefore, Judge Fisz found that the delay between May 17 and June 14 was also attributable to defendant. *Id.* Because only 18 days of the delay were attributable to the State, Judge Fisz denied defendant’s motion to rescind her summary suspension and set the rescission petition for hearing on June 18. R39-41.

The hearing on the rescission petition took place on June 20. R44. At the outset, defendant argued that she was entitled to rescission because the hearing on her petition was untimely. R46-48, 51-52. Judge Fisz rejected this argument because he had already ruled on that issue during the June 14 ruling, and advised counsel to file a motion to reconsider if he wished for the

court to do that. *Id.* Defendant then proceeded on the argument that the arresting officer lacked reasonable grounds to make the vehicle stop that resulted in the DUI charges against defendant. R49. Defense counsel elicited testimony from the arresting officer that he had observed defendant swerve into the oncoming lane of traffic and over-correct as she swerved back into her own lane, and that before he pulled defendant over, he saw that her vehicle registration had expired. R57-60. The prosecutor then moved for a directed finding, which Judge Fisz granted, denying the petition to rescind. R62-63; A10, ¶ 15.

Judge Fisz also denied defendant's ensuing motion to reconsider, which again challenged the timeliness of the hearing, reasoning that defense counsel "knew at the time that he asked Judge Collins if it was order of court that the next court date . . . would be beyond the 30 days, and he didn't say anything." R79. Judge Fisz concluded that this "type of gamesmanship is not something that is encouraged in the law." *Id.*; *see also* A11, ¶¶ 17-19.

On appeal, the appellate court reversed, holding that the circuit court had abused its discretion by attributing the delay between May 10 and May 17 to defendant. A20, ¶ 37. The appellate court reasoned that the delay was attributable to the State because the Secretary had not yet confirmed the suspension on May 10, so the circuit court had no choice but to continue the case at that point. A1, 19-20, ¶¶ 1, 34-36.

Finding that the delay between May 10 and May 17 was attributable to the State, and that 31 days elapsed between the filing of the petition and adjudication — April 22 through May 17 (25 days) and June 14 through 20 (6 days) — the appellate court reversed. A20, ¶ 38 n.4. Because the appellate court granted relief on this basis, it did not consider whether the circuit court correctly attributed the 28-day delay from May 17 through June 14 to defendant. A20, ¶ 38.

STANDARDS OF REVIEW

This Court reviews de novo whether, as a matter of statutory interpretation, section 118.1 of the Vehicle Code, 625 ILCS 5/2-118.1, requires the filing of the Secretary's confirmation of a summary suspension before a circuit court can hear a petition to rescind. *See People v. Fair*, 2024 IL 128373, ¶ 61.

This Court reviews a circuit court's decision to attribute delay to a defendant for abuse of discretion. *See People v. Patel*, 2019 IL App (2d) 170766, ¶ 14. An abuse of discretion occurs only where the circuit court's ruling is arbitrary, fanciful, or so unreasonable that no reasonable person could take the circuit court's view. *People v. Cross*, 2022 IL 127907, ¶ 24.

ARGUMENT

The Hearing on Defendant's Petition to Rescind her Summary Suspension was Timely Because Fewer Than 30 Days Attributable to the State Ran on the Statutory Time Period.

The hearing on defendant's petition to rescind her summary suspension was timely because fewer than 30 days attributable to the State

lapsed between the filing of the petition to rescind on April 22, 2024, and the hearing on the petition on June 20, 2024. The circuit court did not abuse its discretion in finding that the defendant delayed review from May 10 through June 14 by agreeing to the continuances or by failing to invoke her right to a timely hearing. Accordingly, that time is attributable to defendant. The appellate court's holding to the contrary rests on its misinterpretation of section 2-118.1. Neither the text of section 2-118.1 nor the policy behind it requires the Secretary to file the confirmation of summary suspension before the circuit court can conduct a hearing on a rescission petition. Therefore, this Court should reverse the appellate court's judgment.

A. Delay between May 10 and June 14 is properly attributed to defendant.

Because the record demonstrates that defendant delayed review of her petition to rescind from May 10 to June 14, the circuit court did not abuse its discretion when it attributed that time to defendant. As a result, fewer than 30 days — April 22 to May 10 (18 days) and June 14 to June 20 (6 days) — were attributable to the State, with the result that the hearing on defendant's petition was timely.

Section 11-501.1 of the Vehicle Code authorizes the Secretary to summarily suspend a person's driver's license when they refuse testing, test positive for an intoxicating substance, or test over the legal limit. *People v. McClure*, 218 Ill. 2d 375, 379 (2006); 625 ILCS 5/2-501.1. A separate section of the Vehicle Code allows motorists to contest their suspensions. 625 ILCS

5/2-118.1(b). Section 118.1(b) provides that “[w]ithin 90 days after the notice of statutory summary suspension served under section 11-501.1,” a defendant “may make a written request for a judicial hearing in the circuit court” stating “the grounds upon which the person seeks to have the statutory summary suspension rescinded.” *Id.* “Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, . . . the hearing shall be conducted by the circuit court having jurisdiction.” *Id.* This Court has construed this language to provide that a circuit court must conduct a hearing on a petition to rescind “[w]ithin 30 days after receipt of the written request,” 625 ILCS 5/2-118.1(b), “unless delay is occasioned by the defendant,” *Schaefer*, 154 Ill. 2d at 262 (quoting *Trainor*, 156 Ill. App. 3d at 923); accord *People v. Bywater*, 223 Ill. 2d 477, 486-87 (2006). Here, the delay between May 10 and June 14 was occasioned by defendant because his counsel expressly agreed or failed to object to multiple continuances, with the result that the hearing was set outside the 30-day window.

When deciding whether a delay is attributable to a defendant under section 2-118.1(b), this Court has analogized “the time provision contained in section 2-118.1(b) to the speedy-trial provisions contained in our Code of Criminal Procedure.” *People v. Cosenza*, 215 Ill. 2d 308, 314-15 (2005). And logically so: both statutes impose similar requirements — that the State must resolve the charges or summary suspension promptly or risk losing

them — and act prophylactically to protect the defendant’s constitutional rights. *See People v. Hartfield*, 2022 IL 126729, ¶ 32 (“Illinois’s speedy trial statutes implement the constitutional right.”); *Trainor*, 156 Ill. App. 3d at 923 (rule requiring recission of summary suspension if hearing not held within 30 days necessary “to comply with due process requirements”). In fact, the language used by this Court to describe the exception to the 30-day rule for a hearing on a recission petition based on delay attributable to the defendant mirrors the language of the exception in the speedy trial statute. *Compare* 725 ILCS 5/103-5(a) (“Every person . . . shall be tried . . . within 120 days from the date he or she was taken into custody *unless delay is occasioned by the defendant.*”) (emphasis added) *with Schaefer*, 154 Ill. 2d at 253 (“[T]he defendant’s challenge to the summary suspension of driving privileges must be heard within the statutory 30-day period, *unless the delay is occasioned by the defendant.*”) (emphasis added).

Thus, decisions interpreting the speedy trial statute are relevant to determining whether delay is attributable to the defendant under section 2-118.1(b). And in the speedy trial context, “[d]elay is considered to be agreed to by the defendant unless she objects to the delay by making a written demand for trial or an oral demand for trial on the record.” *Hartfield*, 2022 IL 126729, ¶ 35 (cleaned up). This requirement ensures that a “defendant may not camouflage his intent or hide the demand from the prosecutor’s notice.” *People v. Yankaway*, 2025 IL 130207, ¶ 79; *see also Hartfield*, 2022

IL 126729 ¶¶ 36-37 (“defendant’s statement of custodial status and readiness for trial does not . . . equate to a demand”).

This Court has applied similar reasoning in the rescission context. In *Schaefer*, defense counsel remained silent when the prosecutor asked whether there was a petition for rescission in the file and the circuit court responded that it did not see one. 154 Ill. 2d at 266. Counsel then later moved to rescind the summary suspension because the defendant was not afforded a hearing within 30 days. *Id.* This Court quoted approvingly the remarks of the circuit court judge, who said it “bothered [him]” that defense counsel had “stood mute[ly]” by when the prosecutor and court asked whether a petition was on file, and failed to “demand[] trial” and “invoke[] *Trainor*.” *Id.* at 269. Under these circumstances, the Court held, the defendant’s suspension should not have been rescinded because the defendant’s “conduct was a cause of the delay.” *Id.* at 270.

Schaefer’s rule follows naturally from the purpose of the statutory hearing deadline. Just as the statutory speedy trial right is “properly used as a shield” to ensure a speedy trial and not as “a sword” to defeat a conviction, *Hartfield*, 2022 IL 126729, ¶ 35, so, too, section 2-118.1(b)’s time period is intended to ensure a timely hearing and not as a basis to rescind an otherwise valid suspension of a defendant’s driving privileges. Allowing defendant to fail to demand a timely hearing and, instead, lie in wait so he can later move to rescind a presumptively valid suspension, “thwarts the

statute's primary purpose of promoting public safety on the roads." *See Boyd*, 2023 IL App (2d) 220053, ¶ 29 (where untimely hearing date was based on defense counsel's agreement to the date and representation that hearing on that date would be timely, appellate court attributed delay to defendant; court declined to approve deception, "whether affirmative or passive, intentional or unintentional," that would encourage gamesmanship and thwart statute's purpose); *see also People v. Lagowski*, 273 Ill. App. 3d 1012, 1016 (1st Dist. 1995) (when defendant notices hearing for a date outside of the 30-day period, she cannot complain that hearing was untimely).

Here, the delay from May 10 to May 17 was occasioned by defendant because, when the circuit court asked whether defendant "ha[d] a problem with" continuing the rescission case to May 17 along with the felony case, defense counsel twice replied in the negative. R3, 5. Because defense counsel agreed to this continuance, the circuit court did not abuse its discretion in holding that this delay was attributable to defendant. *See Schaefer*, 154 Ill. 2d at 262; *see also People v. Guillermo*, 2016 IL App (1st) 151799, ¶ 25 (delay caused by agreement "temporarily suspended the period within which a hearing on the defendant's petition to rescind had to be held").

Similarly, at the May 17 hearing, defendant failed to invoke his right to a timely hearing. C81-87. Judge Collins asked counsel when they wanted to schedule the next hearing, offering three different dates. C84. Defense counsel stated that he was fine with "whatever" date so long as it was

“motion State” and did not reference *Trainor* or otherwise request a timely hearing on defendant’s petition to rescind. C84. On the contrary, when faced with the circuit court’s confusion, defense counsel initially remained silent about the existence of the rescission petition. C83-85. And once defense counsel mentioned the petition, he never alerted the court to the possibility that a continuance might push the rescission hearing beyond the statutory deadline. C85-87. To be sure, defense counsel stated that he sought a ruling that the continuance was “by order of court,” C86, but the circuit court would not have recognized this statement as a request for a timely hearing: Judge Collins, who was new to the case, “was unaware of the petition to rescind. . . given that the felony matter was ‘up for first appearance.’” A9, ¶ 12.; *cf. Hartfield*, 2022 IL 126729 ¶¶ 34-38 (in the speedy trial context, “a circuit court’s recognition of the alleged demand is relevant”; accordingly, counsel’s statement that defendant is “in custody. Ready for trial. Please note my objection to the State’s motion” was insufficient to demand trial).

Given the circumstances, the circuit court did not abuse its discretion in finding that defense counsel’s silence reflected improper “gamesmanship.” R39; *Schaefer*, 154 Ill. 2d at 270 (finding similar conduct by counsel improper); *see also Yankaway*, 2025 IL 130207, ¶ 79 (“defendant may not camouflage his intent”); *Hartfield*, 2022 IL 126729, ¶ 35 (requiring clear demand for trial). Unlike *Patel*, where the appellate court found that the there was “no basis” for attributing delay to the defendant, and therefore that

the circuit court abused its discretion in doing so, because the State had failed to comply with its discovery obligations prior to the recission hearing, 2019 IL App (2d) 170766, ¶ 19, here the record provides a basis for the circuit court's conclusion that defendant was "a cause of the delay," *Schaefer*, 154 Ill. 2d at 270. Accordingly, the circuit court's decision was not "arbitrary, fanciful, or so unreasonable that no reasonable person could take [its] view." *Cross*, 2022 IL 127907, ¶ 24.

Finally, the delay from June 5 to June 14 was occasioned by defendant because defense counsel requested, and obtained, a continuance so that counsel could obtain the transcripts of the May 10 and 17 hearings. R20; *see Schaefer*, 154 Ill. 2d at 262; *see also Guillermo*, 2016 IL App (1st) 151799 ¶ 25.

In sum, defendant's conduct delayed the hearing on May 10, May 17, and June 5, with the result that only 24 days are attributable to the State (18 days between April 22 and May 10 and 6 days between June 14 to June 20). Accordingly, the circuit court conducted a timely hearing.

B. The appellate court erroneously attributed the delay from May 10 to May 17 to the State due to the absence of the Secretary's confirmation of the suspension.

The appellate court's holding that the delay from May 10 to May 17 was not attributable to defendant stems from its misinterpretation of the statute: contrary to the appellate court's interpretation, section 2-118.1 does not require the Secretary to confirm a summary suspension before the circuit court can rule on a recission petition. A1, 18-20, ¶¶ 1, 35-37.

1. The plain text of section 2-118.1 does not predicate consideration of a rescission petition on receipt of the Secretary's confirmation.

The plain language of section 2-118.1 does not require that a circuit court receive confirmation of the summary suspension from the Secretary before the court may hear a petition to rescind. “The fundamental goal of statutory construction is to ascertain and give effect to the legislature’s intent, best indicated by the plain and ordinary meaning of the statutory language.” *People v. Palmer*, 2021 IL 125621, ¶ 53. Where the language is clear and unambiguous, courts apply the statute as written, without resort to aids of statutory construction. *People v. Legoo*, 2020 IL 124965, ¶ 14. And courts may neither “depart[] from the language of the statute by interjecting . . . conditions that the legislature did not include,” *People v. Seymore*, 2025 IL 131564, ¶ 38, nor “in the guise of statutory construction, rewrite the statute,” *Lauer v. Am. Fam. Life Ins. Co.*, 199 Ill. 2d 384, 390 (2002).

Nothing in section 2-118.1 ties the hearing on a petition to rescind to the circuit court’s receipt of the Secretary’s confirmation of the summary suspension. Section 2-118.1 does not reference the Secretary’s confirmation of the suspension, let alone predicate the hearing on it. The only reference to the Secretary in section 2-118.1 is its requirement that the circuit court notify the Secretary of the outcome of the hearing on the petition to rescind. *See* 625 ILCS 5/2-118.1 (“Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension or revocation and immediately notify the Secretary of State.”).

Section 11-501.1 similarly does not predicate the judicial review process on the Secretary's confirmation of the suspension. Section 11-501.1 outlines the summary suspension process. As relevant here, after a motorist suspected of driving under the influence submits to a test that discloses the presence of alcohol or drugs in an amount above the legal limit, the arresting officer must immediately submit a sworn report to the circuit court and the Secretary, and the motorist's driver's license will be suspended 46 days later. 625 ILCS 5/11-501.1(d), (g); *Guillermo*, 2016 IL App (1st) 151799, ¶ 11 ("The summary suspension of the motorist's driving privileges automatically takes effect on the 46th day."). Section 11-501.1 further provides that "[u]pon receipt" of the sworn report, the Secretary "shall enter" the suspension, 625 ILCS 5/11-501.1(e), and "shall confirm" the suspension "by mailing a notice of the effective date . . . to the person and the court," *id.* § 11-501.1(h). Nothing in plain text of this statute requires the circuit court to wait until it receives the Secretary's confirmation of suspension before holding a hearing on a rescission petition. And the fact that the hearing is required to be held within 30 days of the petition but the Secretary's confirmation has no deadline, 625 ILCS 5/11-501.1(h), also shows that these events are not sequential. Indeed, this Court has stated that the hearing "can be held either pre- or post-suspension," further demonstrating that rescission hearings may predate the Secretary's confirmation. *People v. Esposito*, 121 Ill. 2d 491, 507 (1988).

The plain language of sections 2-118.1 and 11-501.1 thus reveals that the Secretary and the circuit court have distinct roles when it comes to summary suspensions. *See McClure*, 218 Ill. 2d at 386 (A “statutory summary suspension is an administrative function of the Secretary of State” whereas the “hearings . . . are civil proceedings.”); *People v. Kotlinski*, 2024 IL App (4th) 230526, ¶¶ 35-37 (distinguishing Secretary’s confirmation process from circuit court’s review under section 2-118.1). Only the circuit court, proceeding under section 2-118.1, reviews the merits of a motorist’s challenge to a summary suspension. The focus of the hearing “is directly on the decision of the law enforcement agency to submit a sworn report for a statutory suspension.” *Kotlinski*, 2024 IL App (4th) 230526, ¶ 37. To that end, the issues to be considered are limited to “(a) whether the motorist was lawfully arrested under section 11-501 of the Vehicle Code; (b) whether the arresting officer had reasonable grounds to believe that the motorist was under the influence of alcohol, drugs or both; (c) whether the motorist refused to submit to chemical testing after being advised that such refusal would result in a statutory summary suspension of driving privileges; and (d) whether the motorist submitted to chemical testing and failed the test.” *McClure*, 218 Ill. 2d at 380. None of these issues rest on, or require consideration of, information provided by the Secretary.

By contrast, section 11-501.1(h) does not permit the Secretary to examine the legal basis for the agency’s decision to submit the sworn report

but instead provides that if the Secretary identifies technical deficiencies, such as missing information or errors in the sworn report, the Secretary shall forward the sworn report to the circuit court as well as to the issuing law agency. *Kotlinski*, 2024 IL App (4th) 230526, ¶ 66 (Secretary’s confirmation delayed due to correction of crossed-out digit in citation number). Nothing in either section 2-118.1 or section 11-501.1 suggests that the Secretary’s review is contingent on the circuit court’s review, or vice versa. Thus, by requiring the circuit court to await receipt of the Secretary’s confirmation before reviewing a rescission petition, the appellate court impermissibly “depart[ed] from the language of the statute by interjecting . . . conditions that the legislature did not include.” *Seymore*, 2025 IL 131564, ¶ 38.

For its part, the appellate court’s opinion does not engage with the statutory text. Nor does the precedent on which the appellate court relied. A14-20, ¶¶ 29-37 (citing *People v. Madden*, 273 Ill. App. 3d 114 (3d Dist. 1995), and *People v. Moreland*, 2011 IL App (2d) 100699). *Madden* concluded, without citing authority or referencing the statutory text, that “[a] suspension may not be rescinded until it has been confirmed,” 273 Ill. App. 3d at 116, and *Moreland* cited *Madden* for this proposition without elaboration, 2011 IL App (2d) 100699, ¶ 9. As the Fourth District has observed, “[n]either case offers a rationale” for its determination that a circuit court cannot adjudicate the merits of a rescission petition before the Secretary has confirmed the summary suspension. *Kotlinski*, 2024 IL App (4th)

230526, ¶ 17. Because the statutory text unambiguously does not condition judicial review of the statutory suspension on receipt of the Secretary's confirmation, this Court should reject the appellate court's holding otherwise.

2. The plain-text interpretation of section 2-118.1 aligns with the purpose of Illinois's summary suspension law.

This plain-text construction harmonizes with the summary suspension statute's dual purpose: to quickly "remove from the highway drivers who pose a threat to public safety because of their use of alcohol and drugs[,] . . . while guaranteeing defendants notice and an opportunity to be heard so as to satisfy" due process. *Bywater*, 223 Ill. 2d at 486. When interpreting a statute, the Court "may consider the purpose behind the law and the evils sought to be remedied, as well as the consequences that would result from construing the law one way or the other." *State ex rel. Raoul v. Elite Staffing*, 2024 IL 128763, ¶ 16. To that end, interpretations that "would lead to absurd results" should be rejected. *People v. Hoffman*, 2025 IL 130344, ¶ 37. Here, the Secretary's confirmation of the suspension removes impaired motorists from the road, while the circuit court's prompt hearing of rescission petitions safeguards motorists' due process right to a timely hearing. *See Kotlinski*, 2024 IL App (4th) 230526, ¶¶ 62, 66. Thus, the plain-text interpretation corresponds to the dual purposes of the summary suspension law. *See Bywater*, 223 Ill. 2d at 486.

By contrast, the appellate court's interpretation, which precludes judicial review until receipt of the Secretary's confirmation (which, again, has

no deadline, 625 ILCS 5/11-501.1(h)) advances neither due process nor the removal of intoxicated drivers from the roads and gives rise to absurd results. *See Hoffman*, 2025 IL 130344, ¶ 37. Under the appellate court’s holding, if the Secretary’s confirmation takes longer than 30 days, even if due only to “trivial errors in the sworn report,” *Kotlinski*, 2024 IL App (4th) 230526, ¶ 66, circuit courts would be unable to timely review rescission petitions, permitting defendants to avoid summary suspensions for otherwise valid citations. This rule creates the absurd result of “a lottery for those who file rescission petitions,” rewarding those “lucky enough” to have a delayed confirmation from the Secretary. *Kotlinski*, 2024 IL App (4th) 230526, ¶ 66.

The Fourth District rightfully rejected this interpretation in *Kotlinski*, explaining that the “entirely justified suspension” challenged there should not be rescinded due to “the Secretary[’s] delayed confirmation to require the law enforcement agency to correct a crossed-out digit in the citation number.” *Id.* *Kotlinski* is consistent with Illinois precedent that does not “permit [drivers] to escape responsibility for drunk driving by pointing to [a] technical deficiency in the completion of the officer’s report.” *People v. Badoud*, 122 Ill. 2d 50, 52 (1988) (failure to have sworn reports signed by individual licensed to administer oath did not warrant rescission of summary suspension); *People v. Swanson*, 2021 IL App (3d) 190196, ¶ 3 (officer’s failure to send sworn report to Secretary did not warrant rescission); *People v. Wyzgowski*, 323 Ill. App. 3d 604, 607 (3d Dist. 2001) (incorrect arrest date on sworn report did not

warrant rescission); *People v. Lent*, 276 Ill. App. 3d 80, 82 (2d. Dist. 1995) (no rescission even though jail official served notice of a summary suspension instead of the arresting officer). Not only are these errors by themselves not rescission-worthy, but this Court has permitted prosecutors to cure them at the rescission hearing. *See Badoud*, 122 Ill. 2d at 60-63.

Furthermore, delaying review of a rescission petition until after receipt of the Secretary's confirmation does not advance the summary suspension statute's goal of securing due process for motorists. As explained, the Secretary does not review the legal basis for a law enforcement agency's decision to submit a sworn report but instead reviews the report for technical defects. *See supra* pp. 22-23. Thus, postponing the hearing until the court receives the Secretary's confirmation merely delays the hearing without providing any additional "safeguard against erroneous deprivation" of a driver's license. *Badoud*, 122 Ill. 2d at 63.

Nor does proceeding with the rescission hearing prior to receiving the Secretary's confirmation undermine a defendant's notice or opportunity to be heard. *See Bywater*, 223 Ill. 2d at 486; *accord Swanson*, 2021 IL App (3d) 190196, ¶ 15 ("[D]ue process . . . requires notice and the chance to be heard at a post-suspension hearing.") (citations omitted). The statute requires that the arresting officer provide the motorist with "immediate notice" of the suspension; the confirmation process does not affect that. 625 ILCS 5/11-501.1(f); *Swanson*, 2021 IL App (3d) 190196, ¶ 15 ("[T]he notice of summary

suspension given to the defendant by the officer provided ‘clear notice that his driver's license would be suspended 46 days after the day of his arrest.’”) (quoting *People v. Morales*, 2015 IL App (1st) 131207, ¶ 21). And the hearing is the motorist’s defendant’s opportunity to be heard, which also is unaffected by the Secretary’s confirmation process. *See id.* ¶ 16; *see also Morales*, 2015 IL App (1st) 131207, ¶ 21 (Secretary’s issuance of confirmation after summary suspension became effective did not infringe defendant’s due process right to notice of the suspension or opportunity to be heard). Thus, delaying the hearing on a petition to rescind to after the circuit court receives the Secretary’s confirmation fails to advance either purpose of the statute: the swift removal of intoxicated motorists from the State’s roadways and the due process rights of those motorists.

* * *

For these reasons, the appellate court’s interpretation has no support in the plain language or purpose of section 2-118.1, and it would give rise to the absurd result of returning impaired drivers to the road based solely on the timing of the Secretary’s confirmation of summary suspensions without advancing the drivers’ due process rights. Accordingly, this Court should reverse the appellate court’s decision, and the Court should hold that the circuit court did not abuse its discretion when it attributed all but 24 days of delay to defendant, and therefore that defendant received a timely hearing on her rescission petition.

CONCLUSION

For these reasons, the People of the State of Illinois respectfully request that this Court reverse the judgment of the appellate court.

April 14, 2026

Respectfully submitted,

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RULE 341(c) CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and 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 28 pages.

/s/ Rachel Miklaszewski
RACHEL MIKLASZEWSKI
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CERTIFICATE OF FILING AND SERVICE

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 April 14, 2026, the foregoing **Brief and Appendix of Plaintiff-Appellant People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the Court's electronic filing system, which provided service to the following:

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APPENDIX

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2025 IL App (2d) 240557-U
 No. 2-24-0557
 Order filed July 31, 2025

NOTICE: This order was filed under Supreme Court Rule 23(b) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
 APPELLATE COURT OF ILLINOIS
 SECOND DISTRICT

THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Lake County.
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 24-MX-216
	)	
CAITLIN SANDLASS,	)	Honorable
	)	Ari P. Fisz,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE MULLEN delivered the judgment of the court.
 Justices Schostok and Birkett concurred in the judgment.

ORDER

- ¶ 1 *Held:* In a statutory summary suspension proceeding in which defendant had filed a petition to rescind the suspension, a continuance entered before the Secretary of State (Secretary) confirmed the suspension was not attributable to defendant despite her agreement to the continuance, because, under our precedent, the trial court cannot hold a rescission hearing until the Secretary confirms the suspension.
- ¶ 2 Defendant, Caitlin Sandlass, appeals from the denial of her petition to rescind the summary suspension of her driving privileges. She contends that the trial court erred in denying her petition, because she was not provided with a timely hearing as required under section 2-118.1(b) of the Illinois Vehicle Code (Code) (625 ILCS 5/2-118.1(b) (West 2022)). At issue is whether the trial

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court abused its discretion in attributing to defendant the delays occasioned from (1) May 10 through May 17, 2024, and (2) May 17 through June 14, 2024. If either delay is attributed to the State, the hearing would be untimely. For the reasons that follow, we find that the trial court abused its discretion in attributing to defendant the delay from May 10 through May 17, 2024. Accordingly, we reverse.

¶ 3

I. BACKGROUND

¶ 4 The parties do not dispute that, on April 21, 2024, defendant was charged by citation with various traffic offenses, including two counts of driving under the influence (DUI) (*id.* § 11-501(a)(2), (a)(5)).¹ Further, the parties do not dispute that defendant was charged by complaint with unlawful possession of cannabis (720 ILCS 550/4(d) (West 2022)) in Lake County Circuit Court Case No. 24-CF-817.² The charges arose from a traffic stop on April 21, 2024.

¶ 5 On April 22, 2024, defendant filed a petition to rescind the summary suspension in case No. 24-MX-216. The “NOTICE OF HEARING,” filed that same day, set the matter for a hearing on May 10, 2024.

¶ 6 On May 10, 2024, the parties appeared before Judge Ari P. Fisz.³ Defendant appeared via Zoom with her counsel, James K. Jenks, III. The following transpired:

“MR. WINDMOELLER [(ASSISTANT STATE’S ATTORNEY)]:

¹The traffic citation is not included in the common law record.

²The complaint is not included in the common law record.

³The cover sheet of the report of proceedings erroneously indicates that the proceedings transpired on May 25, 2024, before Judge Raymond D. Collins.

This is a petition to rescind. The defense filed—The confirmation of summary suspension has not been filed with the [c]ourt yet, Judge. So I don't believe you have jurisdiction to hear the triple S [statutory summary suspension] yet. There is also a CF number that's being heard in first appearance court. It's 24[-]CF[-]817 in T020 on May 17th at 9:00 a.m. So I suppose we should send that to follow, Judge.

THE COURT: Okay. Did you say this was with Mr. Jenks?

MR. WINDMOELLER: Jenks, who's—

THE COURT: Okay. Mr. Jenks, can you unmute yourself. Good morning, Mr. Jenks.

MR. JENKS [(DEFENSE COUNSEL)]: I don't know if you can hear me?

THE COURT: We're able to hear you now.

The prosecutor wants our case to follow the felony on May 17th at 9:00 o'clock. Do you have any problem with that?

MR. JENKS: N[o].

THE COURT: What's the defendant's name on this again?

MR. WINDMOELLER: Caitlin Sandlass.

MR. JENKS: I might need to log back in.

THE COURT: Mr. Jenks, are you able to hear me?

Oh, wait a minute. Mr. Jenks, are you able to hear me? I think we lost Mr. Jenks. So I'm sure he'll rejoin us. You can call something else, if you'd like.

(A brief recess was had.)

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MR. WINDMOELLER: Recalling, Judge, 24[-]MX[-]216, the Petition of Caitlin Sandlass.

THE COURT: All right, Mr. Jenks. Good morning.

MR. JENKS: Good morning, Your Honor. James Jenks on behalf of Ms. Sandlass, who's present with me on Zoom.

THE COURT: All right. So your client has a case that's up, a felony case that's up on May 17th at 9:00 o'clock here in Lake County. Is that right, Mr. Jenks?

MR. JENKS: Yes, Judge.

THE COURT: All right. What I would typically do is send this one to follow that one. Any problem with that?

MR. JENKS: Nope.

THE COURT: All right. We'll consolidate the cases. Do you need an order?

THE CLERK: And case number. Yes, I do.

THE COURT: Do you need the CF case number?

MR. JENKS: And that was the order for—

THE COURT: All right. The CF case number, please.

MR. WINDMOELLER: 24[-]CF[-]817.

THE CLERK: Okay. And I need a reassignment.

THE COURT: A reassignment order?

THE CLERK: Uh-huh.

MR. WINDMOELLER: I'll get you that, Judge.

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THE COURT: Thank you, Mr. Windmoeller. We're going to do a reassignment order, Mr. Jenks. So this case will follow that one. And then May 17th at 9:00, I assume?

MR. WINDMOELLER: Yes, Judge.

THE COURT: All right. May 17th at 9:00 o'clock, Courtroom T020, Mr. Jenks.

MR. JENKS: Thank you, Your Honor. Have a good day."

¶ 7 The parties next appeared before Judge Raymond D. Collins on May 17, 2024. The report of proceedings is designated as case No. 24-CF-817. The State indicated that it was defendant's "first appearance" and that the State had a "public safety assessment" pertaining to defendant's eligibility for pretrial release. After setting conditions of pretrial release, the trial court inquired as to which judge the case was assigned, and the following transpired:

"UNIDENTIFIED SPEAKER: Judge Strickland.

THE COURT: Is it going to stay here?

UNIDENTIFIED SPEAKER: It's—

THE COURT: Judge Strickland is on a Tuesday morning. Is there—how far do you want to go out? June 11th? June 18th? June 25th?

MR. JENKS: If it's motion State, whatever.

THE COURT: It doesn't matter? When are you back up here?

MR. JENKS: I'm not.

THE COURT: You're not?

MR. JENKS: I'm usually in Cook.

THE COURT: How about June 25th at 9:00 o'clock, status of preliminary hearing.

MR. JENKS: This is motion State, correct?

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THE COURT: For the date? It's got to be motion you if you don't—unless you want a preliminary hearing.

MR. JENKS: No. I'd rather have motion—order is motion State.

THE COURT: Just for a status?

MS. ELFARRA [(ASSISTANT STATE'S ATTORNEY)]: Well, no, Judge. If this is—I mean, is he demanding prelim?

THE COURT: Do you want a preliminary hearing date?

MR. JENKS: (No response.)

THE COURT: Or you can just—by agreement you can go—

MS. ELFARRA: (unintelligible)

THE COURT: By agreement you can go to the 25th for status of prelim.

MS. ELFARRA: Judge, we're not asking for a status date. So if he (unintelligible) to resolve it down here, then we can get a preliminary hearing date.

THE COURT: Do you want to resolve it down here?

MR. JENKS: We can try, Judge. It's just—I have no problem going by agreement on the criminal case, but I did file a petition to rescind on the DUI charge.

THE COURT: Right, it will go to a DUI courtroom.

MR. JENKS: So that would—order of court or motion State.

MS. ELFARRA: The MX was in a DUI courtroom. That judge consolidated with the felony and sent it down here because it's a separate MX case. We are not sure if it should now be all under the felony because the felony case does have a DUI charge, so we're not sure what's what.

MR. JENKS: So misdemeanor DUI—

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THE COURT: So you don't want to by agreement continue the petition to rescind?

MR. JENKS: No.

THE COURT: Well, then we have to set it for hearing in a courtroom. What courtroom is it going to?

MS. ELFARRA: That would go to T110. It's a DUI thing. It would be a Friday at 9:00 a.m.

THE COURT: June 14th, 9:00 o'clock, T110.

MR. JENKS: And that's order of court?

THE COURT: Yes.

MR. JENKS: Sounds good. June what?

THE COURT: June 14th.

MR. JENKS: Do you want—

THE COURT: And we'll keep the felony down here on the other date."

¶ 8 On May 28, 2024, defendant filed a motion to grant her petition to rescind the summary suspension. Defendant argued that the State failed to hold a hearing on the petition within 30 days of its filing, as required under section 2-118.1(b) of the Code (625 ILCS 5/2-118.1(b) (West 2022)), and that defendant had occasioned no delay.

¶ 9 On June 5, 2024, the trial court—Judge Fisz—heard defendant's motion. Defendant's counsel argued that, because the hearing on the petition to rescind was not held within 30 days of the petition's April 22, 2024, filing date—which, according to counsel, would have been by May 22, 2024—the petition should be granted. In response, the State argued that defendant had agreed to continuances on both May 10 and May 17 and that, thus, the petition was timely. Counsel maintained that defendant did not agree to a continuance on either date. The court asked counsel

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if he informed Judge Collins on May 17 that a continuance to June 14 would place the hearing outside the 30-day limit. Counsel answered, “I did not. It’s not my responsibility to tell the [c]ourt or the State once it was filed.” After further argument, counsel requested that the matter be continued for the court to review the transcripts from the May 10 and May 17 proceedings before ruling. The court agreed.

¶ 10 The hearing before Judge Fisz resumed on June 14, 2024. After hearing the parties’ arguments, the trial court ruled as follows. The court found that, although defendant’s traffic citations showed a first appearance date of May 17, 2024, the clerk’s office automatically generated a hearing date of May 10, 2024, when defendant filed her petition to rescind on April 22, 2024. The court noted that 18 days had passed from the filing of the petition to May 10, 2024, and that those days were attributable to the State.

¶ 11 The trial court then considered what transpired on May 10, 2024. The court noted that it told defense counsel that “ ‘[t]he prosecutor wants our case to follow the felony on May 17th at 9:00 o’clock.’ ” When the court asked counsel if he had “ ‘any problems with that,’ ” counsel replied, “ ‘No.’ ” In light of that exchange, the court remarked:

“It’s true that there was no confirmation of the summary suspension. But as I just indicated, I told [defense counsel] exactly what I intended to do which was have this case follow the felony for status on May 17th. I asked him if he had any problem with that, and he said, ‘No.’

So that is obviously not an objection. So the [c]ourt finds that that continuance was by agreement of the defendant. So the seven days from May 10th to May 17th do not count against the State for purposes of the 30-day calculation.”

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In addition, the court acknowledged that, although the clerk's minute order indicated that the case was set for " 'hearing on motion' " on May 17, a review of the transcript established that the notation was "inaccurate." Rather, "[t]he case was set on May 17th in T-020 for first appearance pursuant to the tickets received by the defendant with the petition to rescind matter set to follow the felony case for status." The court further found that defense counsel did not "request that it be set for hearing."

¶ 12 The trial court next addressed what transpired before Judge Collins on May 17, 2024. The court noted that, at the outset of the hearing, Judge Collins had been unaware of the pending petition to rescind summary suspension, given that the felony matter was "up for first appearance." The court further noted that Judge Collins, after setting pretrial conditions, inquired of defense counsel as to whether counsel wanted the matter "set for status of preliminary hearing in Courtroom T-020" or have it "sent to the felony courtroom and in front of Judge Strickland as soon as possible." The court noted that, when Judge Collins suggested three different court dates for a status on the preliminary hearing, counsel responded, " 'If it's motion State, whatever.' " The court emphasized that, at this point, Judge Collins was still unaware of the pending petition to rescind. Counsel then told Judge Collins about the pending petition to rescind; when Judge Collins suggested the date of June 14, counsel inquired as to whether it was by " 'order of [c]ourt.' " When Judge Collins stated, " 'Yes,' " counsel responded, " 'Sounds good.' "

¶ 13 The trial court concluded that the time from May 17 through June 14, 2024, counted against defendant. Relying on our reasoning in *People v. Boyd*, 2023 IL App (2d) 220053, the court found that defendant engaged in "gamesmanship." The court stated that, when defendant's counsel finally told Judge Collins about the petition to rescind, counsel did not reveal that 18 days had already elapsed, and, further, when Judge Collins suggested a date that was "28 days down the

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road,” counsel “accepted that court date without objection so long as it was by order of [c]ourt.”

The court stated:

“It is not unreasonable to assume that [counsel] knew on May 17th at that court hearing that if those 28 days between then and the June 14th date were counted against the State the 30-day requirement would be violated. So [counsel] did not object to the suggested court date nor did he suggest an earlier date to give his client as prompt a hearing as possible. In fact, when we had our hearing last time on this case, [counsel] said on the record that he did not believe that it was his duty to inform the [c]ourt that a date that the [c]ourt sets would be outside of—would cause the case to be outside of the 30-day requirement.”

The court stated that counsel was using section 2-118.1 of the Code as a sword, rather than a shield. The court further stated that counsel’s actions “fly in the face” of section 2-118.1’s goal of “promot[ing] public safety on the roads while also ensuring swift hearings on petitions.” Thus, the court concluded that the period between May 17 and June 14, 2024, would also be counted against defendant.

¶ 14 The matter was continued on the State’s motion to June 18, 2024, with the additional four days counting against the State. (Thus, given the trial court’s ruling, as of June 18, 2024, 22 days were attributable to the State from the petition’s filing date.)

¶ 15 On June 18, 2024, the matter was continued on the State’s motion to June 20, 2024. (Thus, given the trial court’s ruling, as of June 20, 2024, 24 days were attributable to the State from the petition’s filing date.)

¶ 16 On June 20, 2024, the trial court held a hearing on the petition to rescind the summary suspension. Defendant clarified that she was contesting only whether the arresting officer had

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reasonable grounds to believe that defendant was driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs. Following testimony from the arresting officer, the State moved for a directed finding. The court granted the State's motion and denied the petition to rescind.

¶ 17 On July 11, 2024, defendant filed a motion to reconsider the denial of her motion to grant her petition to rescind the summary suspension. She contended that the trial court erred in attributing to defendant the delays from May 10 through May 17, 2024, and from May 17 through June 14, 2024. The State filed a response, and defendant filed a reply.

¶ 18 On August 22, 2024, following a hearing, the trial court denied the motion to reconsider. During the hearing, defendant's counsel argued that, under *People v. Madden*, 273 Ill. App. 3d 114 (1995), because there was no confirmation of the summary suspension as of the May 10, 2024, hearing, the delay from May 10 through May 17, 2024, was attributable to the State. Counsel further argued that when he appeared on May 17, 2024, he had no duty to tell the State the deadline for the hearing on his petition to rescind and that he did not engage in wrongdoing by staying silent.

¶ 19 In denying the motion, the trial court stated that it had not heard anything new that would warrant a different result. The court stated further that "it's now definitely clear that [counsel] knew at the time that he asked Judge Collins if it was order of court that the next court date *** would be beyond the 30 days, and he didn't say anything." The court again emphasized "that type of gamesmanship is not something that is encouraged in the law." When the court asked how defendant would like to proceed, counsel advised that the criminal case had been resolved.

¶ 20 This timely appeal followed.

¶ 21

II. ANALYSIS

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¶ 22 At issue in this appeal is whether the trial court erred in denying defendant's motion to grant her petition to rescind her summary suspension, based on the State's alleged failure to hold a hearing on the petition within 30 days of its filing. Defendant argues that the court erred in attributing to defendant the delays from (1) May 10 through May 17, 2024, and (2) May 17 through June 14, 2024.

¶ 23 Initially, we address the State's motion to strike defendant's statement of facts and part of defendant's argument. The State correctly notes that defendant's statement of facts does not cite to the record and contains instances of inappropriate argument and comment in violation of Illinois Supreme Court Rule 341(h)(6) (eff. Oct. 1, 2020) (requiring that the facts be "stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal"). Further, the State correctly notes that defendant's argument also fails to cite the record, in violation of Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020) (requiring that the argument section contain citation to "the pages of the record relied on"). As the State points out, briefs violating the rules above may be stricken in whole or in part. See *Ittersagen v. Advocate Health & Hospitals Corp.*, 2021 IL 126507, ¶ 37 ("Where a brief has failed to comply with the rules, we may strike portions of the brief or dismiss the appeal, should the circumstances warrant."). However, the State has provided its own statement of facts, supported by record references. Also, we have conducted our own review of the record, which is relatively short and straightforward. Because defendant's briefing violations do not hinder our review, we decline to strike any part of her brief. See *People v. Gutierrez*, 2024 IL App (2d) 230260, ¶ 25. Nevertheless, we admonish counsel to carefully follow the supreme court rules in future submissions.

¶ 24 We turn to the merits. Per section 11-501.1(e) of the Code (625 ILCS 5/11-501.1(e) (West 2022)), upon receipt of a sworn report of a law enforcement officer, the Secretary of State

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(Secretary) is required to summarily suspend the driver's license of any motorist arrested for DUI who refuses testing or tests above the legal alcohol-concentration limit. The statutory summary suspension "shall take effect on the 46th day following the date the notice of the statutory summary suspension *** was given to the person." *Id.* § 11-501.1(g).

¶ 25 Section 2-118.1(b) of the Code (*id.* § 2-118.1(b)) provides that, within 90 days of receiving the notice of the impending suspension of driving privileges, a motorist may seek rescission of the suspension by making a written request for a judicial hearing. "[A] defendant 'shall' be given a hearing on his petition to rescind within 30 days after the petition is received or on the first appearance date." *People v. Patel*, 2019 IL App (2d) 170766, ¶ 13 (quoting 625 ILCS 5/2-118.1(b) (West 2016)). " 'The word "shall" conveys that the legislature intended to impose a mandatory obligation.' " *Id.* (quoting *People v. Moreland*, 2011 IL App (2d) 100699, ¶ 8). "The failure to comply with the requirements of section 2-118.1(b) [of the Code] results in the rescission of the suspension, unless the delay is 'occasioned by the defendant.' " *Id.* (quoting *In re Summary Suspension of Driver's License of Trainor*, 156 Ill. App. 3d 918, 923 (1987)) (rescission is required when the defendant, through no fault of her own, is not given a timely hearing). That is, "a defendant is not entitled to a rescission if the defendant caused the hearing to be delayed." *Moreland*, 2011 IL App (2d) 100699, ¶ 10. "[T]he purpose of the summary suspension procedure is twofold: to quickly remove impaired drivers from our highways [citation]; and to balance the due process rights of a driver to a prompt hearing." *People v. Janas*, 389 Ill. App. 3d 426, 428 (2009).

¶ 26 Here, defendant filed her petition on April 22, 2024, but the hearing did not occur until June 20, 2024, which was 59 days after the petition's filing. There is no dispute that the 18-day delay from April 22 through May 10, 2024, and the 6-day delay from June 14 through June 20,

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2024, are attributable to the State. With 24 of the 59 days already attributable to the State, the hearing was timely only if the trial court was correct in attributing to defendant both the 7-day delay between May 10 and May 17, 2024, and the 28-day delay between May 17 and June 14, 2024.

¶ 27 We review for an abuse of discretion the court’s decision to attribute time to defendant. See *Patel*, 2019 IL App (2d) 170766, ¶ 14 (analogizing section 2-118.1(b) of the Code to the criminal speedy-trial statute). “An abuse of discretion occurs only where the trial court’s ruling is arbitrary, fanciful, or so unreasonable that no reasonable person could take the trial court’s view.” *People v. Cross*, 2022 IL 127907, ¶ 24.

¶ 28 We first consider whether the trial court abused its discretion in attributing to defendant the delay between May 10 and May 17, 2024. According to defendant, because the Secretary had not yet confirmed the summary suspension of her driver’s license, this delay was attributable to the State. The State responds that, regardless of whether the suspension was confirmed, the delay is attributable to defendant because she expressly agreed to the continuance.

¶ 29 In support of her position, defendant relies solely on *Madden*. There, on September 3, 1994, the defendant was arrested for DUI and served with notice of summary suspension. *Madden*, 273 Ill. App. 3d at 114. On September 30, 1994, he filed his petition to rescind the summary suspension. *Id.* A hearing date was set for October 20, 1994. *Id.* At the hearing, both the State and defense counsel informed the trial court that the defendant’s driver’s abstract did not yet show a pending suspension. *Id.* at 115. The court concluded that the matter was not “ripe” and dismissed the petition with leave to reinstate. *Id.* The defendant did not object. *Id.* On November 5, 1994, the defendant received confirmation of the summary suspension, and, on November 18, 1994, moved to reinstate his petition. *Id.* After the motion to reinstate was granted, the defendant moved to

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dismiss his summary suspension because more than 30 days had passed since he initially filed his petition to rescind. *Id.* The court denied the motion and later, following a hearing, denied the petition to rescind. *Id.*

¶ 30 The Third District reversed on appeal. *Id.* at 116. The reviewing court found that the delay occasioned by the lack of confirmation was attributable to the State. *Id.* at 115-16. The court rejected the State’s argument that, because the defendant failed to object to the trial court’s dismissal of the petition, the delay should be attributed to the defendant. *Id.* at 115. The court held that the delay was attributable to the State because it “was the result of inaction by the Secretary’s office rather than by the defendant” and the defendant “acted promptly” in filing his petition. *Id.* In so holding, the court stated: “A suspension may not be rescinded until it has been confirmed.” *Id.* at 116.

¶ 31 In response to defendant’s argument, the State acknowledges *Madden* and notes further that we followed *Madden* in *Moreland*. In *Moreland*, on May 1, 2010, the defendant was arrested for DUI and served with notice of summary suspension. *Moreland*, 2011 IL App (2d) 100699, ¶ 2. On May 4, 2010, he filed his petition to rescind the summary suspension. *Id.* ¶ 3. At the first scheduled court date, on May 21, 2010, the parties agreed that there was no confirmation of summary suspension in the court file. *Id.* When the defendant indicated that he was ready to proceed on the petition, the trial court questioned “whether without a confirmation from the Secretary, there was a suspension to rescind.” *Id.* The court struck the petition over the defendant’s objection. *Id.* On May 24, 2010, the confirmation of summary suspension was filed. *Id.* ¶ 4. On June 4, 2010, 31 days after the defendant filed the initial petition, he moved to rescind the suspension, arguing that he was not given a hearing within 30 days of its filing. *Id.* On June 7, 2010, he moved to reinstate his petition, which the court granted. *Id.* Thereafter, the court granted

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the petition to rescind because (1) the defendant was not afforded a hearing within 30 days after filing his petition and (2) the delay was not attributable to him. *Id.*

¶ 32 On appeal, we agreed that the defendant was entitled to rescission because he was not afforded a hearing by June 3, 2010—30 days after he first filed his petition. *Id.* ¶ 8. Citing *Madden*, we noted that the trial court correctly determined that “without a confirmation of the suspension, there is not a suspension for the trial court to rescind.” *Id.* ¶ 9. Furthermore, we observed that the absence of confirmation did not affect when the 30-day period began to run. *Id.* We acknowledged that “a defendant is not entitled to a rescission if [he] caused the hearing to be delayed.” However, we found that the defendant did not cause the delay, because he “acted promptly in challenging the suspension.” *Id.* ¶ 10. In addition, we rejected the State’s argument that the 30 days should be tolled when the court strikes the petition based on the Secretary’s failure to confirm the summary suspension. *Id.* ¶ 11. “[The] defendant’s petition clearly was stricken with leave to reinstate once the Secretary filed the confirmation, and, as noted, none of the delay in holding a hearing on the petition was attributable to [the] defendant.” *Id.* We further stated:

“[I]t is not incumbent upon a trial court to dismiss or strike a petition if a confirmation from the Secretary is not on file. Indeed, because a defendant need not wait for the confirmation before filing his petition, the court would have no basis to dismiss or strike it. *If a defendant files a petition before the Secretary confirms the suspension, the trial court should simply continue the hearing to a date 30 days after the petition is filed. On that hearing date, if the Secretary has not confirmed the suspension, the suspension will be rescinded per Madden.* However, if the Secretary has confirmed the suspension, the defendant will receive the prompt hearing to which he is entitled under section 2-118.1(b).” (Emphases added.) *Id.*

¶ 12.

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¶ 33 The State correctly notes that there is a split in authority among the appellate districts on whether the lack of confirmation of the summary suspension affects the ability of the trial court to proceed to a hearing on a petition to rescind the summary suspension. In *People v. Guillermo*, 2016 IL App (1st) 151799, ¶¶ 15-19, the First District rejected the principle espoused in *Moreland* that the absence of confirmation of the summary suspension rendered the petition “not ripe for adjudication.” The court stated:

“Because there is no requirement [in the Code] that the [Secretary] file a confirmation with the circuit court within a specific time period, we cannot conclude that the [Secretary’s] failure to send a prompt confirmation of the suspension prevented the circuit court from holding a timely hearing on the defendant’s petition to rescind. We could not hold otherwise without impermissibly reading into the Code conditions the legislature did not include.” *Id.* ¶ 18.

Recently, in *People v. Kotlinski*, 2024 IL App (4th) 230526, ¶¶ 16-58, the Fourth District agreed with *Guillermo* and rejected both *Madden* and *Moreland*. The court concluded that *Madden* and *Moreland* were both wrong in barring adjudication of the merits of a petition to rescind when the only claimed barrier to adjudication was the lack of confirmation of the summary suspension. *Id.* ¶ 55. However, in dissent, Justice Cavanagh agreed with *Moreland*, stating that “until the Secretary confirms a summary suspension, there is no summary suspension to sustain or rescind.” *Id.* ¶ 77 (Cavanagh, P.J., dissenting).

¶ 34 The parties here do not argue the issue of whether the trial court had authority to proceed to a hearing on defendant’s petition before the Secretary confirmed the suspension. Indeed, the State, while recognizing the split in authority on the issue, concedes that the trial court was bound to follow our opinion in *Moreland*. Thus, the State concedes that “the trial court could not have

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rescinded the suspension without the confirmation.” Nevertheless, the State argues that, “[r]egardless of the need for a confirmation of the summary suspension, defendant’s express agreement to the continuance and the consolidation of the cases affirmatively invited any error on this issue.” We disagree.

¶ 35 We must consider defense counsel’s actions within the context of the controlling precedent. As the State notes, this district’s precedent—*Moreland*—holds that “without a confirmation of the suspension, there is not a suspension for the trial court to rescind.” *Moreland*, 2011 IL App (2d) 100699, ¶ 9. Further, *Moreland* instructs that “[i]f a defendant files a petition before the Secretary confirms the suspension, the trial court should simply continue the hearing to a date 30 days after the petition is filed.” *Id.* ¶ 12. Here, *the State* advised the trial court that it could not hold the hearing because the Secretary had not filed the confirmation. Based on *Moreland*, this was a correct statement of the law. In denying defendant’s motion, the trial court acknowledged the lack of confirmation but never acknowledged the State’s position that, without it, the hearing could not proceed. The court stated:

“It’s true that there was no confirmation of the summary suspension. But as I just indicated, I told [defense counsel] exactly what I intended to do which was have this case follow the felony for status on May 17th. I asked him if he had any problem with that, and he said, ‘No.’

So that is obviously not an objection. So the [c]ourt finds that the continuance was by agreement of the defendant.”

However, given the controlling precedent, what objection could defendant reasonably have raised? Indeed, any objection would have been futile if the trial court had followed *Moreland*. We also note that *Madden* (which we relied on in *Moreland*) found that the delay resulting from the inaction

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of the Secretary was attributable to the State, *despite the defendant's failure to object. Madden*, 273 Ill. App. 3d at 115. If, on May 10, 2024, the trial court could not have held a hearing on the petition—for a reason that had nothing to do with defendant—then nothing defendant said would have resulted in the petition being heard that day. Indeed, in such a situation, *Moreland* recommends continuing the matter to 30 days after the petition's filing date, a delay that would logically be attributable to the State. See *Moreland*, 2011 IL App (2d) 100699, ¶ 12. In this regard, we are sympathetic with defendant's assertion that, when his counsel answered “no” upon being asked if he had any problem with the State's request that the “[DUI] case *** follow the felony on May 17th at 9:00 o'clock,” counsel was simply confirming his availability for the date. Given *Moreland*, counsel had no basis for objecting to a continuance *as such*. Thus, counsel's agreement with the suggested date—when an objection to a continuance would have been inconsistent with controlling precedent—does not negate the fact that the Secretary's delay in confirming the suspension was chargeable to the State. The duty of candor (see Ill. R. Pro. Conduct (2010) R. 3.3 (eff. Jan. 1, 2010)) does not require defense counsel to remind the trial court that time is of the essence. The State should know better.

¶ 36 The State's reliance on *Guillermo* does not warrant a different conclusion. In *Guillermo*, the First District found that, because the defendant agreed to continue the hearing on his petition for seven days, the delay was attributed to him. *Guillermo*, 2016 IL App (1st) 151799, ¶ 25. However, as noted above, *Guillermo* held that a trial court *can* hold a hearing on a petition to rescind a summary suspension even if the Secretary has not yet confirmed the summary suspension. *Id.* ¶ 18. Thus, the delay attributed to the defendant in *Guillermo* occurred when—according to the First District—a hearing could have been held. Here, under *Moreland*, on May 10, 2024, “there [was] not a suspension for the trial court to rescind” (*Moreland*, 2011 IL App (2d)

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100699, ¶ 9), *due solely to a delay caused by the State*. Given the futility of any objection to a continuance, defendant's failure to object when the court proposed the date of the next possible hearing—assuming that the confirmation would have been filed by then—does not warrant attributing to defendant a delay unequivocally caused by the State.

¶ 37 Accordingly, based on the foregoing, we agree that the trial court abused its discretion in attributing to defendant the seven-day delay from May 10 through May 17, 2024.

¶ 38 Having so concluded, we need not consider whether the trial court also erred in attributing to defendant the 28-day delay from May 17 through June 14, 2024, because the hearing would have been untimely no matter who caused that delay.⁴

¶ 39 III. CONCLUSION

¶ 40 For the reasons stated, because attributing the 7-day delay to the State results in a total delay of 31 days, we reverse the judgment of the circuit court of Lake County denying defendant's petition to rescind the summary suspension of her driving privileges.

¶ 41 Reversed.

⁴April 22 through May 17, 2024, totals 25 days attributable to the State. June 14 through June 20, 2024, totals 6 days attributable to the State. This totals 31 days attributable to the State. If May 17 through June 14, 2024, is attributable to defendant, 31 days of delay remain attributable to the State. If, instead, May 17 through June 14, 2024, is attributable to the State, its delay totals 59 days.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

Instructions ▼ Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child. Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court. If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee"). To the far right, enter the trial court case number, the trial judge's name, and the Supreme Court Rule that allows the appellate court to hear the appeal.	☐ THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a). FILED 9/23/2024 1:16 PM ERIN CARTWRIGHT WEINSTEIN Clerk of the Circuit Court Lake County, Illinois APPEAL TO THE APPELLATE COURT OF ILLINOIS <u>SECOND</u> District from the Circuit Court of <u>Lake</u> County In re <u>PETITION OF CAITLIN SANDLASS</u> _____ _____ _____ Plaintiffs/Petitioners (<i>First, middle, last names</i>) ☐ Appellants ☐ Appellees v. _____ _____ _____ Defendants/Respondents (<i>First, middle, last names</i>) ☐ Appellants ☐ Appellees Trial Court Case No.: <u>2024MX00000216</u> Honorable <u>FISZ</u> Judge, Presiding Supreme Court Rule: <u>301</u>
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In 2, list the name of each person filing the appeal and check the proper box for each person.	2. Name of Each Person Appealing: Name: <u>CAITLIN SANDLASS</u> <i>First</i> <i>Middle</i> <i>Last</i> ☐ Plaintiff-Appellant ☒ Petitioner-Appellant OR ☐ Defendant-Appellant ☐ Respondent-Appellant

Name: _____

*First**Middle**Last*☐ Plaintiff-Appellant☐ Petitioner-Appellant**OR**☐ Defendant-Appellant☐ Respondent-Appellant

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☐ vacate the trial court's judgment (*erase the judgment in favor of the other party*) and ☐ send the case back to the trial court for a new hearing and a new judgment;

☐ change the trial court's judgment to say: _____

☐ order the trial court to: _____

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and grant any other relief that the court finds appropriate.

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At: 2:00

☐ a.m.☒ p.m.

Time

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Last

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Street, Apt #

City

State

ZIP

Email address: HStyler@lakecountyil.gov

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Attorney # (if any)

APPEAL TO THE APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

v.

CAITLIN SANDLASS

Defendant/Respondent

Reviewing Court No: 2-24-0557

Circuit Court/Agency No: 2024MX000216

Trial Judge/Hearing Officer: ARI P. FISZ

E-FILED

Transaction ID: 2-24-0557

File Date: 11/21/2024 12:15 PM

2

Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT



CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

- 1 Volume(s) of the Common Law Record, containing 107 pages
- 1 Volume(s) of the Report of Proceedings, containing 81 pages
- 0 Volume(s) of the Exhibits, containing 0 pages

I hereby certify this record pursuant to Supreme Court Rule 324, this 21 DAY OF NOVEMBER, 2024

Erin Cartwright Weinstein

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CYNTHIA A. GRANT
SUPREME COURT CLERK

(Clerk of the Circuit Court or Administrative Agency)

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SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 2-24-0557

Circuit Court/Agency No: 2024MX000216

v.

Trial Judge/Hearing Officer: ARI P. FISZ

CAITLIN SANDLASS

Defendant/Respondent

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APPEAL TO THE APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

v.

CAITLIN SANDLASS

Defendant/Respondent

Reviewing Court No: 2-24-0557
Circuit Court/Agency No: 2024MX000216
Trial Judge/Hearing Officer: ARI P. FISZ

E-FILED
Transaction ID: 2-24-0557
File Date: 11/21/2024 12:15 PM
Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

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E-FILED
12/1/2025 3:33 PM
CYNTHIA A. GRANT
SUPREME COURT CLERK

APPEAL TO THE APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

v.

Reviewing Court No: 2-24-0557

Circuit Court/Agency No: 2024MX000216

Trial Judge/Hearing Officer: ARI P. FISZ

CAITLIN SANDLASS

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE RECORD

The supplement to the record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

- 1 Volume(s) of the Supplement to the Common Law Record Section, containing 5 pages
- 1 Volume(s) of the Supplement to the Report of Proceedings Section, containing 0 pages
- 1 Volume(s) of the Supplement to the Exhibits Section, containing 0 pages

I hereby certify this record pursuant to Supreme Court Rule 324, this 1 DAY OF APRIL,
2026

Erin Cartwright Weinstein

E-FILED
4/1/2026 2:16 PM
CYNTHIA A. GRANT
SUPREME COURT CLERK

(Clerk of the Circuit Court or Administrative Agency)

ERIN CARTWRIGHT WEINSTEIN, CLERK OF THE 19th JUDICIAL CIRCUIT COURT Â®

WAUKEGAN, ILLINOIS 60085

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 SECOND JUDICIAL DISTRICT
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 LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

v.

CAITLIN SANDLASS

Defendant/Respondent

Reviewing Court No: 2-24-0557

Circuit Court/Agency No: 2024MX000216

Trial Judge/Hearing Officer: ARI P. FISZ

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 CYNTHIA A. GRANT
 SUPREME COURT CLERK