

Office of the State's Attorney



Dated March 22, 2023.

State's Attorney's Office Status Report

In an attempt to keep the Shelby County Board informed as to the operations of the State's Attorney's office the following are general issues that the Shelby County Board should be aware.

Defendant's Sentenced to IDOC.

The current State's Attorney has completed numerous prosecutions with eight cases having been newly resolved and sentenced to the Illinois Department of Corrections (hereinafter "IDOC"). The Terms of the various sentences range case by case. It is the opinion of the State's Attorney that each incarceration is not something to be celebrated. With each person sentenced to IDOC it is a human tragedy for all involved. Thus, the State's Attorney will periodically provide the numbers of those sent to IDOC. If a board member wishes to have more information on a particular defendant, it will be provided.

The County Methamphetamine Problem.

A significant percentage of persons sentenced to IDOC in the last few weeks have had some connection to methamphetamine ("Meth") use or its sale. Moreover, a significant number of case files demonstrate possession use or distribution of meth. The State's Attorney will endeavor to consider plea bargains in meth cases where the defendant has identified person(s) distributing meth to the defendant. This consistent effort has already developed substantial investigative information. The Sheriff has also conferred with the State's Attorney concerning the Sheriff's proactive approach to the current problem and the respective offices will endeavor to develop strategies for an aggressive effort to curb the pestilence of meth in the community.

Resolution of Unique Criminal Matter

The State's Attorney was informed by the Sheriff that a woman had been apprehended and that defendant was in excess of 7 months pregnant. The Defendant previously fled while on furlough. Further, this Defendant was a repeat meth user. If the defendant went into labor in the county jail, the expenses associated with the delivery of her child would be that of Shelby County, which were not in the Sheriff's budget. Moreover, providing the legally required care for the Defendant and her unborn child was not within the capabilities of the Jail and its staff. It was no longer viable to furlough her because of the risk to her child that she would abuse Meth

and her unborn child would more likely than not be born addicted to Meth if the State's Attorney agreed to another furlough.

Because the unborn child had the right to be born without Meth in his or her system, the only resolution was to advance the defendant through the system as quickly as possible. The Defendant was sentenced to four years in the Department of Corrections ("DOC") and was transported to the women's correctional facility in Decatur, Illinois. There, the DOC has the medical staff and resources to properly care for the defendant and her soon to be born child. Provided the Defendant complies with the institutional requirements and participates in the "Mommy and Me" program at DOC, she will be released with her child and will have an opportunity at redeeming herself and hopefully become a productive member of society. This will be her last chance to become centered and focused on the best interests of her child. The DOC program ordinarily has the child stay with the mother until age 2 or until the mother is released. In this case the timing of her scheduled release after day for day credit will be about the same time. Accordingly, it is expected that upon release the Defendant and her child will start a new life together and the hope is that this will ultimately provide an adequate reason to rehabilitate herself. This resolution was seen as the just resolution given the circumstances.

Concern Over Reports of Human Bodies Buried on the Shelby County Farm Property.

During the last county board meeting, a county board member articulated and made a public record that there are bodies buried upon the county farm property. Without further information, any use of that farm property inconsistent with the Cemeteries Act (765 ILCS 835/1) (from Ch. 21, par. 15) is a violation of law. In particular, sub-section b provides in pertinent part:

(b) Any person who acts without proper legal authority and who willfully and knowingly: (1) obliterates, vandalizes, or desecrates a burial ground where skeletal remains are buried or a grave crypt, vault mausoleum or other repository of human remains... is guilty of a Class 2 felony.

Because a member of the County Board articulated that she has knowledge of the burial of human remains on the farm property, the continued use as a farm, without contrary evidence, is likely felonious and any action by the County Board to facilitate a farming operation with this knowledge would constitute the desecration of the burial ground.

I highly recommend that the Illinois State Police be contacted by the Committee that addresses the operations of the farm property to request that they perform an investigation and or a training exercise to ascertain where on the farm property any human remains exist. In the absence of an effort to definitively ascertain the location of human remains, if they exist, the public record is now clear that a member of the County Board made a representation which limits the ability for any use of the property until this matter is resolved with a definitive factual finding. To the extent that human remains are located, the property should be subdivided to carve out of the remainder of the property for proper treatment as a cemetery.

Office Furniture

The office furniture in the Assistant State's Attorney's ("ASA") office was compromised of a single metal desk and a pressboard TV cart used as a computer stand, a file cabinet used as a printer table, a small bookcase and two worn out chairs. The State's Attorney himself donated two Herman Miller workstations to the State's Attorney's office to be used in the ASA's office. The workstations provide the ability to have the computer and its screen in front of a place where the ASA sits/works. This allows the ASA to place her feet below the computer as is typical of a normal work environment. The old metal desk and TV cart were or will be re-purposed within the courthouse. A new comparable work station has a cost of approximately \$3,000 based on the current Herman Miller price list.

Other Donations by the State's Attorney:

The State's Attorney additionally donated the following items for use in the State's Attorney's office:

- 1) A postage machine
- 2) Three (3) plastic wastebaskets
- 3) Twelve (12) Bookends
- 4) One (1) wire basket for use in the workstation
- 5) One (1) document separator
- 6) Plastic Forks & Spoons
- 7) Four (4) marker boards
- 8) One (1) Battery Operated Clock
- 9) One (1) Presentation American Flag
- 10) One (1) Bottle of 409
- 11) One (1) two hole punch
- 12) Three (3) packages of mailing labels
- 13) One hundred secure envelopes (for mailing of documents to law enforcement)
- 14) One (1) computer cable to hook up a scanner to a computer.
- 15) One (1) label maker.