SIXTEENTH JUDICIAL CIRCUIT

SUPPLEMENTAL ADMINISTRATIVE ORDER

-- MISDEMEANOR/TRAFFIC DIVISION --

Effective April 5, 2021

IN THE MATTER OF COVID-19)
MISDEMEANOR/TRAFFIC COURTROOM)
AND TRIAL PROCEDURES)

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WHEREAS, the Coronavirus pandemic is ongoing and in order to protect the health and safety of the general public, circuit court judges and circuit court employees, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority; and

WHEREAS, the Supreme Court of Illinois entered Order M.R. 30370 on May 20, 2020, authorizing each Circuit Court to return to hearing court matters, whether in person or remotely, according to the schedule to be adopted for each county by the Chief Judge of each Circuit. The Order recommends that Circuit Courts shall continue, to the extent possible, to allow for appropriate social distancing; and

WHEREAS, it is in the best interests of all of the above-named parties and individuals to limit the number of people in the Kane County Judicial Center and the Branch Courts to as few as needed to accomplish critical tasks; and

WHEREAS, the Presiding Judge of the MISDEMEANOR & TRAFFIC Division and the Chief Judge of the Sixteenth Judicial Circuit have determined that additional temporary restrictions are necessary at this time,

IT IS HEREBY ORDERED that the following temporary procedures will apply to all cases assigned to the MISDEMEANOR & TRAFFIC Division:

- 1. All 12-person jury trials in Driving Under the Influence (DUI) CR203 are suspended until further notice, and will recommence at the respective Judge's discretion when it is determined that they can be heard within the respective courtroom while meeting all social distancing requirements. All served subpoenas will be continued to the next trial date at the request of the parties;
- 2. 12-person jury trials in Domestic Violence (DV) CR209 shall be scheduled at the Judge's discretion pending availability of CR201 to conduct said trials and adherence to all existing social distancing guidelines.
- 3. 6-person trials (DUI CR203/DV CR209) may be scheduled at the respective Judge's discretion.
- 4. All appearances by attorneys and litigants at the Kane County Judicial Center (KCJC) including DUI CR203/DV CR209) shall occur remotely unless specially set by

the respective Judge. In-person appearances by attorneys and litigants (DUI CR203/DV CR209) are to occur by special setting only until further notice.

- 5. All appearances by attorneys and litigants at the Aurora Branch Court (ABC), Kane Branch Court (KBC) and Elgin Branch Court (EBC) shall be in person (abiding by all social distancing guidelines) OR remote (Zoom), with a preference for remote attendance.
- 6. Trials and evidentiary motions may be heard remotely or in person at the discretion of the Defendant and scheduled by the respective Judge. If an evidentiary matter is to proceed remotely, the Defendant must complete a Waiver of In-Court Proceedings or be present when the matter is scheduled so there may be a waiver of the Defendant's presence on the record. At the discretion of the Presiding Judge, such trials may take place in person as currently set. The number of such trials and how they will be conducted (e.g. witnesses appearing via Zoom) shall be determined by each MISDEMEANOR &TRAFFIC trial judge according the health and safety concerns for each particular courtroom location; Defense counsel shall communicate with the respective Assistant State's Attorney as to the remote or in person nature of the Defendant and scheduled witnesses.
- 7. Judges will be available to hear emergency matters as required. Emergency matters must be approved for scheduling by the Presiding Judge after consultation with the trial judge. All parties may submit their request to schedule an emergency matter to the Circuit Clerk's Office at CICCriminalRemoteOrders@co.kane.il.us, and must set forth the emergency in detail. The assigned judge will respond after consulting with the presiding judge.
- 8. Upon determination that safety restrictions are relaxed, the above protocol may be modified.
- 9. To the extent that they do not conflict with this Supplemental Order, the terms of all prior Criminal Jury Trial Administrative Orders and Misdemeanor/Traffic Division Orders, remain in full force and effect.

Entered this 17th day of March, 2021

Cruz, Rene

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Honorable René Cruz

Presiding Judge, Misdemeanor & Traffic Division