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STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY - WHEATON - ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

No.: 2022 CF 259

DANA M. DAVENPORT,

Defendant.

**RESPONSE TO INTERVENOR’S MOTION TO LIFT ORDER PROHIBITING PUBLIC
ACCESS AND TO REVISE CRIMINAL SENTENCING ORDER**

NOW COMES, the Defendant, DANA M. DAVENPORT, by and through his attorneys, EKL, WILLIAMS & PROVENZALE, LLC, and in response to Intervenor’s Motion, states as follows:

Defendant, Dana M. Davenport (hereinafter “Davenport”) pleaded guilty to count 2, driving under the influence of alcohol (hereinafter “DUI”), a Class A misdemeanor, on October 24, 2022. The remaining counts were dismissed. Davenport was placed on a period of 12 months of Court Supervision with a final return date being October 23, 2023. One condition the order of Court Supervision was that the evidence was to be destroyed in 45 days if no other motions are pending. On March 9, 2022, this Court had previously entered an order barring the DuPage County State’s Attorneys Office and Naperville Police Department from disseminating any public records, including police reports under the Freedom of Information Act (hereinafter “FOIA”) citing the Davenport’s right to a fair trial before an impartial jury, until further order of

court. Following Davenport's plea, Intervenor filed their motion.

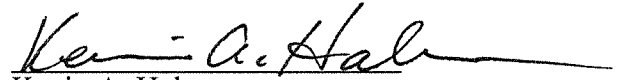
Intervenor is incorrect when it states that there is no reason to continue the order that was entered on March 9, 2022. While Davenport has entered a plea of guilty to the charge of DUI on October 24, 2022, her case remains pending before this Court at least until October 23, 2023, absent the filing of a petition to revoke her sentence. In essence, the case remains pending while Davenport remains on court supervision.

An order of Court Supervision is not a final order of the court. "When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period. 730 ILCS 5/5-6-3.1(a) (West 2021). "An order imposing court supervision does not terminate a criminal case on the merits but defers the judgment until the period of supervision has ended." People v. Rozborski, 323 Ill. App. 3d, 215, 220, 751 N.E.2d 644 (2nd Dist. 2001). "When a defendant is placed on supervision, judgment on the charges and all further proceedings are deferred until the period of supervision concludes. People v. Bloomberg, 378 Ill. App. 3d 686, 690,881 N.E.2d 615 (3rd Dist. 2008) citing Kirwin v. Welch, 133 Ill. 2d 163, 166, 549 N.E.2d 348 (1989). If the defendant successfully completes the term of court supervision, the defendant is discharged and a judgment dismissing the charge is entered. 730 ILCS 5/5-1-21 (West 1976)

Until the "successful completion of the order of Court Supervision, Davenport is still subject to the possibility of a conviction being entered on the charge of DUI. Until that time, her case remains pending before this Court with Davenport still subject to conviction and up to 364 days in the DuPage County Jail, the same penalties she faced when the order subject to this motion was entered on March 9, 2022.

WHEREFORE, the Defendant, Dana M. Davenport, prays that this Honorable Court deny Intervenor's Motion to Lift Order Prohibiting Public Access and to Revise Criminal Sentencing Order.

Respectfully submitted;



Kevin A. Halverson,
One of Defendant's Attorneys

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