

JURY TRIAL



HANDBOOK

By Judge Bob Miller
Version 2.8.24

PRE-JURY-TRIAL-CHECKLIST

- 1 . 12 person jury? _____
- 2 7 Peremptory Challenges (5 for Misdemeanor)
- 3 1 or 2 alternates? _____
- 4 1 Peremptory Challenge per Alternate Juror - No Carry Over
- 5 How many jurors in panels? _____
- 6 No back striking. _____
- 7 Parties approach and inform of peremptory challenges. _____
- 8 How many days? _____
- 9 Is the State proceeding on all charges? _____
10. Any amendments to the charges? _____
11. List of witnesses. _____ (Give a copy to the Court Reporter)
12. Other than 1.01A, any I.P.I.s requested to be read before trial?

13. Does Defendant want #4 of Zehr checklist to be read? _____
Do you understand and accept that should the Defendant choose not to testify in his/her own behalf, that decision cannot be held against the Defendant. **(Unless Defendant Objects)**

14. Did the State tender any offers to the Defendant?

OFFER _____

15. Were offers discussed with Defendant and rejected?

16. Review Potential Penalties

Count 1 _____

Count 2 _____

Count 3 _____

17. Is the State seeking an enhanced sentence based on Defendant's criminal history?

18. Decisions belonging to defendant are the following:

1. Whether to plead guilty.
2. Whether to waive a jury trial
3. Whether to testify in his/her own behalf
4. Whether to appeal
5. Whether to submit a lesser-included offense instruction.

19. Is the Defendant ready for trial? _____

20. Any Motions in Limine regarding prior convictions? _____
21. Any stipulations? _____
22. Any motions before trial? _____
23. Continuing permission to approach witnesses
24. Only refer to jurors by number for privacy reasons.
25. I will assume that the Defendant has waived his right to be present at all sidebars, unless specifically told otherwise.

DIVIDER

Challenge For Cause

§ 14, It shall be sufficient cause of challenge of a petit juror that he lacks any one of the qualifications mentioned in Section 2 of this Act; or if he is not one of the regular panel, if:

- 1 . He has served as a juror on the trial of a cause in any court in the county within one year previous to the time of his being offered as a juror;
2. He is a party to a suit pending for trial in that court.
3. The person has served on a jury in a court within one year, he shall be exempt from again serving during such year, unless he waives such exemption.

4. It shall not be a cause of challenge that a juror has read in the newspapers an account of the commission of the crime with which the prisoner is charged, if such juror shall state on oath that he believes he can render an impartial verdict according to the law and the evidence.

5. In the trial of any criminal cause, the fact that a person called as a juror has formed an opinion or impression, based upon rumor or upon newspaper statements (about the truth of which he has expressed no opinions) shall not disqualify him to serve as a juror in such case, if he shall upon oath state that he believes he can fairly and impartially render a verdict therein, in accordance with the law and the evidence, and the court shall be satisfied of the truth of such statement.

Jury Qualifications

Jurors in all counties in Illinois must have the legal qualifications herein prescribed.

Jurors must be:

(1) Inhabitants of the county.

(2) Of the age of 18 years or Upwards.

(3) Free from all legal exception, of fair character, of approved integrity, of sound judgment, well informed, and able to understand the English language, whether in spoken or written form or interpreted into sign language.

(4) Citizens of the United States of America.

(b) Except as otherwise specifically provided by statute, no person who is qualified and able to serve as a juror may be excluded from jury service in any court of this State on the basis of race, color, religion, sex, national origin, or economic status. As used in this subsection, "religion", "sex", and "national origin" have the meanings provided in Section 1 -1 03 of the Illinois Human Rights Act.

705 ILCS 305/12

It shall be the duty of the court to discharge from the panel all jurors who do not possess the qualifications provided in this Act, as soon as the fact is discovered. (See 705 ILCS 305/14)

DIVIDER

CRIMINAL JURY TRIAL

SEVEN PEREMPTORY CHALLENGES - FELONIES
FIVE PEREMPTORY CHALLENGES - MISDEMEANOR
ONE PEREMPTORY CHALLENGE PER ALTERNATE

(TO ALL POTENTIAL JURORS)

1. Welcome to the Du Page County Courthouse.
2. I am Judge Miller.
3. Will Defense Counsel please introduce yourself and your client to the jury.
4. Will counsel from the State's Attorney's Office please introduce yourself to the jury.
5. Will everyone please rise as the Clerk swears you in for jury selection.
6. The Deputy Clerk will now read ___ juror numbers and those persons should be seated in the jury box. The Deputy will direct you to your seat.
7. Clerk, please read _____ juror numbers.

8. I will now read the charge which has been filed against the Defendant. However, keep in mind that the charge is NOT evidence of guilt. It is the formal accusation against the Defendant, and he has plead NOT GUILTY.

9. (READ CHARGE ----- NEXT PAGE)

READ CHARGE --- NEXT PAGE

10. In order to consider your qualifications to sit as jurors in this particular case, both the attorneys and I will have the opportunity to ask you some questions.
11. This process is designed to find those persons who appear to be the best jurors for this particular case.
12. None of these questions are intended to embarrass you or cause you anxiety.
13. If any question is asked that makes you uncomfortable or is one you would prefer not to answer in open court, please let me know. I can allow you to discuss the matter privately.
14. Should we take breaks, or if you are selected to be on the jury, feel free to bring water, juice, soda, or the like into the courtroom.
15. Should you see the attorneys outside of the courtroom, don't be offended if they ignore you. They are required to do so. Also, I have asked the attorneys to only refer to you by juror number for reasons regarding your privacy.

READ TO ALL JURORS IN THE COURTROOM

If a juror's answer suggests particular knowledge or particular experience about the subject matter, then inquire whether that fact would impact their ability to be a fair and impartial juror in this case.

16. Has anyone here heard anything about this case?

Juror #s _____

17. Does anyone know any of the persons sitting at the counsel tables?

Juror #s _____

18. Is every one here over the age of 18?

Juror #s _____

19. Is everyone here a resident of Du Page County?

Juror #s _____

20. Is everyone here a citizen of the United States?

Juror #s _____

21. Does anyone have any mental health or physical health issue that would prevent you from serving on a jury?

Juror #s _____

22. The witnesses in this case are:

READ LIST --- NEXT PAGE

23. Does anyone know any of the witnesses whose names I read?

Juror #s _____

24. If selected, you are not to discuss the case with anyone, or allow anyone to discuss the case with you. This includes your fellow jurors, up until the evidence is finished and you are given an instruction to begin deliberations.

25. You are to refrain from seeing or reading any media coverage if any, regarding this case.

26. You are not allowed to go outside the courtroom to investigate or study up on any matter testified to in court.

27. You are not to visit a place described in evidence or do Internet research on an issue presented.

28. You are to rely solely on the evidence in this case, and the applicable law.
29. Do you, as a potential juror, agree to follow these rules?

Juror #s _____

**NEXT
READ 1.01B**

1.01B IMPLICIT BIAS

[1] We all have feelings, assumptions, perceptions, fears, and stereotypes about others. Some biases we are aware of and others we might not be fully aware of, which is why they are called "implicit biases" or "unconscious biases."

[2] Our biases often affect how we act, favorably or unfavorably, toward someone. Bias can affect our thoughts, how we remember, what we see and hear, whom we believe or disbelieve, and how we make important decisions.

[3] As jurors you are being asked to make very important decisions in this case. You must resist jumping to conclusions based on personal likes or dislikes. You must not let bias, prejudice, or public opinion influence your decision.

[4] You must not be biased in favor of or against any person because of his or her race, ethnicity, national ancestry, religion , gender, sexual orientation, age, disability, or socioeconomic status.

[5] Your verdict must be based solely on the evidence presented.

Committee Note: This Instruction should be read prior to jury selection and prior to opening statements.

DIVIDER

TO THE PANEL

30. All scheduling conflicts, such as vacations and other commitments, should have been resolved by contacting the Jury Commission as indicated in the Jury Summons. However, is there anyone who cannot be here for the next _____ day(s) due to a recent emergency ?

Juror #s _____

31. Does anyone have any prior jury experience, either criminal or civil?

Juror #s _____

32. Does anyone have a case pending in which you are either a plaintiff or a defendant?

Juror #s _____

33. Does anyone have a friend or family member that is a judge , lawyer, or a person that is involved in law enforcement?

Juror #s _____

34. Has anyone had an unfair or unjust experience with a judge , lawyer, or a person that is involved in law enforcement?

Juror #s _____

35. Has anyone ever been the victim of a crime?

Juror #s _____

36. Does anyone have a relative or a close friend who has been the victim of a crime?

Juror #s _____

37. Has anyone ever been charged with or convicted of a crime? (Speeding. Traffic, Other)

Juror #s _____

38. In considering the testimony of any witness, you may take into account his ability and opportunity to observe, his age, his memory, his manner while testifying, any interest, bias, or prejudice he may have, and the reasonableness of his testimony considered in the light of all the evidence in the case. Does anyone have an opinion regarding the believability of a witness based solely on their station in life, such as a police officer, priest, homeless person, nationality, e.g?

Juror #s _____

39. Does anyone have any moral, political, religious or other views which make you reluctant to sit as a juror or in judgment of another?

Juror #s _____

40. Is there any rule of law that you are unable to follow?

Juror #s _____

41. Will you promise to wait until the whole trial is over before deciding the case?

Juror #s _____

42. As a juror you will gauge the believability of the witnesses. Do you understand that just because someone swears to tell the truth, you as a juror will have to determine the degree to which you believe them?

Juror #s _____

43. Is there any reason why you believe that you could not be a fair and impartial juror in this case?

Juror #s _____

ZEHR IS NEXT

DIVIDER

DO NOT READ ALOUD

The Zehr Checklist is next.

S.Ct. Rule 431(b) - The court shall ask each potential juror, individually or in a group, whether that juror understands and accepts the following principles:

A safe practice is to pose each question to the entire venire. Then ask each juror, by juror number, to respond individually.

At the conclusion, state “Let the record reflect that each juror has indicated that all of the principles are understood and accepted.”

**ZEHR QUESTIONS
EACH JUROR SHOULD RESPOND INDIVIDUALLY**

1. Do you understand and accept that the Defendant is presumed to be innocent?

2. Do you understand and accept that the Defendant is not required to offer any evidence in his own behalf?

3. Do you understand and accept that the Defendant cannot be convicted unless proved guilty beyond a reasonable doubt?

4. Do you understand and accept that should the Defendant choose not to testify in his/her own behalf, that decision can not be held against the Defendant? **(Unless Defendant Objects)**

Let the record reflect that each juror has indicated that all of the principles are understood and accepted.

DIVIDER

DO NOT READ ALOUD

SEQUENCE

The State questions Jury panel #1 first.

The Defense questions Jury Panel #1 second.

After each party has questioned the 1st panel, the Court and the attorneys should discuss peremptory challenges and challenges for cause out of the presence of the jury.

The Court may reverse the questioning sequence and have the defense question alternate panels first.

DIVIDER

JURY SELECTION COMPLETED

1. Pick the alternates
2. After the jury is selected, swear them in.
3. Tell jury opening statements are next; then evidence from witnesses; closing arguments; jury instructions; deliberation.
4. Let jury know breaks will be taken and about drinks in the courtroom.
5. Give 1.01A instruction.
6. Admonish Jury regarding Note-Taking.
7. State Gives Opening Statement
8. Defendant Gives Opening Statement

DIVIDER

I .P.I. 1.01A - ADMONITIONS AT BREAKS

The Committee strongly encourages judges to remind the jurors before breaks an. at the beginning and end of each day of trial that:

Jurors are prohibited from:

1. Researching the case on the Internet.
2. Viewing any location relevant to the trial by electronic means or visiting the site in person.
3. Communicating about the case by any means, including , but not limited to, social media.

DIVIDER

1.01A

Preliminary Cautionary Instructions Before Opening Statements

[1] Members of the jury, the trial is about to commence, and I now will instruct you as to the law regarding some of your duties during trial and deliberations.

[2] You should not do any independent investigation or research on any subject or person relating to the case. What you may have seen or heard outside the courtroom is not evidence.

This includes any press, radio, or television programs and it also includes any information available on the Internet. Such programs, reports, and information are not evidence and your verdict must not be influenced in any way by such material.

[3] For example, you must not use the Internet, including Google or Wikipedia, or any other sources that you might otherwise use, to search for any information about the case, or the law which applies to the case, or the people involved in the case, including the defendant, witnesses, lawyers, and judge.

[4] During the course of the trial, do not communicate with, provide information personally, in writing, or electronically to anyone about this case — not even your own families or friends, courtroom personnel, and also not even among yourselves until instructed otherwise.

[5] You must not provide any information about the case to anyone by any means at all, and this includes posting information about the case, or your thoughts about it, on any device or Internet site, including blogs, chat rooms or any social networking websites, such as Twitter, Facebook, or any other means.

[6] You cannot use any electronic devices or services to communicate about this case, including cellphones, smartphones laptops, the Internet and any other tools of technology. The use of any such devices or services in connection with your duties is prohibited.

[7] Lawyers, parties, and witnesses are not permitted to speak with you about any subject, even if unrelated to this case, until after the case is over and you are discharged from your duties as jurors.

Committee Note

Read this Instruction prior to opening statements. Submit this Instruction in writing along with the other instructions at the end of the trial.

PRE-OPENING STATEMENTS

The law that applies to this case will be stated at the conclusion of the testimony. Additionally, at that time you will be provided with written instructions.

It is your duty to determine the facts and to determine them only from the evidence in this case. You are to apply the law to the facts and in this way decide the case.

Neither sympathy nor prejudice should influence you.

From time to time it will be the duty of the court to rule on the admissibility of evidence. You should not concern yourselves with the reasons for these rulings.

You should disregard questions and exhibits which are withdrawn or to which objections are sustained.

You should disregard testimony and exhibits which the court refuses or strikes.

The evidence which you should consider consists only of the testimony of the witnesses and the exhibits which the court receives.

You should consider all the evidence in the light of your own observations and experience in life.

Only you are the judges of the believability of the witnesses and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may take into account his ability and opportunity to observe, his memory, his manner while testifying, any interest, bias, or prejudice he may have, and the reasonableness of his testimony considered in the light of all the evidence in the case.

Neither by these instructions nor by any ruling or remark which I have made, or will make, do I mean to indicate any opinion as to the facts or as to what your verdict should be.

Be aware that Opening statements are made by the attorneys to acquaint you with the facts they expect to prove. Opening Statements are not evidence, and any statement made by the attorneys which is not based on the evidence should be disregarded.

Faithful performance by you of your duties as jurors is vital to the administration of justice.

NOTE-TAKING

You may take notes during the course of the trial. Your notes are confidential and for your own personal use.

You should not become so intent on taking notes that you fail to observe the demeanor of the witnesses or fail to hear the testimony of the witnesses.

Your note pads will be collected by the deputy each day. At the end of the trial the notepads will be destroyed.

No one will be able to look at your notes before they are destroyed.

1.01B IMPLICIT BIAS

[1] We all have feelings, assumptions, perceptions, fears, and stereotypes about others. Some biases we are aware of and others we might not be fully aware of, which is why they are called "implicit biases" or "unconscious biases."

[2] Our biases often affect how we act, favorably or unfavorably, toward someone. Bias can affect our thoughts, how we remember, what we see and hear, whom we believe or disbelieve, and how we make important decisions.

[3] As jurors you are being asked to make very important decisions in this case. You must resist jumping to conclusions based on personal likes or dislikes. You must not let bias, prejudice, or public opinion influence your decision.

[4] You must not be biased in favor of or against any person because of his or her race, ethnicity, national ancestry, religion, gender, sexual orientation, age, disability, or socioeconomic status.

[5] Your verdict must be based solely on the evidence presented.

Committee Note: This Instruction should be read prior to jury selection and prior to opening statements.

DIVIDER

1. State Gives Opening Statement

2. Defendant Gives Opening Statement

3. State Calls their Witnesses

DIVIDER

MOTION FOR A DIRECTED VERDICT AT THE CLOSE OF THE STATE'S CASE

A Motion for a Directed Verdict asks whether the State's evidence could support a finding of guilty beyond a reasonable doubt, not whether the evidence does in fact support that finding.

The motion requires the trial court to consider only whether a reasonable mind could fairly conclude the guilt of the accused beyond a reasonable doubt, considering the evidence most strongly in the People's favor.

I find that a reasonable mind COULD fairly conclude the guilt of the defendant beyond a reasonable doubt.

Therefore, the Defendant's Motion for a Directed Verdict is denied.

MOTION FOR A DIRECTED VERDICT AT THE CLOSE OF ALL THE EVIDENCE

The Court finds that, considering all of the evidence presented, a reasonable mind COULD fairly conclude the guilt of the defendant beyond a reasonable doubt, and that the evidence presented is NOT insufficient to support a verdict of guilty.

[When, at the close of the State's evidence or at the close of all of the evidence, the evidence is insufficient to support a finding or verdict of guilty the court may and on motion of the defendant shall make a finding or direct the jury to return a verdict of not guilty, enter a judgment of acquittal and discharge the defendant. 725 1LCS 5/1 15--4(k)]

DIVIDER

CONCLUSION

1. Jury Instruction review.
2. Review which exhibits will be provided to the jury
3. Closing Arguments
 - A. State
 - B. Defendant
 - C. State Rebuttal
4. Read Jury Instructions
5. Swear in Deputy
6. Keep Alternate in Court. Get Phone Number.
7. Sign Jury Certificates
8. Review verdicts - only one signed for each count.
9. Have Clerk read verdict
10. Ask if any Motions (Possible Polling of Jurors)
11. "Judgment is hereby entered upon the verdict of the jury."
12. Read the "Thank you" speech to jurors & excuse them.
13. Ask if any Motions (Possible Motion to Revoke Bond)
14. (Call Alternates with trial result)
15. Appeal Rights if sentenced instanter (misdemeanor)

DIVIDER

THE DEADLOCKED JURY

When the jury indicates that it cannot reach a verdict, the court should consider if and when to declare a mistrial for those offenses that the jury could not reach a verdict.

Put on the record how long the jury had been deliberating. Do NOT ask the numerical division of the jury.

After consulting with the Prosecutor and the Defense, the judge should read the Prim instruction to the jury: (See the following page)

After reading the Prim instruction, the jury should be sent back to deliberate.

If after another attempt to deliberate, the jury cannot reach a verdict, the Court should declare a “mistrial in the manifest interest of justice” for those offenses that the jury was unable to reach a verdict. If the jury was able to reach a verdict on SOME of the charges, judgment should be entered upon those charges in accordance with the verdict(s).

PRIM INSTRUCTION

I.P.I. 26.07

The verdict must represent the considered judgment of each juror.

In order to return a verdict it is necessary that each juror agree thereto. Your verdict must be unanimous.

It is your duty as jurors to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment.

Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors.

In the course of your deliberations, do not hesitate to re-examine your own views and change your opinion if convinced it is erroneous; but do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

You are not partisans.

You are judges, judges of the facts.

Your sole interest is to ascertain the truth from the evidence in the case.

People v. Prim (1972), 53 Ill.2d 62, 75-76, 289 N.E.2d 601, cert. denied (1973), 412 U.S. 918, 93 S.Ct. 2731, 37 L.Ed. 144.

People v. Cowan, 105 Ill. 2d 324, 327, 473 N.E.2d 1307, 1308 (1985)

CASE LAW

A trial court has broad discretion in ruling upon a motion for mistrial. The court's judgment will not be disturbed unless this discretion is shown to be clearly abused, even though the jury had earlier indicated it was hopelessly deadlocked. The trial court is not required to accept a jury's assessment of its own ability to reach a verdict or to declare a mistrial merely because the jurors have not been able to come to a unanimous verdict immediately. In determining how long a jury should be permitted to deliberate before a mistrial is declared and the jury is discharged, no fixed time can be prescribed, and great latitude must be accorded to the trial court in the exercise of its informed discretion. There is no mechanical formula that can be applied because a trial court's ruling on a motion for mistrial is grounded in the unique facts of the particular case in which the ruling was made. People v. Willmer, 396 Ill. App. 3d 175, 180, 919 N.E.2d 1035 (2009)

Our supreme court has cited, at minimum, six relevant factors in reviewing whether a trial court has acted within its discretion in deciding whether to declare a mistrial on the basis of a jury deadlock: “(1) statements from the jury that it cannot agree, (2) the length of the deliberations, (3) the length of the trial, (4) the complexity of the issues, (5) the jury’s communications to the judge, and (6) the potentially prejudicial impact of continued forced deliberations.” (holding trial court did not abuse its discretion by declaring mistrial where juror statements supported determination that further deliberations would have been futile). “The jury's own statement that it is unable to reach a verdict has been repeatedly considered the most important factor in determining whether a trial court abused its discretion in declaring a mistrial.” A jury impasse is more significant when the case is short and less complicated. (noting the “relatively short trial, which primarily involved two days of witness testimony and videotaped statements and one defendant” and the uncomplicated nature of the case. People v. Richardson, 2022 IL App (2d) 210316

“The trial court has broad discretion when responding to a jury that claims to be deadlocked, although any response should be clear, simple, and not coercive.” People v. McLaurin, 235 Ill. 2d 478, 491 (2009).

A trial court's comments are considered coercive if the comments convey to the jurors that they must arrive at a verdict and do not leave open the option of returning no verdict if they are unable to reach a consensus. People v. Wilcox, 407 Ill. App. 3d 151, 164-65 (2010).

The law has invested Courts of justice with the authority to discharge a jury from giving any verdict, whenever, in their opinion, taking all the circumstances into consideration, there is a manifest necessity for the act [] or the ends of public justice would otherwise be defeated.” Illinois v. Somerville, 410 U.S. 458, 461, 93 S.Ct. 1066, 1069, 35 L.Ed.2d 425, 429 (1973).

We do not think a court errs in discharging a jury when it is apparent it is hopelessly deadlocked. In the case of People v. DeFrates, 395 Ill. 439, 70 N.E.2d 59

When “manifest necessity” justified the discharge of juries unable to reach verdicts, the Double Jeopardy Clause did not bar retrial. Illinois v. Somerville, 410 U.S. 458, 463, 93 S. Ct. 1066, 1070, 35 L. Ed. 2d 425 (1973)

It may be improper for a court to issue supplemental instructions urging deadlocked jurors to reach a unanimous verdict after the court becomes aware that a majority of jurors favor conviction. This rule of law arises from the possibility that a supplemental jury instruction given to a deadlocked jury may have a coercive effect upon jurors in the minority, particularly where those jurors might feel that the judge agrees with the majority. However, where the trial court receives an *unsolicited* statement regarding the numerical division of the jurors, an order instructing the jury to continue its deliberations does not constitute error. People v. Watkins, 293 Ill. App. 3d 496, 688 N.E.2d 798 (1997)

This court adheres to the position that it is error for the trial court to inquire into the numerical division of a jury. However, this court also adheres to the position that such error is not reversible per se, and unless defendant can show that the inquiry into numerical division interfered with the deliberations of the jury to the prejudice of defendant or hastened the verdict, such error is not reversible. People v. Sanchez, 96 Ill. App. 3d 774, 778, 422 N.E.2d 58, 61 (1981)

Actions of the trial court in repeatedly calling the jury into open court, asking the numerical division of the jury, and ordering them to continue deliberations after the court became aware that the majority of the jurors was in favor of a verdict of guilty and after the foreman indicated that he did not know whether further deliberations would help operated to coerce the minority into returning a verdict of guilty and, as such, was reversible error. People v. Santiago, 108 Ill. App. 3d 787, 439 N.E.2d 984 (1982).

DIVIDER

JURY “THANK YOU” SPEECH

Ladies and gentlemen of the jury, this concludes your service as jurors in this case. On behalf of the entire justice system, I want to thank you for your dedication and judgment. Our system is dependent upon your response to our call. Thank you for undertaking this public trust, and for discharging it so well.

I appreciate your service here. I would like to give you each a certificate to commemorate that service. Thank you again. You are formally discharged.

(Hand out certificates)

DIVIDER

MISDEMEANOR SENTENCING

I have considered all the evidence presented, arguments of counsel, (the statement of the Defendant) applicable case and statutory law, and the relevant portions of the Illinois Criminal Code, including Factors in Aggravation and Factors in Mitigation. I have also considered the weight and quality of the evidence presented. I have considered the circumstances of the offense, the history, character and condition of the defendant. I have considered the likelihood that the defendant will commit further crimes, how the defendant and the public would best be served, the interests of justice.

THE COURT SENTENCES THE DEFENDANT AS FOLLOW

- _____ Days jail.
- _____ Day for day credit to apply
- _____ Days credit for time served
- _____ Years Probation
- _____ Years Conditional Discharge
- _____ Years Court Supervision
- _____ No contact with _____
- _____ Days SWAP
- _____ Public Service Work
- _____ Fine + Court Costs
- _____ Counseling per evaluation

HISTORY

\$10 Fine for Domestic Violence Shelter fund per 730 ILCS 5/5-9-1.6

\$200 Domestic Violence Assessment per 730 ILCS 5/5-9-1.5

\$20 Assess. for Viol. of an Order of Prot. per 730 ILCS 5/5-9-1.11

\$200 Protective Order Violation Fee per 730 ILCS 5/5-9-1.16

DOMESTIC BATTERY FIREARM ADMONITION

(d) Upon conviction of domestic battery, the court shall advise the defendant orally or in writing, substantially as follows:

“An individual convicted of domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968”

A notation shall be made in the court file that the admonition was given.

720 Ill. Comp. Stat. Ann. 5/12-3.2

DIVIDER

APPEAL - FOLLOWING TRIAL

Your right to appeal the judgment of conviction, excluding the sentence imposed, will be preserved only if a notice of appeal is filed in this court within thirty (30) days from the date on which sentence is imposed.

Prior to taking an appeal, if you seek to challenge the correctness of the sentence, or any aspect of the sentencing hearing, you must file in the trial court within 30 days of the date on which sentence is imposed a written motion asking to have the trial court reconsider the sentence imposed, - or consider any challenges to the sentencing hearing, - setting forth in the motion all issues or claims of error regarding the sentence imposed or the sentencing hearing.

Any issue or claim of error regarding the sentence imposed or any aspect of the sentencing hearing not raised in the written motion shall be deemed waived.

In order to preserve the right to appeal following the disposition of the motion to reconsider sentence, - or any challenges regarding the sentencing hearing, - you must file a notice of appeal in the trial court within 30 days from the entry of the order disposing of your motion to reconsider sentence or order disposing of any challenges to the sentencing hearing

You have the right to request the clerk to prepare and file a notice of appeal, and the right, if indigent, to be furnished without cost, with a transcript of the proceedings at the trial or hearing. You also have the right to have counsel appointed on appeal.

DIVIDER

DETENTION OF DEFENDANT

§ 110-6.2. Post-conviction Detention.

(a) The court may order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence be held without release unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released under Sections 110-5 and 110-10 of this Act.

(b) The court may order that person who has been found guilty of an offense and sentenced to a term of imprisonment be held without release unless the court finds by clear and convincing evidence that:

(1) the person is not likely to flee or pose a danger to the safety of any other person or the community if released pending appeal; and

(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

725 ILCS 5/110-6