

SUPREME COURT OF ILLINOIS

COURT CONVENEED AT 9:30 A.M., MONDAY, MARCH 10, 2003

THE FOLLOWING ANNOUNCEMENT IS MADE:

MISCELLANEOUS RECORD

M.R. 1062 - In re: Judicial Assignment

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

Effective March 20, 2003, and until further order of the Court, the Honorable Rodolfo Garcia, Judge of the Circuit Court of Cook County, is assigned to duty in the Appellate Court, First District, Second Division, to the position formerly held by the Honorable David Cerda.

During such service on the Appellate Court, Judge Garcia is relieved from all his regular duties in the Circuit Court of Cook County, and he shall receive compensation at the rate normally paid Appellate Judges of the State of Illinois.

Order entered by the Court.

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

REHEARING DOCKET

No. 89226 - People State of Illinois, appellee, v. Cortez Brown, appellant.

Motion by appellant to defer action in this case until the Court has decided the merits of the petition for a writ of prohibition or mandamus and further request if this court denies that petition, appellant request that his appeal be dismissed as moot.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 89408 - People State of Illinois, appellee, v. Joseph R. Miller, appellant.

Motion by appellee to declare clemency action void.

Motion by appellant to strike Peoria County State's Attorney's motion to declare clemency action void.

Motion by appellant to stay proceedings and/or mandate of this Court.

The State's response to this Court's order of January 22, 2003.

No. 89458 - People State of Illinois, appellee, v. Roosevelt Lucas, appellant.

The State's response to this Court's order of January 22, 2003.

No. 90394 - People State of Illinois, appellee, v. James Tenner, appellant.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 92143 - People State of Illinois, appellant, v. Ronald Kliner, appellee.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

ADVISEMENT DOCKET

No. 82536 - People State of Illinois, appellee, v. Jeffrey D. Rissley, appellant.

Motion by appellant to dismiss appeal.

Motion by appellant to hold in abeyance appellant's motion to dismiss appeal.

The State's response to this Court's order of January 22, 2003.

No. 84933 - People State of Illinois, appellee, v. Keith Shum, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

Motion by appellant to retain appellate jurisdiction, stay proceedings on appeal and remand the matter for forensic (DNA) testing.

The State's response to this Court's order of January 22, 2003.

No. 86382 - People State of Illinois, appellee, v. Edward Graham, appellant.

Motion by appellant to withdraw arguments V,VI,VII,VIII,IX,X, and XI and portions of argument IV which request a new sentencing hearing.

Motion by appellant requesting this Court to decide the merits of this appeal.

Motion by appellant to hold in abeyance any decision concerning appellant's motion requesting the Court to decide the merits of this appeal.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 87138 - People State of Illinois, appellee, v. James L. Westray, appellant.

The State's response to this Court's order of January 22, 2003.

No. 87645 - People State of Illinois, appellee, v. Richard Morris, appellant.

Motion by appellant requesting this Court to decide the merits of this appeal.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 87958 - People State of Illinois, appellee, v. Corey Moore, appellant.

Motion by appellant for leave to withdraw certain issues raised on appeal as moot, contingent on the continuing validity of the commutation order issued to appellant by Governor George H. Ryan.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

Motion by appellant requesting that this Court retain jurisdiction of this case.

The State's response to this Court's order of January 22, 2003.

No. 88105 - People State of Illinois, appellee, v. Anton Brown, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 88784 - People State of Illinois, appellee, v. Juan Caballero, appellant.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 89214 - People State of Illinois, appellee, v. Bernina Mata, appellant.

Motion by appellant for a determination of whether appellant can be subject to the death penalty and leave to file a brief on this issue.

The State's response to this Court's order of January 22, 2003.

No. 89553 - People State of Illinois, appellee, v. Raul Ceja, appellant.

Motion by appellee for leave to file instant motion to declare clemency action void.

Motion by appellant for leave to withdraw sentencing issues, with the exception of the disparate sentencing issue, contingent on the continuing validity of the commutation order issued to appellant by Governor George H. Ryan.

Motion by appellant requesting that this Court retain jurisdiction of this case.

The State's response to this Court's order of January 22, 2003.

No. 89942 - People State of Illinois, appellee, v. Bobby Sims, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 90072 - People State of Illinois, appellee, v. Robert Lee Evans, Jr., appellant.

Motion by appellant for this Court to retain jurisdiction of this appeal.

The State's response to this Court's order of January 22, 2003.

No. 90137 - People State of Illinois, appellee, v. Elton Williams, appellant.

Motion by appellant requesting this Court retain jurisdiction and to stay proceedings herein until the lawsuits challenging the commutation of his death sentence have been resolved.

The State's response to this Court's order of January 22, 2003.

No. 90282 - People State of Illinois, appellee, v. Robert D. Jones, appellant.

Motion by appellant for leave to review the record of proceedings on remand and, if necessary, file a supplemental brief.

No. 90523 - People State of Illinois, appellee, v. Thomas L. Umphrey, appellant.

Motion by appellant, pro se, for this Court to continue jurisdiction and for declaration of right to due process and protected liberty interest in 730 ILCS 5/3-3-13(a) and (c).

The State's response to this Court's order of January 22, 2003.

No. 90631 - People State of Illinois, appellee, v. Chris Davis, appellant.

Motion by appellant for this Court to retain jurisdiction of this appeal.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 95757 - James J. Byrne et al., movants, v. Village of Plainfield, etc., et al., respondents.

Motion by movants for stay of proceedings in the Circuit Court of Will County in Byrne et al., v. Village of Plainfield, etc., et al., case No. 02 CH 1321, pending disposition of movants' motion for a supervisory order.

PEOPLE'S DOCKET

Nos. 84062 - People State of Illinois et al., appellants, v.
84063 Renaldo Hudson et al., appellees.
Cons.

Motion by Renaldo Hudson that this Court retain jurisdiction in this cause.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 84417 - People State of Illinois, appellee, v. Paul E. Taylor, appellant.

The State's response to this Court's order of January 22, 2003.

No. 84602 - People State of Illinois, appellee, v. Edgar Hope, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 84689 - People State of Illinois, appellee, v. Stanley Howard, appellant.

Motion by appellee to dismiss appeal.

Motion by appellant to dismiss appeal as moot.

No. 85053 - People State of Illinois, appellee, v. Milton Johnson, appellant.

The State's response to this Court's order of January 22, 2003.

No. 87957 - People State of Illinois, appellee, v. Maurice McDonald, appellant.

Motion by appellant, pro se, court instructor sought to death sentence commuted to life with no attorney, because this Court fired and terminated private counsel, as a hardship created by this Court.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 89435 - People State of Illinois, appellee, v. Anthony Brown, appellant.

Motion by appellee through their attorney Richard A. Devine, State's Attorney of Cook County, to dismiss appeal.

Motion by appellee through their attorney Lisa Madigan, Attorney General of the State of Illinois, to dismiss appeal.

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

Motion by appellant requesting this Court decide the merits of this appeal.

Motion by appellant to hold in abeyance any decision concerning appellant's motion requesting the Court decide the merits of this appeal.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 91349 - People State of Illinois, appellee, v. Ralph Harris, appellant.

Motion by appellant to suspend briefing schedule pending a determination by this Court as to whether this is a capital or non-capital appeal, and that if it is determined that this is a capital appeal, allow appellant 90 days within which to file his brief from the date of such determination.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 91436 - People State of Illinois, appellee, v. Tyrone Strickland, appellant.

Motion by appellant to transfer this cause to the Appellate Court, First District.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 91512 - People State of Illinois, appellee, v. Ralph Harris, appellant.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 91713 - People State of Illinois, appellee, v. Eric Daniels, appellant.

Motion by appellant requesting this Court to decide the merits of this appeal.

The State's response to this Court's order of January 22, 2003.

No. 91724 - People State of Illinois, appellee, v. JoJulien Z. Hicks, appellant.

Motion by appellant for leave to withdraw certain issues raised on appeal as moot, contingent on the continuing validity of the commutation order issued to appellant by Governor George H. Ryan.

Motion by appellant requesting that this Court retain jurisdiction of this cause.

The State's response to this Court's order of January 22, 2003.

The State's amended response to this Court's order of January 22, 2003.

No. 91904 - People State of Illinois, appellee, v. Grayland Johnson, appellant.

Motion by appellee through their attorney Lisa Madigan, Attorney General of the State of Illinois, to dismiss appeal.

Motion by appellant to stay proceedings until after the sentence of natural life imprisonment is upheld and then dismiss appeal as moot.

Motion by appellee through their attorney Richard A. Devine, State's Attorney of Cook County, to dismiss appeal.

No. 92033 - People State of Illinois, appellee, v. Dennis Emerson, appellant.

Motion by appellant requesting this Court retain jurisdiction and resolve issue regarding appellant's eligibility for the death penalty.

Motion by appellee to dismiss appeal.

The State's response to this Court's order of January 22, 2003.

No. 92186 - People State of Illinois, appellee, v. Oasby Gilliam, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

No. 92252 - People State of Illinois, appellee, v. Maurice King, appellant.

The State's response to this Court's order of January 22, 2003.

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

Motion by appellant requesting that this Court retain jurisdiction over appellant's appeal and award him other appropriate relief.

The State's response to this Court's order of January 22, 2003.

The State's statement of this Court's continuing jurisdiction.

No. 93038 - People State of Illinois, appellee, v. Montell Johnson, appellant.

Motion by appellee for an extension of time for filing brief to and including April 11, 2003. Motion allowed.

Order entered by Justice Garman.

The State's response to this Court's order of January 22, 2003.

No. 93309 - People State of Illinois, appellee, v. Frank Williams, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 93368 - People State of Illinois, appellee, v. Luther V. Casteel, appellant.

Motion by appellee to declare clemency action void.

Motion by appellant requesting this Court to retain jurisdiction and decide the merits of this appeal.

The State's response to this Court's order of January 22, 2003.

No. 93456 - People State of Illinois, appellee, v. Robert L. Fair, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 93693 - People State of Illinois, appellee, v. Lorenzo Fayne, appellant.

Motion by appellant to stay appeal, and, after the sentence of natural life imprisonment is upheld, to dismiss appeal.

The State's response to this Court's order of January 22, 2003.

No. 93699 - People State of Illinois, appellant, v. Ronald J. Lampitok, appellee.

Motion by appellee for an extension of time for filing brief to and including April 11, 2003.
Motion allowed.

Order entered by Justice Garman.

No. 93705 - People State of Illinois, appellee, v. William Riley, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 93843 - People State of Illinois, appellee, v. Henry Watson, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 93850 - People State of Illinois, appellee, v. Samuel Karim, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 93873 - People State of Illinois, appellee, v. Raymond Burgess, appellant.

Motion by appellant to transfer this cause to the Appellate Court, Third District.

Motion by appellant for leave to withdraw motion to transfer cause to the appellate court, without prejudice to refile motion or, in the alternative, to defer ruling on motion to transfer.

The State's response to this Court's order of January 22, 2003.

No. 94129 - People State of Illinois, appellant v. Christopher Allen, appellee.

Motion by appellant for an extension of time for filing reply brief to and including March 5, 2003. Motion denied as moot.

Order entered by Justice Garman.

Motion by appellant to dismiss appeal and issue the mandate forthwith. Motion allowed.

Order entered by Justice Garman.

No. 94334 - People State of Illinois, appellant, v. Paul E. Botruff, appellee.

Agreed motion by appellee for an extension of time for filing brief to and including April 18, 2003.

No. 94641 - People State of Illinois, appellee, v. David A. Smith, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

Motion by appellant for a determination by this Court relating to its jurisdiction over this appeal and his susceptibility to the death penalty following a new trial and sentencing hearing.

The State's response to this Court's order of January 22, 2003.

No. 94669 - People State of Illinois, appellee, v. Madison Hobley, appellant.

Motion by appellant to withdraw his appeal.

Motion by appellee to dismiss appeal.

No. 95137 - People State of Illinois, appellee, v. Andrew Urdiales, appellant.

Motion by appellee to dismiss appellant's appeal for lack of this Court's direct appeal jurisdiction over the cause due to the former Governor's executive act of commuting appellant's capital sentence to a sentence of life imprisonment and further request that this Court transfer this case to the appellate court.

Motion by appellant to transfer appeal to the appellate court.

The State's response to this Court's order of January 22, 2003.

No. 95201 - People State of Illinois, appellee, v. Marlon Watford, appellant.

Motion by appellant to suspend briefing schedule pending a determination by this Court as to whether this is a capital or non-capital appeal and that if it is determined that this is a capital appeal, that counsel be given 90 days from the date of any such determination within which file to file appellant's brief.

The State's response to this Court's order of January 22, 2003.

No. 95424 - People State of Illinois, appellee, v. Daniel E. Raines, appellant.

The State's response to this Court's order of January 22, 2003.

No. 95563 - People State of Illinois, appellee, v. Dale Lash, appellant.

The State's response to this Court's order of January 22, 2003.

No. 95568 - People ex rel. Richard A. Devine, State's Attorney of Cook County, Illinois, petitioner, v. Donald N. Snyder, Jr., Director, Illinois Department of Corrections, et al., etc., respondents.

Motion by petitioner for leave to file a petition for an original writ of prohibition or mandamus.

Motion by intervenor-respondents Cortez Brown, William Bracy, Paul Erickson, Tyrone Fuller, Julius Kuntu, Samuel Morgan, Robert St. Pierre, and Willie Thompkins for leave to intervene or, in the alternative, for leave to file a brief as amici curiae, and grant them leave to file their opposition instanter to petitioner's motion for leave to file a petition for writ of prohibition or mandamus.

Motion by intervenor-respondent, Paul S. Erickson, for leave to intervene and file a supplementary brief instanter.

No. 95581 - People ex rel. Richard A. Devine, State's Attorney of Cook County, Illinois, petitioner, v. Donald N. Snyder, Jr., Director, Illinois Department of Corrections, et al., etc., respondents.

Motion by petitioner for leave to file a petition for an original writ of prohibition or mandamus.

Motion by intervenor-respondent Jerry Mahaffey for leave to intervene or, in the alternative, for leave to file a brief as amicus curiae, and grant him leave to file his opposition instanter to petitioner's motion for leave to file a petition for writ of prohibition or mandamus.

Motion by MacArthur Justice Center for leave to intervene, or in the alternative, for leave to file a brief as amicus curiae, and grant them leave to file their opposition instanter to petitioner's motion for leave to file a petition for writ of prohibition or mandamus.

Motion by intervenor-respondent Tyrone Fuller for leave to intervene or, in the alternative, for leave to file a brief as amicus curiae, and grant him leave to file his opposition instanter to petitioner's motion for leave to file a petition for writ or prohibition or mandamus.

Motion by intervenor-respondent Robert St. Pierre for leave to intervene, or in the alternative, for leave to file brief of amicus curiae, and to grant him leave to file his opposition instanter to petitioner's motion for leave to file a petition for writ of prohibition or mandamus.

Motion by intervenor-respondent Hector Nieves for leave to intervene or, in the alternative, to file amicus brief and for certain other relief.

Motion by intervenor-respondent Sanantone Moss for leave to intervene or, in the alternative, for leave to file a brief as amicus curiae, and grant him leave to file his opposition instanter to petitioner's motion for leave to file a petition for writ of prohibition or mandamus.

Motion by petitioner to withdraw Hector Nieves from the class of those named defendants in the pending action for a writ of prohibition or mandamus.

No. 95588 - People State of Illinois, appellee, v. Robert K. Jones, appellant.

Motion by appellee to declare clemency action void.

The State's response to this Court's order of January 22, 2003.

The State's amended response to this Court's order of January 22, 2003.

No. 95663 - People ex rel. Lisa Madigan, Attorney General of the State of Illinois, et al., etc., petitioners, v. Donald N. Snyder; Jr., Director, Illinois Department of Corrections, et al., etc., respondents.

Motion by petitioners for leave to file a petition for an original writ of mandamus.

Unopposed motion by respondent Patrick H. Wright for an extension of time to and including March 3, 2003, for filing objections to petitioners' motion for leave to file verified complaint for an original writ of mandamus or for a supervisory order. Motion allowed.

Order entered by Justice Fitzgerald.

No. 95664 - People ex rel. Lisa Madigan, Attorney General of the State of Illinois, et al., etc., movants, v. Donald N. Snyder, Jr., Director, Illinois Department of Corrections.

Motion by movants for a supervisory order.

No. 95728 - People ex rel. Meg Gorecki, etc., petitioner, v. Donald N. Snyder, Jr., etc., et al., respondents.

Motion by petitioner for leave to file verified complaint for mandamus.

Motion by respondent James T. Foster for an extension of time to and including March 11, 2003, for filing objections to petitioner's motion for leave to file verified complaint for mandamus. Motion allowed.

Order entered by Justice Thomas.

CIVIL DOCKET

No. 94131 - Richard Washlow, petitioner, v. Judith K. Cremer, Clerk of the Circuit Court of Livingston County, respondent.

Motion by respondent for an extension of time for filing brief to and including March 28, 2003. Motion allowed.

Order entered by Justice Garman.

No. 95483 - Herschel Glenn, petitioner, v. Hon. John P. Tully, Justice of the Appellate Court, et al., etc., respondents.

Motion by petitioner for leave to file a petition for an original writ of mandamus and motion for supervisory order.

No. 95667 - Manuel "Manny" Flores et al., appellees, v. Chicago Board of Elections Commissioners et al., etc. (Lester Coich et al., appellants).

Motion by appellants Lester Coich and Anthony J. Beran to expedite this appeal and for leave to file supporting record under Rule 328.

No. 95748 - Rosemary C. Steinbrecher, movant, v. Hon. Leonard J. Wojtecki, Associate Judge for the 16th Judicial Circuit, et al., respondents.

Motion by movant for a supervisory order.

Motion by movant for leave to file supplemental material instanter to the supporting record.
Motion allowed.

Order entered by Justice Thomas.

LEAVE TO APPEAL DOCKET

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

Motion by respondent for release on individual recognizance pursuant to Supreme Court Rule 604(a)(3) pending the disposition of the State's petition for appeal as a matter of right or leave to appeal or, alternatively, a ruling on the State's petition for appeal as a matter of right or leave to appeal.

No. 95712 - People State of Illinois, respondent, v. Gerald Davis, petitioner.

Motion by petitioner to vacate the dismissal or, in the alternative, for leave to file a late petition for leave to appeal.

Motion by petitioner to reinstate bond.

MISCELLANEOUS RECORD

M.R.12788 - In re: Appellate Court Opinion.

Request of Appellate Court Justice Clyde L. Kuehn to publish a dissent in excess of the five-page limit in People v. O'Quinn, Appellate Court, No. 5-01-0666.

M.R.18556 - In re: David J. Malliband, petitioner.

Petition by David J. Malliband for waiver of the requirements of Supreme Court Rule 703(b), and leave to sit for the Illinois bar examination.

M.R.18626 - In re: Kaplan & Greenswag LLC, petitioner.

Motion by Daniel S. Kaplan and Richard A. Greenswag to allow Kaplan & Greenswag LLC to engage in the practice of law pursuant to Illinois Supreme Court Rule 721.