

SUPREME COURT OF ILLINOIS

COURT CONVENEED AT 9:30 A.M., WEDNESDAY, NOVEMBER 13, 2002

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

ADVISEMENT DOCKET

No. 92886 - People State of Illinois, respondent, v. Joanne Y. Phillips, petitioner.

Motion by petitioner for leave to file a motion for reconsideration of the order denying petition for leave to appeal. The motion for leave to file a motion for reconsideration of the order of February 6, 2002, denying the petition for leave to appeal is allowed. The motion for reconsideration is allowed. This court's order of February 6, 2002, denying the petition for leave to appeal is vacated. The petition for leave to appeal remains under advisement.

Order entered by the Court.

No. 93773 - Jesse Hall et al., etc., respondents, v. General Casualty Company of Illinois, petitioner.

Motion by petitioner for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

Order entered by the Court.

No. 93917 - People State of Illinois, respondent, v. Mark Lee Hancock, petitioner.

Motion by petitioner for leave to file a motion for reconsideration of the order denying petition for leave to appeal or, in the alternative, to join in People v. Masterson, case No. 93579. The motion for leave to file a motion for reconsideration of the order of October 2, 2002, denying the petition for leave to appeal is allowed. The motion for reconsideration is allowed. The order of October 2, 2002, denying the petition for leave to appeal is vacated. The petition for leave to appeal remains under advisement. The motion to consolidate this petition for leave to appeal with People v. Masterson, case No. 93579 is denied.

Order entered by the Court.

No. 94017 - John J. Ress, petitioner, v. Office of the State Comptroller et al., respondents.

Motion by petitioner to stay the mandate. Motion denied.

Order entered by the Court.

No. 94329 - The American Federation of State, County and Municipal Employees, Council 31, et al., petitioners, v. George Ryan, etc., et al., respondents.

Motion by petitioners for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

Order entered by the Court.

CIVIL DOCKET

No. 94845 - Michael Wesley Harris, movant, v. Hon. William Stewart Boyd, Judge of the Circuit Court of Cook County, et al., respondents.

Motion by movant, pro se, for a supervisory order. Motion denied.

Order entered by the Court.

Supplemental motion by movant, pro se, for a supervisory order to stay the proceedings in the Appellate Court in Alfonso v. Harris, case No. 1-02-0786 or, in the alternative, for leave to file a late brief instant. Motion denied.

Order entered by the Court.

No. 94903 - In re Medical malpractice cases pending in the law division (Joseph Szfranski, appellant, v. Abdol Azran, M.D., et al., appellees).

Motion by appellees for direct appeal to this Court pursuant to Supreme Court Rule 302(b). Motion denied.

Order entered by the Court.

No. 94973 - Paul H. Schwendener, Inc., et al., movants, v. Bituminous Casualty Corporation et al., respondents.

Motion by movants to transfer case No. 02 MR 943, Bituminous Casualty Corp., v. Woodridge Cinemas, Inc., et al., and case No. 02 MR 946, Bituminous Casualty Corp., v. Paul H. Schwendener, Inc., et al., from DuPage County to Cook County and to consolidate it with Cook County case No. 01 CH 20326, Paul H. Schwendener, Inc., et al., v. Bituminous Casualty Corporation. Motion denied.

Order entered by the Court.

LEAVE TO APPEAL DOCKET

No. 94469 - People State of Illinois, petitioner, v. Lorenzo Davis, respondent.

Motion by respondent for release on individual recognizance pending the disposition of the State's petition for appeal as a matter of right or leave to appeal. Motion denied.

Order entered by the Court.

No. 94730 - Lake County Riverboard L.P., etc., petitioner, v. Illinois Gaming Board et al., etc., respondents.

This cause coming to be heard on the court's own motion; It is ordered that the parties are directed to file a supplemental petition and response in this court on or before November 27, 2002, advising this court whether any recent changes in status or circumstances of respondent Emerald Casino, Inc., has affected the issue or issues addressed by the appellate court and raised in the petition for leave to appeal. The petition for leave to appeal remains under advisement.

Order entered by the Court.

MISCELLANEOUS RECORD

M.R. 3033 - In re: Recall of Retired Judge.

With the consent of Retired Circuit Judge Stephen J. Culliton that he be recalled effective December 1, 2002, to hold court in the Circuit Court of the Eighteenth Judicial Circuit through December 31, 2004;

And the Supreme Court having determined that the public necessity so requires;

It is ordered that the above-named judge is recalled to serve for the period indicated above and that he shall receive compensation for such active service at the rate normally paid Circuit Judges of the State of Illinois.

Order entered by the Court.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

ADVISEMENT DOCKET

No. 93089 - People State of Illinois, appellant, v. Thomas S. Pomykala, appellee.

Motion by appellee for leave to cite additional authority instanter. Motion allowed.

Order entered by Justice Garman.

No. 93738 - People State of Illinois, respondent, v. John Walker, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal.

No. 94012 - People State of Illinois, respondent, v. Kent Killingsworth, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal.

No. 94350 - People State of Illinois, respondent, v. Wade O. Frazier, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal.

No. 94378 - Phillip E. LaPointe, petitioner, v. James A. Chrans, etc., respondent.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal.

No. 94401 - People State of Illinois, respondent, v. Thomas McMillan, petitioner.

Motion by petitioner, pro se, seeking review of the summary order of the Appellate Court, Fourth District, in case No. 4-01-0387 or, in the alternative, for leave to file a petition for rehearing.

PEOPLE'S DOCKET

No. 90861 - People State of Illinois, appellee, v. Gabriel Solache, appellant.

Motion by appellant for an extension of time for filing reply brief to and including November 19, 2002. Motion allowed.

Order entered by Justice Freeman.

No. 92843 - People State of Illinois, appellee, v. Samuel Morgan, appellant.

Motion by appellee for an extension of time for filing brief to and including January 10, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 93595 - In re Andrea F., a Minor (People State of Illinois et al., appellants, v. T.F., appellee).

Motion by appellee to withdraw request for oral argument scheduled for Thursday, November 14, 2002. Motion allowed. Oral argument will proceed on November 14, 2002, with the argument of appellants.

Order entered by Justice Thomas.

No. 93760 - In re William M., a Minor (People State of Illinois, appellant, v. W.M., appellee).

Motion by appellant for an extension of time for filing brief to and including December 11, 2002. Motion allowed.

Order entered by Justice Kilbride.

No. 94425 - People State of Illinois, appellee, v. Richard D. Campbell, Jr., appellant.

Motion by appellant for an extension of time for filing brief to and including November 20, 2002. Motion allowed.

Order entered by Justice Garman.

CIVIL DOCKET

No. 91494 - Michael E. Avery et al., etc., appellees, v. State Farm Mutual Automobile Insurance Company, appellant.

Motion by the Department of Insurance of the State of North Carolina, the Department of Business and Industry, Division of Insurance of the State of Nevada, the Department of Regulatory Agencies, Division of Insurance of the State of Colorado and the Department of Insurance and Securities Regulation of the District of Columbia for leave to file a brief as amici curiae instante in support of appellant. Motion allowed.

Order entered by Justice Garman.

No. 94235 - Michael Borowiec et al., appellees, v. Gateway 2000, Inc., et al., appellants.

Motion by appellants to stay this Court's mandate pending review by the United States Supreme Court in the event this Court denies appellants' motion for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

Order entered by Justice Freeman.

No. 95050 - Diane Lynne Glagola, respondent, v. Stephen H. Glagola, petitioner.

Motion by petitioner, pro se, for writ(s) of habeas corpus and certiorari pursuant to Supreme Court Rule 381.

LEAVE TO APPEAL DOCKET

No. 90320 - People State of Illinois, respondent, v. Sonia A. Williams, petitioner.

Motion by petitioner for leave to cite additional authority instanter in support of petition for leave to appeal. Motion allowed.

Order entered by Justice Kilbride.

No. 93464 - People State of Illinois, respondent, v. Sedrick Torry, petitioner.

Motion by petitioner, pro se, for leave to supplement petition for leave to appeal instanter. Motion allowed.

Order entered by Justice Freeman.

No. 94851 - People State of Illinois, respondent, v. Teshome Campbell, petitioner.

Motion by petitioner for leave to cite additional authority instanter in support of petition for leave to appeal. Motion allowed.

Order entered by Justice Garman.

No. 95036 - People State of Illinois, petitioner, v. Modesto Echezarreta, respondent.

Unopposed motion by respondent for attorney Paul Harris to appear as a foreign attorney in an isolated case pursuant to Supreme Court Rule 707 and for an extension of time to and including December 13, 2002, for filing answer to petition for appeal as a matter of right or leave to appeal. Motion allowed.

Order entered by Justice Freeman.

No. 95066 - Gregory Neumann, respondent, v. Kenneth Neumann, petitioner.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including November 20, 2002. Motion allowed.

Order entered by Justice Kilbride.

No. 95069 - People State of Illinois, respondent, v. Saul Pena, petitioner.

Motion by petitioner for leave to file petition for leave to appeal instanter. Motion allowed.

Order entered by Justice Freeman.

No. 95094 - Robert A. Gaughan, Sr., petitioner, v. Julie Gaughan, respondent.

Motion by petitioner, pro se, for an extension of time for filing petition for leave to appeal to and including January 2, 2003. Motion allowed in part. Petition due on or before December 13, 2002. Final extension.

Order entered by Justice Thomas.

MISCELLANEOUS DOCKET

M.D.10839 - Carl Allen, petitioner, v. People State of Illinois, respondent.

Motion by respondent for an extension of time for filing response to the petition for writ of habeas corpus to and including December 9, 2002. Motion allowed.

Order entered by Justice Freeman.

MISCELLANEOUS RECORD

M.R.17963 - In re: Richard R. Rothman. Disciplinary Commission.

Motion by Richard R. Rothman for an extension of time to and including November 30, 2002, to file response and objection to the Administrator's petition for costs. Motion allowed.

Order entered by Justice Freeman.

M.R.18227 - In re: Burnell Dixon, II. Disciplinary Commission.

Motion by Burnell Dixon, II for leave to supplement petition for reinstatement. Motion allowed.

Order entered by Justice Garman.

M.R.18449 - In re: Dykema Gossett, LLC, petitioner.

Motion of Dykema Gossett to file renewal applications as a limited liability company under Supreme Court Rule 721, for the years 2000, 2001 and 2002.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, WEDNESDAY, NOVEMBER 13, 2002

Nos. 90678 - People State of Illinois, appellant, v. DeAngelo
90693 Johnson et al., appellees. Appeals, Appellate
90706 Court, First District.
cons.

Oral argument by Veronica Calderon Malaavia for
appellant and by Alison Edwards for appellees.
Submitted. Agenda 1.

No. 92988 - People State of Illinois, appellant, v. Shannon
Donoho, appellee. Appeal, Appellate Court, Third
District.

Oral argument by Domenica Osterberger for
appellant and by Kerry J. Bryson for appellee.
Submitted. Agenda 2.

No. 93163 - People State of Illinois, appellant, v. Latoya
Johnson, appellee. Appeal, Appellate Court, First
District.

Oral argument by Kenneth T. McCurry for appellant
and by Debra Loevy-Reyes for appellee. Submitted.
Agenda 3.

No. 93422 - People State of Illinois, appellant, v. Curtis
Gipson, appellee. Appeal, Appellate Court, First
District.

Oral argument by Mary Boland for appellant and by
Sarah Curry for appellee. Submitted. Agenda 4.

SUPREME COURT OF ILLINOIS

WEDNESDAY, NOVEMBER 13, 2002

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

CIVIL DOCKET

No. 93872 - In re Estate of Madison Rae Poole (Randy L. Poole, Jr., appellee, v. Debra Jean Clausen, Adm'r., etc., appellant).

Motion by appellee to strike appellant's notice of election. Motion denied.

Order entered by the Court.

Motion by appellee to dismiss appeal. Motion denied.

Order entered by the Court.

Supplemental motion by appellee to dismiss appeal. Motion denied.

Order entered by the Court.

MISCELLANEOUS RECORD

M.R. 1403 - In re: Judicial Vacancy

Pursuant to the authority of section 12, subsection (c) of article VI of the Constitution of this State, the following appointment is made:

Resident Circuit Judge, Henderson County, Ninth Judicial Circuit

Effective November 18, 2002, and terminating December 2, 2002, David L. Vancil, Jr. is appointed Resident Circuit Judge of Henderson County, Ninth Judicial Circuit, to the vacancy created by the retirement of the Honorable Stephen G. Evans.

Order entered by the Court.