

Office of the Kane County State's Attorney



JAMIE L. MOSSER

RESENTENCING UNDER 725 ILCS 5/122-9

In accordance with 725 ICLS 5/122-9, Kane County State's Attorney Jamie L. Mosser sets forth the Kane County State's Attorney's Office Resentencing Policy:

The following is the criteria established by the KCSAO in assessing which cases will be reviewed. This criteria will be periodically reviewed and may be modified in the future, if warranted.

Qualifications:

- a. Convicted persons age 21 or **over** at the time of the offense who have served at least 50% of their sentence (after Truth in Sentencing computation by IDOC) can apply to have their case reviewed.**
- b. Convicted persons **under** the age of 21 at the time of the offense who have served at least 50 % of their sentence (after Truth in Sentencing computation by IDOC), or 10 years can apply to have their case reviewed.**
- c. Additional factors.***

Process:

- a. First, the **initial** application found on the Kane County State's Attorney website, under 725 ILCS 5/122-9; Resentencing must be received by the Kane County State's Attorney's Office.
- b. Second, the completed application can be emailed or mailed to the Kane County State's Attorney's Office 2129 Resentencing Unit.
- c. Once a review of the **initial** application is complete, the Kane County State's Attorney's Office Resentencing Unit will determine if the application meets the **initial** qualification requirements and moves to next stage. If initial qualifications are not met, you will **not** receive any further correspondence from the Resentencing Unit.
- d. **If** the initial qualification requirements are met, the Unit will ask the convicted person/defendant or their representative to provide **all mitigating and supporting documentation** that will help the Resentencing Unit assess the convicted person request that a petition for resentencing be filed on their behalf.
- e. The Resentencing Unit will complete a thorough review of all documentation provided by the convicted person, including their disciplinary records.
- f. The convicted person will be notified of the decision of whether the Resentencing Unit will file a petition on their behalf.
- g. The decision will be:
 - a. A resentencing petition will be filed on the convicted person's behalf, **or**:
 - b. A resentencing petition will not be filed on the convicted person's behalf and **no further action** will be taken by the Resentencing Unit (this decision is not appealable).

- c. If applicable, a convicted person may reapply once they either meet the initial qualifications set forth above (length of time served of their sentence) and/or new mitigating and supporting information is available.
- h. The Court, after receiving the petition for re-sentencing prepared by the Kane County State's Attorney's Office **may** resentence the convicted person after a resentencing hearing in the same manner as if the defendant had not previously been sentenced.

Submission of initial application and/or mitigation and supporting documentation (once asked to send in) should be emailed or mailed to:

- a. Initial application must be completely filled in and emailed to:

ResentencingUnit@co.kane.il.us

or mailed to:

Kane County State's Attorney's Office
Resentencing Unit
37W777 Route 38, Suite 300
St. Charles, Il. 60175

FACTORS that will be Considered by the Kane County State's Attorney's Office in its' Evaluation of which cases qualify and warrant a Petition for Resentencing:

- a. Inmate's complete disciplinary record.
- b. Record of post offense rehabilitation (efforts and rehabilitation while incarcerated).
- c. Any information and documentation that addresses factors that reflect future risk of re-offending, such as:
 - a. age
 - b. time served
 - c. serious health concerns
 - d. education efforts and accomplishments achieved while incarcerated
 - e. gang affiliations (pre and post incarceration)
 - f. ACES (Adverse Childhood Experience) questionnaire
 - g. job skills and/or training post incarceration
 - h. ties to the community
 - i. family support

-These factors are carefully considered in assessing a convicted person's risk for future violence or reoffending.

****Disqualifiers:**

Persons convicted of any of the following are disqualified and **not** eligible to apply:

1. Sex crime; or
2. Homicide/Murder (**not** a disqualifier if convicted by theory of accountability); or
3. Attempt Homicide (**not** a disqualifier if convicted by theory of accountability); or
4. Crime where a mandatory life sentence was imposed.

*****Additional Factors:**

1. The case by case analysis will also take into account cooperation agreements, minimum sentences imposed, and any other relevant factors.

THE KANE COUNTY STATE'S ATTORNEY'S OFFICE RETAINS FULL DISCRETION IN DECIDING WHICH CASES WILL HAVE A RESENTENCING MOTION FILED ON THEIR BEHALF.