

MINUTES OF THE MEETING OF SUBCOMMITTEE 3
TRIAL COURT PROCEEDINGS

November 8, 2005

Meeting held at the offices of Illinois Criminal Justice Information Authority, 120 Riverside Plaza, Chicago, Illinois.

Handouts: 17-page Memorandum from Stephen L. Richards, Deputy Defender,

Office of the State Appellate Defender discussing role and statistics at trial level

Sample Motion and Order Appointing State's Attorneys Appellate Prosecutor for trial.

Present: Jeffrey Howard, Richard Schwind, Randolph Stone, Ed Parkinson, Leigh Beinen, chip Coldren, Stephen Richards, and two students from the University of Chicago Law School - Ani Sheth and Annette Moore.

The meeting was called to order by Subcommittee Chairman Howard at 2:05 p.m.

Richard Schwind, Assistant Attorney General, summarized and described the role of the Attorney General in assisting State's Attorneys throughout the State of Illinois in trials of murder cases, as well as assistance in any type of criminal trial. He gave a historical review of the role and how it has evolved. All assistant attorneys general are qualified as members of the Capital Litigation Trial Bar. He estimates that about 40 assistants are on the list, but that in actuality, there are approximately 12 who regularly do capital cases. The AG's office utilizes the "team concept" in that there are always two assistants assigned to try a capital case. Most of their recent trials are in the northern, or collar counties, but they had assisted in southern Illinois capital trials also. The attorneys in his office participate in ongoing training for capital litigation, and receive at least every two years a total of 12 hours (two days), of training at seminars hosted by the State's Attorneys Appellate Prosecutor. Rick is a lecturer and trainer at such seminars. Rick will bring with him at the next meeting of the entire committee a DVD produced by hsi office for police officers entitled "Electronic Recording of Homicide Interrogations."

Next, Stephen Richards, Deputy Defender of the Office of the State Appellate Defender, described the different divisions of his office. He advised that they have three office locations, Chicago, Springfield and Belleville. He stated that there are 7 certified capital litigation attorneys in the office. He presented a handout describing the role and statistical data of his office in assisting in death penalty trials since the new reforms became law. They do not assist privately retained counsel in death penalty trials. Mr. Richards stated that his office has assisted in 101 capital trials since January 1, 2001. His office has sponsored ongoing training for defense attorneys who are or

wish to become members of the Capital Litigation Defense Trial Bar. He pointed out that a large part of the growing assistance lended to the defendants charged with capital murder is in the form of investigators and mitigators, who are employed on a full-time basis by his office. These mitigators are called "Forensic Social Historians" and their role is to make diagnoses of defendants and to interview the families of the defendants for mitigation evidence in the penalty phase of capital trials.

chip coldren talked about the research aspect of the committee's charge and stated that he feels that there is an education responsibility as well as an impact component that ought to be pursued by the committee as a whole. He offered that there should be an annual survey of the professions involved in the capital litigation process, perhaps focus groups or at least some surveying in the form of "deliberative polling" of the people involved in the process itself. He wants to look at case studies of specific trials that have offurred since the changes have been enacted, to track the dissemination of changes through committee; e.g., what are the prosecutors' responses to the changes in individual cases? Did the changes make a difference in the presentation of the case? How do they feel about the changes.

Next, Ed parkinson discussed the role of the State's Attorneys Appellate Prosecutor in assisting State's Attorneys upon request in capital trials. he pointed out that in downstate, rural counties where resources are limited, his office is often called upon to take over a capital trial, as is the office of Attorney General. His office conducts training seminars for all prosecutors who wich to become certified in capital trials.

Leigh Beinen requested each of the presenters at the subcommittee meeting if they could provide statistics on the number of cases from all jurisdictions that have qualififed as possible death penalty cases in 2003 and 2004. with some specificity on the natrue of the crime, existence of statutory qualifying death factos, etc. Her request was met with acceptance.

The meeting was adjourned at 3:50 p.m.