

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
CLARK COUNTY, ILLINOIS

PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
) No. 2018-CF-24
vs.)
)
RONALD W. WELLS,)
)
Defendant.)

FIRST APPEARANCE

REPORT OF PROCEEDINGS of the hearing before CIRCUIT
JUDGE TRACY W. RESCH, on February 14, 2018.

APPEARANCES:

Mr. Kyle Hutson,
State's Attorney of Clark County,
for the People of the State of Illinois.

Mr. McGrath,
Public Defender,
for the Defendant.

Sarah K. Wilhoit, CSR
CSR #084-004081
Official Court Reporter
Clark County Courthouse
Marshall, Illinois 62441

1 THE COURT: People versus Ronald W. Wells. Mr.
2 Wells, please come forward and take a seat at counsel
3 table.

4 The State has placed in front of you a two-count
5 Information. I am going to read those informations to
6 you. The State alleges in Count I that on or about
7 October 15, 2017, in Clark County, Illinois, Ronald W.
8 Wells committed the offense of Criminal Sexual Assault
9 in violation of 720 Illinois Compiled Statutes Act 5
10 Section 11-1.20(a)(3), in that the State alleges that
11 you, a family member of Jane Doe, committed an act of
12 sexual penetration with Jane Doe, a person under 18
13 years of age when the act was committed.

14 This is a Class I Felony offense. In the event
15 of conviction, it carries a penalty as follows: An
16 individual may be sentenced to incarceration in the
17 Illinois Department of Corrections for a fixed term of
18 not less than four years, nor more than 15 years and may
19 be fined an amount of up to \$25,000. In the
20 alternative, a person may be placed on probation or
21 conditional discharge for a period of up to four years.

22 Do you have any questions about the charge or the
23 range of penalties in Count I?

24 THE DEFENDANT: Well, when I was talking to

1 Jeremiah, he said that this wasn't anything about sexual
2 penetration, it was about me rubbing my dick on her
3 butt. I pulled her pants down and rubbed my penis on
4 her --

5 THE COURT: Mr. Wells, the purpose of the
6 proceedings today are to advise you of the charge,
7 advise you of the range of penalties that apply in the
8 event of conviction, to advise you of your right to
9 trial and attendant rights.

10 It is not in your best interests to be discussing
11 any matters surrounding the circumstances of the charged
12 offense. That is for you and your attorney to discuss.

13 My question to you was, do you have any questions
14 about the charge that I read? Do you understand the
15 charge that was read? That's what the State has
16 charged.

17 Do you understand the range of penalties that
18 apply under Illinois law?

19 THE DEFENDANT: One to four or four years? 20 to
20 15, what was the range?

21 THE COURT: This is a Class I Felony offense. It
22 carries a penalty in the event of conviction as follows:
23 An individual may be sentenced to incarceration in the
24 Illinois Department of Corrections for a fixed term of

1 not less than four years nor more than 15 years.

2 There is also a fine of up to \$25,000 that
3 applies in the event of conviction. In the alternative
4 to a sentence to the Department of Corrections, an
5 individual may be sentenced to probation or conditional
6 discharge for a period of up to four years.

7 That's the range of penalties for a Class I
8 Felony, and that's what's charged in Count I.

9 THE DEFENDANT: (Nodding head.)

10 THE COURT: Count II alleges that on or about
11 October 15, 2017, in Clark County, Illinois, Ronald W.
12 Wells committed the offense of Aggravated Criminal
13 Sexual Abuse, in violation of 720 Illinois Compiled
14 Statutes Act 5 Section 11-1.6(b) in that the State
15 alleges that you, a family member of Jane Doe, committed
16 an act of sexual contact with Jane Doe, a person under
17 18 years of age, when the act was committed.

18 This is a Class II Felony, and in the event of
19 conviction it carries a penalty as follows: An
20 individual may be sentenced to incarceration in the
21 Illinois Department of Corrections for a fixed term of
22 not less than three years nor more than seven years and
23 may be fined an amount of up to \$25,000. In the
24 alternative to a sentence to the Department of

1 Corrections, an individual may be sentenced to probation
2 or conditional discharge for a period of up to four
3 years.

4 Do you have any questions about what the State
5 has charged in Count II and the range of penalties that
6 apply on that charge?

7 THE DEFENDANT: I understand.

8 THE COURT: Okay. Now, you are presumed to be
9 not guilty of these charges. The State has the burden
10 of proving you guilty beyond a reasonable doubt. You
11 have a right to a jury trial at which 12 people would be
12 selected to hear your case and decide guilt or
13 innocence.

14 In order to convict an individual, a jury must
15 unanimously agree upon a guilty verdict. You and your
16 attorney have a right to participate in the selection of
17 a fair and impartial jury. You and only you can waive
18 your right to a jury trial. No one can do that for you.

19 If you choose to waive your right to a jury
20 trial, you can still elect to have a bench trial at
21 which a judge, rather than a jury, would hear your case
22 and decide guilt or innocence.

23 At a trial, whether it be a jury or bench trial,
24 you have the following rights: You have a right to see

1 witnesses testify in open court and to have those
2 witnesses questioned or cross examined through your
3 attorney. You have a right to present evidence on your
4 own behalf and to use subpoena powers to compel
5 witnesses to come into court and testify.

6 You can testify, and your testimony is evidence
7 to be considered with all the other evidence in the
8 case. You're not required to testify, however. You
9 have a constitutional right to remain silent, and if you
10 choose to exercise that right, your silence cannot be
11 used against you.

12 In other words, the trier of fact, whether it
13 might be a jury or judge, under the law, cannot draw a
14 negative or adverse inference about a person's guilt
15 because they choose not to testify and remain silent at
16 trial. That is the constitutional right of every
17 American.

18 You have a further right, and that is the right
19 to be represented by an attorney at all stages of these
20 proceedings. If a defendant cannot afford an attorney,
21 the court appoints one to represent them.

22 Do you have any questions, Mr. Wells, about your
23 right to trial or the rights that go with it?

24 THE DEFENDANT: I understand.

1 THE COURT: Now, is it your desire to employ your
2 own attorney, or do you wish to apply for the
3 appointment of a public defender?

4 THE DEFENDANT: If I get a public defender, later
5 on I could get an attorney?

6 THE COURT: You certainly can. You can at any
7 time employ an attorney to represent you.

8 THE DEFENDANT: Okay. I want a public defender
9 right now.

10 THE COURT: Okay. Mr. McGrath, I will appoint
11 you to represent Mr. Wells. This matter needs to be set
12 for preliminary hearing. When was Mr. Wells arrested?

13 MR. HUTSON: The 9th of February, Your Honor.

14 THE COURT: I would propose setting a preliminary
15 hearing on Monday, March 5 at 9:00. Hearing no
16 objection, preliminary hearing will be set on at that
17 date. Has bond been set?

18 MR. HUTSON: Yes, Your Honor, there was a warrant
19 for \$200,000, ten percent. I would ask for the added
20 bond conditions that Mr. Wells be ordered to have no
21 contact with the victim, and that if he were to post the
22 bond, that he be subject to electronic home monitoring.

23 THE COURT: Mr. McGrath, would it be desirable to
24 pass this case so you would have a chance to talk with

1 your client?

2 MR. MCGRATH: That's fine, thank you, Judge.

3 THE COURT: Okay. We'll pass this case. We'll
4 come back to this case.

5

6 (A short recess was taken.)

7

8 THE COURT: Ronald Wells, please.

9 MR. MCGRATH: Your Honor, thank you for letting
10 us have a few minutes. Mr. Wells and I spoke, he's got
11 a preliminary hearing, I think, set March 5. We talked
12 about bond. At this time we're not asking for a bond
13 motion. If we need to bring something on the 5th, we'll
14 file it by that date.

15 THE COURT: Okay. The bond then will be set in
16 the amount requested by the State, \$200,000, with the
17 conditions of no contact with the victim, and he's
18 subject to electronic home monitoring at his residence.

19 That will conclude proceedings then this morning.
20 The clerk will give you, Mr. Wells, a written notice of
21 that March 5 hearing.

22 (End of proceedings.)

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IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
CLARK COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, Sarah K. Wilhoit, CSR #084-004081, Certified
Shorthand Reporter and Official Court Reporter for the
Circuit Court of Clark County, Fifth Judicial Circuit of
Illinois, reported in machine shorthand the proceedings
had on the trial in the above-entitled cause and
transcribed the same by Computer Aided Transcription,
which I hereby certify to be a true and accurate
transcript of the proceedings had before CIRCUIT JUDGE
TRACY W. RESCH.

Official Court Reporter
Sarah K. Wilhoit