

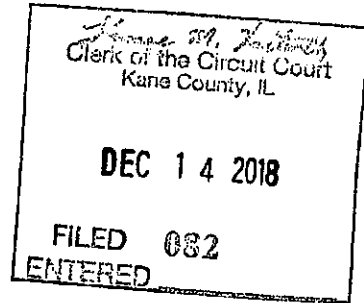
**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT**  
**GENERAL ORDER 18-20**  
*effective 12/14/18*

18MR1

~~18MR2~~

AMENDING LOCAL COURT RULES )

CRIMINAL PROCEEDINGS: )  
CONSOLIDATION OF OFFENSES )  
)  
)



**WHEREAS**, by a majority vote of the Sixteenth Judicial Circuit Court Judges, the current version of Article 19.02, Criminal Proceedings: Consolidation of Offenses, has been updated.

**IT IS HEREBY ORDERED** that the attached Article 19.02 of the Local Court Rules titled Consolidation of Offenses, is adopted in and for the Sixteenth Judicial Circuit, effective December 14, 2018, and amends and supersedes the prior version of Article 19.

Entered this 14<sup>th</sup> day of December, 2018

Susan Clancy Boles, Chief Judge

## Kane County Local Rules

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### V. CRIMINAL PROCEEDINGS

#### ARTICLE 19. GENERAL

##### 19.00 APPLICABILITY OF RULES

- (a) Except where clearly indicated otherwise, the rules contained in this Article 19 shall be applicable to all cases assigned to the Criminal and Traffic Courts.
- (b) Rules contained in this Article shall be read in conjunction with applicable rules contained in this and other Articles, Illinois Compiled Statutes, and the Illinois Supreme Court Rules, and where conflicts exist, the Illinois Supreme Court Rules and the Illinois Compiled Statutes shall control.

##### 19.01 COURTROOMS, CASE AND TRIAL CALL ASSIGNMENTS

- (a) Courtroom designations within the Criminal and Traffic Courts shall be regulated by General Order issued by the Chief Judge.
- (b) Felonies are to be assigned by the Circuit Clerk's computer random assignment system among the designated felony courtrooms. The Chief Judge or designee shall retain the authority to directly assign a case, certain cases or class of cases to any court room outside of the random assignment where warranted for reasons of justice, efficiency or other circumstances.
- (c) A case shall be considered as being placed upon the trial call of a Judge the date of the defendant's first appearance, before the assigned Judge whether that appearance is in open court or by video.

##### 19.02 CONSOLIDATION OF OFFENSES

- (a) When more than one (1) felony case is filed against the same defendant, all such cases shall be assigned to the Judge to whom the earliest filed of all the cases was assigned, unless specifically exempted by order of the Chief Judge.
    - (1) For purposes of determining the earliest filed case, only pre-judgment felony cases shall be considered.
    - (2) If the granting of a motion for substitution of Judges as a matter of right causes fewer than all of the felony cases pending against a defendant to be transferred to a different Judge, the unaffected case or cases shall remain on the docket of the substituted Judge. This rule is limited by 725 ILCS 5/114-5 (b) which addresses the rights of all co-defendants when one of the co-defendants is granted an automatic or ten (10) day substitution.
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- (b) Cases of co-defendants charged with acting together to commit a felony shall be assigned to the Judge to whom the lowest numbered case of the co-defendant's is assigned. If a co-defendant has an unrelated prejudgment felony case, that unrelated case shall be assigned to the judge holding all of the co-defendant's cases. All pending files of all co-defendants should be in one courtroom.
  
  - (c) If a motion for joinder is filed involving defendants whose cases are pending before different Judges, the motion shall be heard by the Judge to whom the lowest numbered case is assigned.
  
  - (d) If a co-defendant's motion for substitution of Judge results in reassignment, the remaining co-defendants' cases shall not follow unless a motion for joinder is granted.
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