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SIXTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER

FELONY DIVISION

Effective April 5, 2021

Attest: 17th Day of Mar 20 21

Theresa E. Barreiro

Circuit Court Clerk, Kane County, Illinois

By: Theresa Barreiro #117 Deputy Clerk

Theresa E. Barreiro Clerk of the Circuit Court Kane County, IL

MAR 17 2021

FILED 107

ENTERED

IN THE MATTER OF COVID-19 )
AMENDED FELONY COURTROOM )
AND TRIAL PROCEDURES )

WHEREAS, the Coronavirus pandemic is ongoing and confirmed cases are increasing in number, 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

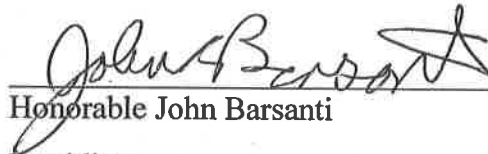
WHEREAS, it is in the best interests of all of the above-named parties and individuals to limit the number of people in the Kane County Judicial Center and in each of the individual courtrooms to as few as needed to accomplish critical tasks.

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

- 1. All felony jury trials will proceed under the protocol described on the previous Administrative Order dated June 29, 2020. Said felony jury trials will continue until further Administrative Order.
2. Felony court calls will be divided into morning and afternoon sessions. Morning sessions from 9:00 a.m. - 12:00 p.m.; afternoon sessions from 1:30 p.m. - 4:30 p.m.
3. Every morning session in every felony courtroom will be fully remote.
4. Every afternoon session shall be live in the respectful courtrooms.
5. All afternoon live sessions will be conducted with an open "OWL Conference System" to utilize its remote capabilities to allow greater access.
6. Live courtroom hearings during a remote session are discouraged. If necessary, they must be scheduled by the presiding judge and the assigned courtroom judge.

7. The defendant may waive his/her right to a twelve-person jury and be tried by a six-person jury. Said waiver will be taken by the assigned courtroom judge.
8. Bench trials and evidentiary hearings may be heard remotely or in person at the discretion of the defendant and as 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 are currently set. The number of such trials and how they will be conducted (e.g. witnesses appearing via Zoom) shall be determined by each felony trial judge according to the health and safety concerns for each particular courtroom location; defense counsel shall communicate with the assigned Assistant State's Attorney as to the remote or in-person nature of the defendant and scheduled witnesses.
9. To the extent that they do not conflict with this Supplemental Order, the terms of the Administrative Order effective June 8, 2020, remain in full force and effect.

Entered this 17th day of March, 2021

  
Honorable John Barsanti  
Presiding Judge, Felony Division