STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT COUNTY OF WAR

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| PEOPLE OF THE STATE OF ILLINOIS,) | | | 15 |
|) | Case No(s).: | | |
| vs. | | | Mil. |
|) | | | |
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| Defendant. | | | |

FELONY CRIMINAL DISCOVERY AND CASE MANAGEMENT ORDER

Pursuant to 725 ILCS 5/114-13 and to Illinois Supreme Court Rules 412(a)-(c) and 413(c) & (d), the Court **ORDERS** as follows:

- 1. Defendant's written motion(s) for discovery before trial filed on or before the entry of this Order is/are heard and GRANTED to the extent that the defendant's motion(s) request the disclosure of the specific material and information required to be produced pursuant to Rule 412(a)-(c) and in accordance with Rule 412(a)-(c). In the absence of specific objections raised by the State in a written response or motion pursuant to Rule 412(I), the State is ORDERED to turn over all discovery materials specifically identified by Defendant in his/her written motion(s) to defense counsel (subject to the terms of any Protective Order(s) entered pursuant to Rule 415(c), and excluding Matters Not Subject to Disclosure pursuant to Rule 412(j)) as soon as practicable following the following the filing of Defendant's written motion (Rule 412(d)), and shall endeavor in good faith to affirmatively obtain provide initial and supplemental disclosures at the each subsequent court appearance until all of the State's required discovery obligations have been met.
- 2. The State's Motion for Disclosure to the Prosecution is also heard and GRANTED. Subject to constitutional or other specific objections raised by Defendant in a written response or in a written motion, Defendant, through counsel, is ORDERED to provide the State with the information requested in the State's motion for disclosure and with information otherwise discoverable pursuant to Illinois Supreme Court Rule 413(c) and 413(d) at the next court appearance following: (a) receipt of discoverable written, photographic or digital materials; and/or (b) obtaining specific knowledge of actual or potential witnesses or of actual or potential defenses.
- In addition to granting the written motions by the Defendant and the State, the Court presumes a request by Defendant to the State for discovery and disclosure of relevant and/or material evidence pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972), and ORDERS the State to disclose to Defendant all evidence material to guilt or innocence, punishment or which may be used to impeach any witness. The State is further **ORDERED** to determine "materiality" consistent with its obligations pursuant to Kyles v. Whitley, 514 U.S. 419, 437 (1995). See also 725 ILCS 5/114-13; People v. Beaman, 229 Ill. 2d 56, 73 (2008).

- 4. Absent good cause shown by an on-the-record proffer or in a written motion, the State and the Defendant are each **ORDERED** to fully respond to the opposing party's requests for discovery within sixty (60) days of the entry of this Order.
- 5. Absent good cause shown, the State and the Defendant are **ORDERED** to report to the Court whether the case(s) pending against the Defendant are ready to be set for hearing, plea or trial **no later than ninety (90) days** following the entry of this Order.
- or all appropriate pre-trial motions authorized by 725 ILCS 5/114-1, et seq. as soon as practicable following arraignment and receipt of initial discovery and before the case is placed on the Court's trial call. Absent good cause shown by an on-the-record proffer of defense counsel or by a written motion for an extension, this Court finds ninety (90) days following arraignment to be a "reasonable time" for the filing of pre-trial motions authorized by 725 ILCS 5/114-1, et seq. See, e.g. 725 ILCS 5/114-1(b). Defense counsel and the defendant shall be responsible for promptly notifying the Court of the filing of, and promptly obtaining a hearing date and a ruling on, any Section 5/114 pre-trial motions prior requesting a jury or bench trial setting. All pre-trial motions shall strictly comply with Paragraphs 1 & 2 of this Court's Standing Order No. 3 are subject to being stricken. The Court may deem withdrawn any filed pre-trial motions on which a hearing date is not promptly sought and obtained.

On written motion of the State or of the Defendant, or on its own motion, the Court may impose an appropriate sanction for the violation of either party's discovery obligations pursuant applicable Illinois statutes, Supreme Court Rules, this Order or in the exercise of a trial court's contempt authority and/or its inherent authority to manage its docket.

SOORDERED

| | SO ORDERED. |
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| Entered: | |
| | JUDGE OF THE CIRCUIT COURT |

¹ The Court's Standing Orders are available electronically on the Judicial Circuit's web site (www.illinois at the "About Us / Judges of the Circuit" tab.