

SUPREME COURT OF ILLINOIS

WEDNESDAY, MAY 22, 2019

THE FOLLOWING CASES ON THE LEAVE TO APPEAL DOCKET WERE DISPOSED OF AS INDICATED:

123151 - People State of Illinois, respondent, v. Franklin L. Small, Jr., petitioner. Leave to appeal, Appellate Court, Fourth District. 4-15-0943  
Petition for Leave to Appeal Denied.

123171 - People State of Illinois, respondent, v. Jeffrey Riley, petitioner. Leave to appeal, Appellate Court, First District. 1-15-3043  
Petition for Leave to Appeal Denied.

In the exercise of this Court's supervisory authority, the Appellate Court, First District, is directed to vacate the portion of its Rule 23 order in People v. Riley, case No. 1-15-3043 (12/29/17) that addressed defendant's challenges to the circuit court's fines and fees order. With regard to these claims, the appellate court is directed to remand the case to the circuit court where the defendant may raise his contentions of error in sentencing as set forth in Supreme Court Rule 472.

Burke, J., joined by Neville, J., dissenting from denial of the petition for leave to appeal with entry of a supervisory order. Dissent attached.

123426 - People State of Illinois, respondent, v. Kendall Fry, petitioner. Leave to appeal, Appellate Court, First District. 1-15-1502  
Petition for Leave to Appeal Denied.

In the exercise of this Court's supervisory authority, the Appellate Court, First District, is directed to vacate the portion of its Rule 23 order in People v. Fry, case No. 1-15-1502 (01/31/18) that declined to address defendant's claims that the \$50 court system fee is a fine to which he should be allowed credit and that the \$5 court system fee should not have been assessed. With regard to these claims, the appellate court is directed to remand the case to the circuit court where the defendant may raise his contentions of error in sentencing as set forth in Supreme Court Rule 472.

Burke, J., joined by Neville, J., dissenting from denial of the petition for leave to appeal with entry of a supervisory order. Dissent attached.

- 123498 - People State of Illinois, respondent, v. Rickie T. Nichols, petitioner. Leave to appeal, Appellate Court, Second District. 2-15-0779  
Petition for Leave to Appeal Denied.
- 123642 - People State of Illinois, respondent, v. James Walker, petitioner. Leave to appeal, Appellate Court, Third District. 3-14-0723  
Petition for Leave to Appeal Denied.
- 123849 - People State of Illinois, respondent, v. Rickey Robinson, petitioner. Leave to appeal, Appellate Court, First District. 1-15-3547  
Petition for Leave to Appeal Allowed.
- 123894 - Rafael Munoz, respondent, v. Norfolk Southern Railway Company, petitioner. Leave to appeal, Appellate Court, First District. 1-17-1009  
Petition for Leave to Appeal Denied.

In the exercise of this Court's supervisory authority, the Appellate Court, First District, is directed to vacate its judgment in Munoz v. Norfolk Southern Railway Company, case No. 1-17-1009 (06/05/18). The appellate court is directed to consider the effect of the United States Supreme Court's opinion in BNSF Railway Co. v. Loos, 586 U.S. \_\_\_\_ (2019), on the issue of whether a FELA lost-wages award is compensation subject to withholding taxes, and determine if a different result is warranted.

Neville, J. took no part.

- 124075 - Thrivent Investment Management Inc., petitioner, v. Illinois Securities Department, etc., et al., respondents. Leave to appeal, Appellate Court, First District. 1-17-1913  
Petition for Leave to Appeal Denied.

Neville, J. took no part.

- 124120 - David A. James et al., respondents, v. Besetzny Law PC et al., petitioners. Leave to appeal, Appellate Court, First District. 1-17-0177, 1-17-1047  
Petitioner having failed to file a Petition for Leave to Appeal within the time allowed by order, this case is Dismissed.  
  
Neville, J. took no part.
- 124130 - People State of Illinois, respondent, v. Ashley Roosevelt, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-16-0012  
Petitioner having failed to file a Petition for Leave to Appeal within the time allowed by order, this case is Dismissed.
- 124241 - Illinois Environmental Protection Agency, petitioner, v. Illinois Pollution Control Board et al., respondents. Leave to appeal, Appellate Court, Fourth District. 4-17-0144  
Petition for Leave to Appeal Denied.  
  
Burke, J. took no part.
- 124252 - People State of Illinois, petitioner, v. Justin E. Cavette, respondent. Leave to appeal, Appellate Court, Fourth District. 4-15-0910  
Petition for Leave to Appeal Denied.
- 124284 - People State of Illinois, respondent, v. Alberto Zavala, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0720  
Petition for Leave to Appeal Denied.  
  
Neville, J. took no part.
- 124317 - Lisa J. Gillard, petitioner, v. Northwestern Memorial Hospital et al., etc., respondents. Leave to appeal, Appellate Court, First District. 1-18-0922  
Petition for Leave to Appeal Denied.
- 124334 - Will County, respondent, v. The Village of Rockdale et al., respondents (Waste Management of Illinois, Inc., petitioner). Leave to appeal, Appellate Court, Third District. 3-16-0463, 3-16-0496  
Petition for Leave to Appeal Denied.  
  
Burke, J. took no part.

- 124336 - Nova Maday, petitioner, v. Township High School District 211 et al., respondents. Leave to appeal, Appellate Court, First District. 1-18-0294  
Petitioner having failed to file a Petition for Leave to Appeal within the time allowed by order, this case is Dismissed.
- Thomas, J. took no part.
- 124342 - People State of Illinois, petitioner, v. Larry D. Hayden, respondent. Leave to appeal, Appellate Court, Fourth District. 4-16-0035  
Petition for Leave to Appeal Denied.
- 124347 - People State of Illinois, petitioner, v. Daniel Acevedo, respondent. Leave to appeal, Appellate Court, Second District. 2-16-0562  
Petition for Leave to Appeal Denied.
- 124366 - Omid Shariat Razavi, petitioner, v. School of the Art Institute of Chicago et al. (Eva Walkuski et al., respondents). Leave to appeal, Appellate Court, First District. 1-17-1409  
Petitioner having failed to file a Petition for Leave to Appeal within the time allowed by order, this case is Dismissed.
- Neville, J. took no part.
- 124388 - People State of Illinois, respondent, v. Ricky L. Griggs, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0826  
Petitioner having failed to file a Petition for Leave to Appeal within the time allowed by order, this case is Dismissed.
- 124404 - James T. Sasek et al., respondents, v. Heidi Erickson, petitioner. Leave to appeal, Appellate Court, Second District. 2-17-0838  
Petition for Leave to Appeal Denied.
- 124409 - People State of Illinois, petitioner, v. Renee Hermes, respondent. Leave to appeal, Appellate Court, Second District. 2-17-0897  
Petitioner having failed to file a Petition for Leave to Appeal within the time allowed by order, this case is Dismissed.
- 124426 - Sean Kramer et al., etc., respondents, v. John Szczepaniak, etc., et al. (Uber Technologies, petitioner). Leave to appeal, Appellate Court, First District. 1-17-1411  
Petition for Leave to Appeal Denied.

- 124439 - Sebastian J. Agrusa, petitioner, v. L'Oreal USA Products, Inc., respondent. Leave to appeal, Appellate Court, First District. 1-18-0656  
Petition for Leave to Appeal Denied.

In the exercise of this Court's supervisory authority, the Appellate Court, First District, is directed to vacate its order in Agrusa v. L'Oreal USA Products, Inc., case No. 1-18-0656 (08/29/18), dismissing plaintiff's appeal for want of prosecution. The appellate court is further directed to reinstate the appeal.

- 124446 - Sean Kramer et al., etc., respondents, v. John Szczepaniak, etc., et al. (Farid Kessanti, petitioner). Leave to appeal, Appellate Court, First District. 1-17-1411  
Petition for Leave to Appeal Denied.

- 124457 - George R. Flynn et al., respondents, v. The Town of Normal, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-17-0070  
Petition for Leave to Appeal Denied.

- 124459 - Citizens Bank N.A., etc., respondent, v. Phu Quoc Huynh et al. (V&T Investment Corporation, petitioner). Leave to appeal, Appellate Court, First District. 1-17-2227  
Petition for Leave to Appeal Denied.

- 124471 - Thomas Jakubik, petitioner, v. The Village of Mundelein et al., etc., respondents. Leave to appeal, Appellate Court, Second District. 2-18-0347  
Petition for Leave to Appeal Denied.

- 124493 - Larry Brumfield, petitioner, v. Greenlee Diamond Tool Company, respondent. Leave to appeal, Appellate Court, First District. 1-17-3072  
Petition for Leave to Appeal Denied.

- 124497 - People State of Illinois, respondent, v. Darrell Jarrett, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2756  
Petition for Leave to Appeal Denied.

- 124498 - Barbara McKinzie, petitioner, v. Alpha Kappa Alpha Sorority, Inc., respondent. Leave to appeal, Appellate Court, First District. 1-17-2337  
Petition for Leave to Appeal Denied.
  
- 124505 - Kathleen Kiss, petitioner, v. Bernard A. Hennig & Associates, P.C., etc., et al., respondents. Leave to appeal, Appellate Court, First District. 1-17-2867  
Petition for Leave to Appeal Denied.
  
- 124510 - People State of Illinois, respondent, v. Anthony Horton, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2439  
Petition for Leave to Appeal Denied.
  
- 124513 - People State of Illinois, respondent, v. Timothy Sinico, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0760  
Petition for Leave to Appeal Denied.
  
- 124514 - People State of Illinois, respondent, v. Ernest R. Jenkins, petitioner. Leave to appeal, Appellate Court, Second District. 2-17-0105, 2-17-0331  
Petition for Leave to Appeal Denied.
  
- 124516 - People State of Illinois, respondent, v. Raymond Holland, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1233, 1-16-1702  
Petition for Leave to Appeal Denied.
  
- 124517 - People State of Illinois, respondent, v. Noshma D. Phelps, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0560  
Petition for Leave to Appeal Denied.

- 124518 - People State of Illinois, respondent, v. William E. Day, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0217  
Petition for Leave to Appeal Denied.

In the exercise of this Court's supervisory authority, the Appellate Court, Fourth District, is directed to vacate sections E and F of its opinion in People v. Day, case No. 4-16-0217 (01/22/19), regarding defendant's claims for an additional day of presentence credit and an additional \$5 of per diem credit. With regard to these claims, the appellate court is directed to remand the case to the circuit court where the defendant may raise these contentions of error in sentencing as set forth in Supreme Court Rule 472.

Burke, J., joined by Neville, J., dissenting from denial of the petition for leave to appeal with entry of a supervisory order. Dissent attached.

- 124519 - RH Fund XIII, LLC, etc., respondent, v. Mark Gizynski, etc., petitioner. Leave to appeal, Appellate Court, First District. 1-18-1169  
Petition for Leave to Appeal Denied.

- 124520 - People State of Illinois, respondent, v. Morgan D. Hake, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-1041  
Petition for Leave to Appeal Denied.

- 124523 - People State of Illinois, respondent, v. Bobby Ball, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0037  
Petition for Leave to Appeal Denied.

- 124525 - People State of Illinois, respondent, v. Michael Wilson, petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0679  
Petition for Leave to Appeal Denied.

- 124526 - People State of Illinois, respondent, v. Andrew R. Morecraft, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-15-0990  
Petition for Leave to Appeal Denied.

- 124528 - People State of Illinois, respondent, v. Edward K. La-Fontaine, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0536  
Petition for Leave to Appeal Denied.

124529 - Robert H. Linder, IV, respondent, v. GIW Industries, Inc., petitioner. Leave to appeal, Appellate Court, Fifth District. 5-18-0546  
Petition for Leave to Appeal Denied.

Thomas, J. took no part.

124530 - People State of Illinois, respondent, v. Norman Marsh, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0268  
Petition for Leave to Appeal Denied.

124531 - Anthony Pellico, respondent, v. Gregory Pellico, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0935, 2-17-0189  
Petition for Leave to Appeal Denied.

124532 - In re Estate of Evelyn Pellico, etc. (Gregory Pellico, petitioner, v. Donald Puchalski, etc., et al., respondents). Leave to appeal, Appellate Court, Second District. 2-16-0540  
Petition for Leave to Appeal Denied.

124534 - People State of Illinois, respondent, v. Emile Brown, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2065  
Petition for Leave to Appeal Denied.

Neville, J. took no part.

124536 - People State of Illinois, respondent, v. Sylvester Boston, petitioner. Leave to appeal, Appellate Court, First District. 1-14-0369  
Petition for Leave to Appeal Denied.

124537 - Linda Batson, respondent, v. Township Village Associates, LP, et al., petitioners. Leave to appeal, Appellate Court, Fifth District. 5-17-0403  
Petition for Leave to Appeal Denied.

124538 - People State of Illinois, respondent, v. Leslie Moore, petitioner. Leave to appeal, Appellate Court, Third District. 3-15-0736  
Petition for Leave to Appeal Allowed.



- 124539 - People State of Illinois, respondent, v. DeMarco Bell, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0925  
Petition for Leave to Appeal Denied.
- 124540 - In re Application for a Tax Deed (As-Is Properties, Ltd., petitioner, v. Robert W. Street Jr., et al., respondents). Leave to appeal, Appellate Court, Fifth District. 5-17-0170  
Petition for Leave to Appeal Denied.
- 124541 - People State of Illinois, respondent, v. Albert Scott, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0487  
Petition for Leave to Appeal Denied.
- 124543 - People State of Illinois, respondent, v. Beata Makal, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0112  
Petition for Leave to Appeal Denied.
- 124544 - People State of Illinois, respondent, v. Timothy Herring, petitioner. Leave to appeal, Appellate Court, First District. 1-15-2067  
Petition for Leave to Appeal Denied.
- 124546 - Hanmi Bank, respondent, v. Chuhak & Tecson, P.C., et al., petitioners. Leave to appeal, Appellate Court, First District. 1-18-0089  
Petition for Leave to Appeal Denied.
- 124547 - People State of Illinois, respondent, v. Jason Strickland, petitioner. Leave to appeal, Appellate Court, First District. 1-15-3600  
Petition for Leave to Appeal Denied.
- 124548 - People State of Illinois, respondent, v. Chadwick N. Barner, petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0023  
Petition for Leave to Appeal Denied.
- 124550 - Charles Titus et al., petitioners, v. Mohammed Alaeddin et al., etc., respondents. Leave to appeal, Appellate Court, Third District. 3-17-0400, 3-17-0428  
Petition for Leave to Appeal Denied.

- 124551 - People State of Illinois, respondent, v. Aslan Lewis Butler, petitioner. Leave to appeal, Appellate Court, Third District. 3-15-0848  
Petition for Leave to Appeal Denied.
- 124552 - Bruce Rushton et al., respondents, v. The Department of Corrections et al., etc., respondents (Wexford Health Sources, Inc., etc., petitioner). Leave to appeal, Appellate Court, Fourth District. 4-18-0206  
Petition for Leave to Appeal Allowed.
- 124553 - Timm Electric, Inc., respondent, v. Malgorzata Szayna, petitioner. Leave to appeal, Appellate Court, Third District. 3-17-0596  
Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal Denied.
- 124554 - People State of Illinois, petitioner, v. Ronald Pettis, respondent. Leave to appeal, Appellate Court, Fourth District. 4-18-0328  
Petition for Leave to Appeal Denied.
- 124555 - People State of Illinois, respondent, v. Markel R. Brown, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0767  
Petition for Leave to Appeal Denied.
- 124556 - People State of Illinois, respondent, v. Nasean Flowers, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0611  
Petition for Leave to Appeal Denied.
- 124557 - The Bank of New York Mellon, etc., respondent, v. Simon E. Sunblade et al., petitioners. Leave to appeal, Appellate Court, First District. 1-18-0770  
Petition for Leave to Appeal Denied.
- 124558 - James Agee, petitioner, v. Madison County, respondent. Leave to appeal, Appellate Court, Fifth District. 5-18-0148  
Petition for Leave to Appeal Denied.
- Karmeier, C.J. took no part.

- 124559 - Rafael Alvarado, petitioner, v. Jacqueline Lashbrook, etc., respondent. Leave to appeal, Appellate Court, Fifth District. 5-17-0278  
Petition for Leave to Appeal Denied.
- 124560 - People State of Illinois, respondent, v. Kevin Quigley, petitioner. Leave to appeal, Appellate Court, First District. 1-17-2560  
Petition for Leave to Appeal Denied.
- Neville, J. took no part.
- 124561 - CIT Bank, N.A., etc., respondent, v. Ofelia Starkman, Indv., etc., petitioner. Leave to appeal, Appellate Court, Second District. 2-17-1012  
Petition for Leave to Appeal Denied.
- 124563 - People State of Illinois, petitioner, v. Jasper McLaurin, respondent. Leave to appeal, Appellate Court, First District. 1-17-0258  
Petition for Leave to Appeal Allowed.
- 124564 - People State of Illinois, respondent, v. Anthony Hall, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0755  
Petition for Leave to Appeal Denied.
- 124565 - Rodell Sanders et al., respondents, v. Illinois Union Insurance Company et al., petitioners. Leave to appeal, Appellate Court, First District. 1-18-0158  
Petition for Leave to Appeal Allowed.
- Neville, J. took no part.
- 124566 - State Farm Insurance Company v. Jeffrey R. Smith, petitioner (Carol A. Smith et al., respondents). Leave to appeal, Appellate Court, First District. 1-17-2896  
Petition for Leave to Appeal Denied.
- 124567 - People State of Illinois, respondent, v. Blair Aikens, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1541  
Petition for Leave to Appeal Denied.

- 124568 - People State of Illinois, respondent, v. Caleb Charleston, petitioner.  
Leave to appeal, Appellate Court, First District. 1-16-1323  
Petition for Leave to Appeal Denied.  
  
Neville, J. took no part.
- 124569 - People State of Illinois, respondent, v. Richard Kalinowski, petitioner.  
Leave to appeal, Appellate Court, Fourth District. 4-17-0823  
Petition for Leave to Appeal Denied.
- 124570 - People State of Illinois, petitioner, v. Michael Piepenbrink, respondent.  
Leave to appeal, Appellate Court, Second District. 2-17-0883  
Petition for Leave to Appeal Denied.
- 124571 - People State of Illinois, respondent, v. Kevin Tucek, petitioner. Leave to  
appeal, Appellate Court, Second District. 2-16-0788  
Petition for Leave to Appeal Denied.
- 124572 - People State of Illinois, respondent, v. James Ray Manuel, petitioner.  
Leave to appeal, Appellate Court, Fourth District. 4-17-0651  
Petition for Leave to Appeal Denied.
- 124575 - Derek Brettman, Indv., etc., petitioner, v. M&G Truck Brokerage, Inc., et  
al., respondents. Leave to appeal, Appellate Court, Second District. 2-  
18-0236  
Petition for Leave to Appeal Denied.
- 124576 - People State of Illinois, respondent, v. Coy Russell Jr., petitioner.  
Leave to appeal, Appellate Court, Third District. 3-16-0511  
Petition for Leave to Appeal Denied.
- 124577 - In re Marriage of Kathleen R. Pasulka-Brown, petitioner, and Stanley J.  
Brown, respondent. Leave to appeal, Appellate Court, First District. 1-  
18-0778  
Petition for Leave to Appeal Denied.
- 124578 - People State of Illinois, respondent, v. Robin Tony Angelini, petitioner.  
Leave to appeal, Appellate Court, Fourth District. 4-16-0101  
Petition for Leave to Appeal or, in the alternative, Petition for  
Appeal as a Matter of Right Denied.

- 124580 - Anna Stachura, petitioner, v. Andrzej Stachura, respondent. Leave to appeal, Appellate Court, Second District. 2-18-0351  
Petition for Leave to Appeal Denied.
- 124581 - United Equitable Insurance Co., petitioner, v. Lindsay Hawkins et al. (Shawn Kilgo et al., respondents). Leave to appeal, Appellate Court, First District. 1-17-2633  
Petition for Leave to Appeal Denied.
- 124583 - People State of Illinois, respondent, v. Kari Ford, respondent (Illinois Department of Corrections, petitioner). Leave to appeal, Appellate Court, First District. 1-17-2592  
Petition for Leave to Appeal Denied.
- Burke, J., dissents.  
Dissent attached.
- Neville, J. took no part.
- 124584 - People State of Illinois, respondent, v. Triston Davis, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0900  
Petition for Leave to Appeal Denied.
- 124585 - People State of Illinois, respondent, v. Frederick Claiborne, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1940  
Petition for Leave to Appeal Denied.
- Neville, J. took no part.
- 124590 - People State of Illinois, respondent, v. Kevin Kelley, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0598  
Petition for Leave to Appeal Denied.
- 124594 - People State of Illinois, respondent, v. Samuel White, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0242  
Petition for Leave to Appeal Denied.

- 124595 - People State of Illinois, respondent, v. Charles D. Hill, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-18-0041  
Petition for Leave to Appeal Allowed.
- 124596 - People State of Illinois, respondent, v. Paul S. Schneider, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-15-0106  
Petition for Leave to Appeal Denied.
- 124597 - People State of Illinois, respondent, v. Martell McGrew, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2706  
Petition for Leave to Appeal Denied.
- 124598 - People State of Illinois, respondent, v. Alexander G. Castillo, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0873  
Petition for Leave to Appeal Denied.
- 124599 - Anton Chairs, etc., respondent, v. Athlete's Shoe, Inc., et al. (Bierman Welding, Inc., petitioner). Leave to appeal, Appellate Court, Fifth District. 5-18-0223  
Petition for Leave to Appeal Denied.
- 124600 - People State of Illinois, petitioner, v. Brian J. Towne, respondent. Leave to appeal, Appellate Court, Third District. 3-17-0834  
Petition for Leave to Appeal Denied.
- 124601 - Christopher France, petitioner, v. Graphic Packaging International, Inc., respondent. Leave to appeal, Appellate Court, First District. 1-18-0347  
Petition for Leave to Appeal Denied.
- 124602 - People State of Illinois, respondent, v. Marcellus D. Thomas, petitioner. Leave to appeal, Appellate Court, Second District. 2-17-0096  
Petition for Leave to Appeal Denied.
- 124603 - People State of Illinois, respondent, v. Ronald S. Wilkerson, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0397  
Petition for Leave to Appeal Denied.

- 124604 - Anton Chairs, etc., respondent, v. Athlete's Shoe, Inc., petitioner. Leave to appeal, Appellate Court, Fifth District. 5-18-0223  
Petition for Leave to Appeal Denied.
- 124606 - People State of Illinois, respondent, v. William B. Horman, petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0423  
Petition for Leave to Appeal Denied.
- 124607 - Deutsche Bank National Trust Company, etc., respondent, v. Raymond Campbell et al., petitioners. Leave to appeal, Appellate Court, First District. 1-17-0817  
Petition for Leave to Appeal Denied.
- 124609 - James Taylor et al., petitioners, v. JPMorgan Chase Bank, N.A., et al., respondents. Leave to appeal, Appellate Court, First District. 1-18-0800, 1-18-0801  
Petition for Leave to Appeal Denied.
- 124610 - Roberto Hernandez, respondent, v. Lifeline Ambulance, LLC, et al., etc., petitioners. Leave to appeal, Appellate Court, First District. 1-18-0696  
Petition for Leave to Appeal Allowed.
- 124612 - Jeffrey A. Corbin et al., respondents, v. The Allstate Corporation et al., petitioners. Leave to appeal, Appellate Court, Fifth District. 5-17-0296  
Petition for Leave to Appeal Denied.
- 124613 - People State of Illinois, respondent, v. Hector Castelan, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2757  
Petition for Leave to Appeal Denied.
- 124616 - People State of Illinois, petitioner, v. Jevon K. Walton, respondent. Leave to appeal, Appellate Court, Fourth District. 4-16-0299  
Petition for Leave to Appeal Denied.
- 124617 - Elizabeth Paschke, petitioner, v. Hobby Lobby Stores, Inc., etc., respondent. Leave to appeal, Appellate Court, Second District. 2-18-0578  
Petition for Leave to Appeal Denied.

- 124618 - Crystal Lake Limited Partnership, respondent, v. Baird & Warner Residential Sales, Inc., petitioner. Leave to appeal, Appellate court, Second District. 2-17-0714  
Petition for Leave to Appeal Denied.
- 124620 - People State of Illinois, respondent, v. John J. Digiovanna, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-18-0159  
Petition for Leave to Appeal Denied.
- 124621 - In re Estate of M. Annett Orr, Deceased (Darrell F. Orr, respondent, v. Denise Hamilton, Indv., etc., et al. respondents) Cheryl D. Womack, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-18-0396  
Petition for Leave to Appeal Denied.
- 124622 - People State of Illinois, respondent, v. Donell Parker, petitioner. Leave to appeal, Appellate Court, First District. 1-16-3227  
Petition for Leave to Appeal Denied.  
  
Neville, J. took no part.
- 124625 - People State of Illinois, respondent, v. Larry Moore, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0472  
Petition for Leave to Appeal Denied.
- 124626 - People State of Illinois, respondent, v. Shawn Ward, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2560  
Petition for Leave to Appeal Denied.
- 124627 - Leah Siwinski, respondent, v. The Retirement Board of the Firemen's Annuity and Benefit Fund of the City of Chicago, petitioner. Leave to appeal, Appellate Court, First District. 1-18-0388  
Petition for Leave to Appeal Denied.
- 124628 - People State of Illinois, respondent, v. Brandon Jones, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0045  
Petition for Leave to Appeal Denied.
- 124629 - People State of Illinois, respondent, v. James H. Davis, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0609  
Petition for Leave to Appeal Denied.



- 124631 - People State of Illinois, respondent, v. Robert L. Beard, petitioner. Leave to appeal, Appellate Court, Third District. 3-17-0062  
Petition for Leave to Appeal Denied.
- 124632 - People State of Illinois, respondent, v. Marcus Tolbert, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1422  
Petition for Leave to Appeal Denied.
- 124634 - People State of Illinois, respondent, v. Stephen V. Tyler, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-17-0748  
Petition for Leave to Appeal Denied.
- 124635 - Jeffrey Johnson et al., etc., petitioners, v. The Municipal Employees', Officers', & Officials' Annuity & Benefit Fund of Chicago et al., respondents. Leave to appeal, Appellate Court, First District. 1-17-0732  
Petition for Leave to Appeal Denied.
- 124637 - Deutsche Bank National Trust Company, etc., respondent, v. Unknown Occupants (Bonnie Poole, petitioner). Leave to appeal, Appellate Court, First District. 1-18-1545  
Petition for Leave to Appeal Denied.
- 124638 - People State of Illinois, respondent, v. Maurice Williams, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1550  
Petition for Leave to Appeal Denied.
- 124640 - A.J. Smith Federal Savings Bank, respondent, v. Malgorzata Szayna, petitioner. Leave to appeal, Appellate Court, Third District. 3-17-0706  
Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal Denied.
- 124641 - Kirk Raab v. Kenneth Frank, respondent (David A. Grossen et al., petitioners). Leave to appeal, Appellate Court, Second District. 2-17-1040  
Petition for Leave to Appeal Allowed.
- 124642 - People State of Illinois, respondent, v. Willie D. Orr, petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0582  
Petition for Leave to Appeal Denied.

- 124643 - Raymond Thomas, respondent, v. Weatherguard Construction Company, Inc., petitioner. Leave to appeal, Appellate Court, First District. 1-17-1238  
Petition for Leave to Appeal Denied.
- 124644 - People State of Illinois, respondent, v. Eddie Baines, petitioner. Leave to appeal, Appellate Court, First District. 1-17-1272  
Petition for Leave to Appeal Denied.
- 124645 - People State of Illinois, respondent, v. Ricky Lee Lobdell, petitioner. Leave to appeal, Appellate Court, Third District. 3-18-0385  
Petition for Leave to Appeal Denied.
- 124646 - People State of Illinois, petitioner, v. William S. Fillyaw et al., respondents. Leave to appeal, Appellate Court, Second District. 2-15-0709, 2-15-0710  
Petition for Leave to Appeal Denied.
- 124647 - People State of Illinois, respondent, v. William R. Rogers, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-16-0441  
Petition for Leave to Appeal Denied.
- 124648 - People State of Illinois, respondent, v. Osorio Payton, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0460  
Petition for Leave to Appeal Denied.
- 124649 - Loretta Hess, etc., et al., respondents, v. The Estate of TJay Klamm et al., etc., (State Auto Insurance Companies, etc., petitioner). Leave to appeal, Appellate Court, Fifth District. 5-18-0220  
Petition for Leave to Appeal Allowed.
- 124650 - People State of Illinois, respondent, v. Charles Hamilton, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-17-0398  
Petition for Leave to Appeal Denied.
- 124651 - People State of Illinois, respondent, v. Jerrel W. Wade, petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0605  
Petition for Leave to Appeal Denied.

- 124652 - People State of Illinois, respondent, v. Christopher J. Wagner, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0436  
Petition for Leave to Appeal Denied.
- 124653 - People State of Illinois, respondent, v. Bernard Gully, Jr., petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0179  
Petition for Leave to Appeal Denied.
- 124654 - People State of Illinois, respondent, v. Kenderick Adams, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2558  
Petition for Leave to Appeal Denied.
- 124655 - People State of Illinois, respondent, v. Marlon Coleman, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-16-0063  
Petition for Leave to Appeal Denied.
- 124656 - People State of Illinois, respondent, v. Willie Mullen, petitioner. Leave to appeal, Appellate Court, First District. 1-15-2415  
Petition for Leave to Appeal Denied.
- 124657 - People State of Illinois, respondent, v. Robert Kevin Jones, petitioner. Leave to appeal, Appellate Court, Second District. 2-18-0524  
Petition for Leave to Appeal Denied.
- 124658 - People State of Illinois, respondent, v. Danyel B.J. Smith, petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0631  
Petition for Leave to Appeal Denied.
- 124659 - People State of Illinois, respondent, v. Dylan Brockland, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0726  
Petition for Leave to Appeal Denied.
- 124660 - Siena at Old Orchard Condominium Association et al., petitioners, v. Siena at Old Orchard, L.L.C., et al., respondents. Leave to appeal, Appellate Court, First District. 1-18-2133  
Petition for Leave to Appeal Denied.

- 124662 - People State of Illinois, respondent, v. Marlene D. Pendleton, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-15-0149  
Petition for Leave to Appeal Denied.
- 124663 - People State of Illinois, respondent, v. David L. Jordan, petitioner. Leave to appeal, Appellate Court, Third District. 3-18-0006  
Petition for Leave to Appeal Denied.
- 124664 - People State of Illinois, respondent, v. Cederick Walker, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1522  
Petition for Leave to Appeal Denied.
- 124667 - Steven Anderson, petitioner, v. Board of Trustees of the Libertyville Police Pension Fund, respondent. Leave to appeal, Appellate Court, Second District. 2-18-0459  
Petition for Leave to Appeal Denied.
- 124668 - People State of Illinois, respondent, v. Naamon L. White, petitioner. Leave to appeal, Appellate Court, Third District. 3-17-0152  
Petition for Leave to Appeal Denied.
- 124669 - People State of Illinois, respondent, v. Gumaro Torres, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0462  
Petition for Leave to Appeal Denied.
- 124671 - Chandra Joiner et al., etc., petitioners, v. SVM Management, LLC, respondent. Leave to appeal, Appellate Court, First District. 1-17-2336  
Petition for Leave to Appeal Allowed.
- 124672 - People State of Illinois, respondent, v. James Lopes, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-17-0258  
Petition for Leave to Appeal Denied.
- 124673 - Mary Dagostino, respondent, v. Rick Friend Properties, Inc., etc., petitioner. Leave to appeal, Appellate Court, Second District. 2-18-0292  
Petition for Leave to Appeal Denied.

- 124675 - Wojciech Studentowicz, petitioner, v. Queen's Park Oval Asset Holding Trust, respondent. Leave to appeal, Appellate Court, First District. 1-18-1182  
Petition for Leave to Appeal Denied.
- 124676 - In re Marriage of Louise Zamudio, etc., respondent, and Frank Ochoa, Jr., petitioner. Leave to appeal, Appellate Court, Third District. 3-16-0537  
Petition for Leave to Appeal Allowed.
- 124677 - People State of Illinois, respondent, v. Ravon Terrell, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1679  
Petition for Leave to Appeal Denied.
- 124678 - People State of Illinois, respondent, v. Richard Miller, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1667  
Petition for Leave to Appeal Denied.
- 124681 - People State of Illinois, respondent, v. Kayla Howell, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-15-0004  
Petition for Leave to Appeal Denied.
- 124682 - The City of Aurora, petitioner, v. The Association of Professional Police Officers et al., respondents. Leave to appeal, Appellate Court, Second District. 2-18-0375  
Petition for Leave to Appeal Denied.
- 124684 - People State of Illinois, respondent, v. Enrique Torres, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0365  
Petition for Leave to Appeal Denied.
- 124685 - People State of Illinois, respondent, v. Willie Menzie, petitioner. Leave to appeal, Appellate Court, First District. 1-16-3130  
Petition for Leave to Appeal Denied.
- 124686 - People State of Illinois, respondent, v. June Johnson, petitioner. Leave to appeal, Appellate Court, First District. 1-16-3011  
Petition for Leave to Appeal Denied.

- 124687 - Dan Stevens et al., respondents (Robert L. Newman, etc., et al., petitioners, v. Peoples National Bank of McLeansboro, respondent). Leave to appeal, Appellate Court, Fifth District. 5-17-0134  
Petition for Leave to Appeal Denied.
- 124688 - People State of Illinois, respondent, v. Rory John Swenson, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0960  
Petition for Leave to Appeal Allowed.
- 124690 - West Bend Mutual Insurance Company, petitioner, v. TRRS Corporation et al. (Gary Bernardino, respondent). Leave to appeal, Appellate Court, Second District. 2-18-0934, 2-18-1009  
Petition for Leave to Appeal Allowed.
- 124691 - Kenneth L. Whaley, petitioner, v. Kingsway America, respondent. Leave to appeal, Appellate Court, First District. 1-17-2406  
Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal Denied.
- Neville, J. took no part.
- 124692 - People State of Illinois, respondent, v. Terell Davison, petitioner. Leave to appeal, Appellate Court, First District. 1-16-1094  
Petition for Leave to Appeal Denied.
- 124694 - People State of Illinois, respondent, v. Louis Vinas, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2789  
Petition for Leave to Appeal Denied.
- 124695 - Wayne Hummer Trust Company as Trustee of Trust No. HBT-1939 dated June 21, 2004, et al., etc., petitioners, v. Village of Elwood, etc., respondent. Leave to appeal, Appellate Court, Third District. 3-17-0843  
Petition for Leave to Appeal Denied.
- 124698 - People State of Illinois, respondent, v. Lamont Griffin, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2347  
Petition for Leave to Appeal Denied.

- 124699 - People State of Illinois, respondent, v. Dante Jeffries, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0127  
Petition for Leave to Appeal Denied.
  
- 124702 - Wasco Sanitary District, etc., petitioner, v. Raul Brizuela et al., respondents. Leave to appeal, Appellate Court, Second District. 2-17-0957, 2-18-0189  
Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal Denied.
  
- 124703 - People State of Illinois, respondent, v. Kamron T. Taylor, petitioner. Leave to appeal, Appellate Court, Third District. 3-15-0345  
Petition for Leave to Appeal Denied.
  
- 124704 - Steven A. Taliani, petitioner, v. Lisa Resurreccion et al., respondents. Leave to appeal, Appellate Court, Third District. 3-16-0327  
Petition for Leave to Appeal Denied.
  
- 124706 - People State of Illinois, respondent, v. Willie Wise, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0611  
Petition for Leave to Appeal Denied.
  
- 124707 - People State of Illinois, respondent, v. Andre Jackson, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0484  
Petition for Leave to Appeal Denied.
  
- 124708 - Noah Lenne et al., respondents, v. Arkadiusz Grochowski, etc., et al. petitioners. Leave to appeal, Appellate Court, First District. 1-18-1246  
Petition for Leave to Appeal Denied.
  
- 124709 - People State of Illinois, respondent, v. Johnathon R. Bever, petitioner. Leave to appeal, Appellate Court, Third District. 3-17-0681  
Petition for Leave to Appeal Denied.
  
- 124711 - The County of Champaign, respondent, v. Ralph E. Peterson, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-17-0833  
Petition for Leave to Appeal Denied.

- 124712 - People State of Illinois, respondent, v. Armando Romero-Gutierrez, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0485  
Petition for Leave to Appeal Denied.
- 124714 - In re Marriage of Brenda Salvatore, respondent, and Daniel Salvatore, petitioner. Leave to appeal, Appellate Court, Second District. 2-18-0425  
Petition for Leave to Appeal Denied.
- 124715 - People State of Illinois, respondent, v. Juan Rodriguez, petitioner. Leave to appeal, Appellate Court, First District. 1-15-1938  
Petition for Leave to Appeal Denied.
- Burke, J., dissents.  
Dissent attached.
- Neville, J. took no part.
- 124720 - Marc Norfleet, petitioner, v. Jacqueline Lashbrook, etc., respondent. Leave to appeal, Appellate Court, First District. 1-17-0262  
Petition for Leave to Appeal Denied.
- 124722 - Wells Fargo Bank, N.A., respondent, v. Tyrone Smith et al., petitioners. Leave to appeal, Appellate Court, First District. 1-17-2963  
Petition for Leave to Appeal Denied.
- 124723 - People State of Illinois, respondent, v. Miguel Gomez, petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0552  
Petition for Leave to Appeal Denied.
- 124724 - Eleanor R. Ball Irrevocable Trust 5/10/01, petitioner, v. Charter Bank et al. (City of Marion, respondent). Leave to appeal, Appellate Court, Fifth District. 5-18-0345  
Petition for Leave to Appeal Denied.
- 124725 - People State of Illinois, respondent, v. Willie B. Burnett, Jr., petitioner. Leave to appeal, Appellate Court, Second District. 2-16-0171  
Petition for Leave to Appeal Denied.



- 124726 - People State of Illinois, respondent, v. Kenne Y. Dye, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-16-0447  
Petition for Leave to Appeal Denied.
  
- 124728 - People State of Illinois, respondent, v. Arianon Taylor, petitioner. Leave to appeal, Appellate Court, First District. 1-16-2190  
Petition for Leave to Appeal Denied.
  
- 124730 - People State of Illinois, respondent, v. Tony McGruder, petitioner. Leave to appeal, Appellate Court, First District. 1-15-0067  
Petition for Leave to Appeal Denied.
  
- 124731 - People State of Illinois, respondent, v. Jovan Williams, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0463  
Petition for Leave to Appeal Denied.
  
- 124733 - People State of Illinois, respondent, v. Perry J. Rosetto, petitioner. Leave to appeal, Appellate Court, Third District. 3-15-0870  
Petition for Leave to Appeal Denied.

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

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(Docket No. 123171)

THE PEOPLE OF THE STATE OF ILLINOIS, Respondent,  
v. JEFFREY RILEY, Petitioner.

*Filed May 22, 2019.*

JUSTICE BURKE, dissenting from denial of the petition for leave to appeal with entry of a supervisory order:

¶ 1 For the reasons stated in my dissents in *People v. Griffin*, No. 122549 (Ill. Apr. 18, 2019) (supervisory order), and *People v. Rios-Salazar*, No. 123052 (Ill. Apr. 18, 2019) (supervisory order), I disagree with the majority’s use of supervisory authority in this case to summarily vacate, without explanation, portions of the judgment of the appellate court. As I explained in *Griffin* and *Rios-Salazar*, this court may not permanently reverse or vacate a judgment of the appellate court without providing a legal basis for that action. Merely invoking the words “supervisory authority” is not a legal explanation for why the appellate court erred, nor is it a legal justification for vacating a reasoned disposition of the appellate court.

¶ 2 JUSTICE NEVILLE joins in this dissent.

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CLERK**

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

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(Docket No. 123426)

THE PEOPLE OF THE STATE OF ILLINOIS, Respondent,  
v. KENDALL FRY, Petitioner.

*Filed May 22, 2019.*

JUSTICE BURKE, dissenting from denial of the petition for leave to appeal with entry of a supervisory order:

¶ 1 For the reasons stated in my dissents in *People v. Griffin*, No. 122549 (Ill. Apr. 18, 2019) (supervisory order), and *People v. Rios-Salazar*, No. 123052 (Ill. Apr. 18, 2019) (supervisory order), I disagree with the majority’s use of supervisory authority in this case to summarily vacate, without explanation, portions of the judgment of the appellate court. As I explained in *Griffin* and *Rios-Salazar*, this court may not permanently reverse or vacate a judgment of the appellate court without providing a legal basis for that action. Merely invoking the words “supervisory authority” is not a legal explanation for why the appellate court erred, nor is it a legal justification for vacating a reasoned disposition of the appellate court.

¶ 2 This case aptly illustrates the problem of inappropriate use of our supervisory authority. The appellate court below held, in part, that the defendant was entitled to *per diem* credit to offset a \$30 Children’s Advocacy Center assessment and

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expressly held that the circuit court's "fines and fees order should therefore indicate that the total amount owed by him is \$560, rather than \$590 as it currently states." 2018 IL App (1st) 151502-U, ¶ 23. This holding may be legally correct or incorrect; I express no opinion on that question. However, the appellate court's ruling stands as a binding determination that entitles the defendant to recovery. Yet the majority simply eliminates this ruling without offering any legal reason for doing so. This is more like rule by decree than rule by law. The majority's failure to provide a legal justification for its actions is a clear abuse of this court's supervisory authority. Accordingly, I respectfully dissent.

¶ 3 JUSTICE NEVILLE joins in this dissent.

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

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(Docket No. 124518)

THE PEOPLE OF THE STATE OF ILLINOIS, Respondent,  
v. WILLIAM E. DAY, Petitioner.

*Filed May 22, 2019.*

JUSTICE BURKE, dissenting from denial of the petition for leave to appeal with entry of a supervisory order:

¶ 1 For the reasons stated in my dissents in *People v. Griffin*, No. 122549 (Ill. Apr. 18, 2019) (supervisory order), and *People v. Rios-Salazar*, No. 123052 (Ill. Apr. 18, 2019) (supervisory order), I disagree with the majority’s use of supervisory authority in this case to summarily vacate, without explanation, portions of the judgment of the appellate court. As I explained in *Griffin* and *Rios-Salazar*, this court may not permanently reverse or vacate a judgment of the appellate court without providing a legal basis for that action. Merely invoking the words “supervisory authority” is not a legal explanation for why the appellate court erred, nor is it a legal justification for vacating a reasoned disposition of the appellate court.

¶ 2 This case aptly illustrates the problem of inappropriate use of our supervisory authority. The appellate court below held, in part F of its opinion, that the defendant

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was not entitled to an additional \$5 of *per diem* credit because he was not incarcerated on the day for which he sought the credit. *People v. Day*, 2019 IL App (4th) 160217, ¶ 73. This holding may be legally correct or incorrect; I express no opinion on that question. However, the appellate court's ruling stands as a binding determination that precludes the defendant from recovery. Yet the majority simply eliminates this ruling without offering any legal reason for doing so. This is more like rule by decree than rule by law. The majority's failure to provide a legal justification for its actions is a clear abuse of this court's supervisory authority. Accordingly, I respectfully dissent.

¶ 3 JUSTICE NEVILLE joins in this dissent.

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

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(Docket No. 124583)

THE PEOPLE OF THE STATE OF ILLINOIS v.  
KARI FORD, Respondent (the Department of Corrections, Intervenor-Petitioner).

*Filed May 22, 2019.*

JUSTICE BURKE, dissenting:

**OPINION**

¶ 1 The order entered in this matter states that the petition for leave to appeal is “denied.” From this, one would assume that a majority of this court has concluded that the petition does not meet the criteria for discretionary review under Illinois Supreme Court Rule 315 (eff. July 1, 2018) and has, therefore, voted to deny the petition. However, this is not the case. In fact, there is no majority: three justices have voted to allow the petition, three justices have voted to deny, and one justice is not participating.

¶ 2 Petitions for leave to appeal are subject to the rule, under article VI, section 3, of the Illinois Constitution of 1970, that four concurring votes are necessary for a decision from this court. *PHL, Inc. v. Pullman Bank & Trust Co.*, 181 Ill. 2d 575

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CLERK**

(1998). Because, in this case, there are neither four votes to grant nor to deny the petition for leave to appeal, the appropriate disposition under our constitution is to dismiss the petition without decision, not to deny it. *Id.*; see also *Perlman v. First National Bank of Chicago*, 60 Ill. 2d 529 (1975) (*per curiam*). The court here makes no attempt to explain how, in the absence of four concurring votes to deny, its denial order comports with the constitution.

¶ 3 Further, the parties and the public have a right to be given accurate information about the cases before this court. “Deny” is not the same thing as “dismiss.” The court’s order states that the petition for leave to appeal has been “denied” when, in fact, there are not four concurring votes to deny. Simply put, the order is telling the parties and the public something that is not true.

¶ 4 This is not the first time this court has entered an order denying a petition for leave to appeal despite the lack of four concurring votes to deny. See *People v. Perkins*, No. 123555 (Ill. Sept. 26, 2018) (denial order); *Johnson v. Pneumo Abex, LLC, et al.*, No. 123820 (Ill. Sept. 26, 2018) (denial order). Yet there have been other instances when the court has properly entered a dismissal order when there were not four concurring votes for a decision. For example, in *PHL*, the court dismissed a petition for leave to appeal rather than deny it because two justices had recused themselves and the court was not able to “secure the constitutionally required concurrence of four judges for a decision.” *PHL*, 181 Ill. 2d 575. And, just last fall, the court dismissed a full court motion<sup>1</sup> rather than deny it because, again, two justices had recused themselves and the court was not able to “secure the constitutionally required concurrence of four judges for a decision.” *Chicago Public Media, Inc. v. Gaughan*, No. 123880 (Ill. Sept. 12, 2018) (dismissal order). No effort has been made by the court to reconcile these conflicting positions.

¶ 5 The denial order in this case is not supported by four concurring votes to deny. The order does not accurately reflect the votes cast by the members of this court and violates article VI, section 3, of the Illinois Constitution of 1970. I must, therefore, respectfully dissent.

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<sup>1</sup>Like petitions for leave to appeal, motions that are heard by the full court are subject to the constitutional rule that four concurring votes are necessary for a decision. See *Jackson v. Board of Election Commissioners*, 2012 IL 111928, ¶ 21.



**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

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(Docket No. 124715)

THE PEOPLE OF THE STATE OF ILLINOIS, Respondent v.  
JUAN RODRIGUEZ, Petitioner.

*Filed May 22, 2019.*

JUSTICE BURKE, dissenting:

**OPINION**

¶ 1 The order entered in this matter states that the petition for leave to appeal is “denied.” From this, one would assume that a majority of this court has concluded that the petition does not meet the criteria for discretionary review under Illinois Supreme Court Rule 315 (eff. July 1, 2018) and has, therefore, voted to deny the petition. However, this is not the case. In fact, there is no majority: three justices have voted to allow the petition, three justices have voted to deny, and one justice is not participating.

¶ 2 Petitions for leave to appeal are subject to the rule, under article VI, section 3, of the Illinois Constitution of 1970, that four concurring votes are necessary for a decision from this court. *PHL, Inc. v. Pullman Bank & Trust Co.*, 181 Ill. 2d 575

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**SUPREME COURT  
CLERK**

(1998). Because, in this case, there are neither four votes to grant nor to deny the petition for leave to appeal, the appropriate disposition under our constitution is to dismiss the petition without decision, not to deny it. *Id.*; see also *Perlman v. First National Bank of Chicago*, 60 Ill. 2d 529 (1975) (*per curiam*). The court here makes no attempt to explain how, in the absence of four concurring votes to deny, its denial order comports with the constitution.

¶ 3 Further, the parties and the public have a right to be given accurate information about the cases before this court. “Deny” is not the same thing as “dismiss.” The court’s order states that the petition for leave to appeal has been “denied” when, in fact, there are not four concurring votes to deny. Simply put, the order is telling the parties and the public something that is not true.

¶ 4 This is not the first time this court has entered an order denying a petition for leave to appeal despite the lack of four concurring votes to deny. See *People v. Perkins*, No. 123555 (Ill. Sept. 26, 2018) (denial order); *Johnson v. Pneumo Abex, LLC*, No. 123820 (Ill. Sept. 26, 2018) (denial order). Yet there have been other instances when the court has properly entered a dismissal order when there were not four concurring votes for a decision. For example, in *PHL*, the court dismissed a petition for leave to appeal rather than deny it because two justices had recused themselves and the court was not able to “secure the constitutionally required concurrence of four judges for a decision.” *PHL*, 181 Ill. 2d 575. And, just last fall, the court dismissed a full court motion<sup>1</sup> rather than deny it because, again, two justices had recused themselves and the court was not able to “secure the constitutionally required concurrence of four judges for a decision.” *Chicago Public Media, Inc. v. Gaughan*, No. 123880 (Ill. Sept. 12, 2018) (dismissal order). No effort has been made by the court to reconcile these conflicting positions.

¶ 5 The denial order in this case is not supported by four concurring votes to deny. The order does not accurately reflect the votes cast by the members of this court and violates article VI, section 3, of the Illinois Constitution of 1970. I must, therefore, respectfully dissent.

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<sup>1</sup>Like petitions for leave to appeal, motions that are heard by the full court are subject to the constitutional rule that four concurring votes are necessary for a decision. See *Jackson v. Board of Election Commissioners*, 2012 IL 111928, ¶ 21.