



# 2023 Annual Report

**Office of Kane County State's Attorney  
Jamie L. Mosser**

# Kane County State's Attorney's Office 2023



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# A Message From State's Attorney Jamie L. Mosser



For the third year of my administration, the men and women of the Kane County State's Attorney's Office showed a continued determination for public safety by providing access to resources to those who take accountability for their actions and work towards rehabilitation while also aggressively prosecuting those who choose to make our community unsafe. The contents of this report detail their efforts to maintain this balance of justice for each and every case that comes before us.

With that being said, I want to highlight an important recognition that they received late at the end of 2023. From the first day of my term as the State's Attorney, I fought for pay parity for all of the employees. In each budget season since my election, I have advocated for pay parity for the support staff, investigators, advocates, and attorneys. Each time I was told that there was no money in the budget. We lost a significant number of people each year to higher-paying jobs. This resulted in larger caseloads, delayed prosecutions and a greater cost to the taxpayers of Kane County, as we were constantly training people to replace those who left.

By statute, it is my office's responsibility to prosecute all traffic and criminal cases that occur in Kane County. We are also responsible for litigating all lawsuits on behalf of the County and our elected officials. What was clear is that the employees of the SAO were doing impressive work and making our community safer. While no one comes to a governmental office expecting to become rich, they do still deserve a living wage. When we did an external salary study, we found that the Kane SAO was paid significantly less than our counterparts in similarly situated counties. The work that we have done in 2023 is well represented in this report. It also justifies the giving of pay that is more commensurate with the work we do.

When my submitted budget for 2024 passed late in November, I was thrilled to email my employees telling them that our advocacy for them had finally paid off (pun intended). All employees saw a significant raise in their income. For some, this meant quitting their second job. For others, they no longer had to worry about affording gas just to get to work. For me, it meant my employees were not only recognized for their hard work, but now they were compensated properly for their work.



I am extremely grateful to the County Board for recognizing the need for pay parity for the employees in my office and granting our budget. I will continue to fight for all of them in the same way that they fight for justice and safety every day for the people of Kane County. I continue to be proud to be the State's Attorney in this County and working with people who want to see true justice happen. My thanks to every one of them for their work!

*Jamie L. Mosser*

**Jamie L. Mosser**  
**State's Attorney**



# About the Office

By Illinois statute, the state's attorney's office is the chief prosecuting authority and legal advisor for Kane County, its elected officers and state officials when requested.

The Kane County State's Attorney's Office employed 185 staff members, which included assistant state's attorneys, support staff, paralegal, investigators, advocates and executive staff. The attorneys were assigned to felony, misdemeanor, traffic, abuse & neglect, juvenile, child support and civil courtrooms.

Our staff included 86 assistant state's attorneys, 43 administrative assistants, eight executive staff, including office services and human resources personnel, 11 investigators, 13 case managers, five advocates and seven advocates/case managers.

The office has locations throughout Kane County: the Kane County Judicial Center in St. Charles Township, the Old Courthouse in downtown Geneva, the Juvenile Justice Center on the judicial center campus in St. Charles Township, Aurora Branch Court at the Aurora Police Department, Elgin Branch Court at Elgin City Hall, and Kane Branch Court on Randall Road in St. Charles. The Child Advocacy Center is located in downtown Geneva.



Visit our office's website at: <http://saopublic.co.kane.il.us>



Facebook page at: [www.facebook.com/KaneSAO](http://www.facebook.com/KaneSAO)



Instagram page at: [www.instagram.com/kane.county.sao/](http://www.instagram.com/kane.county.sao/)

# Criminal Division

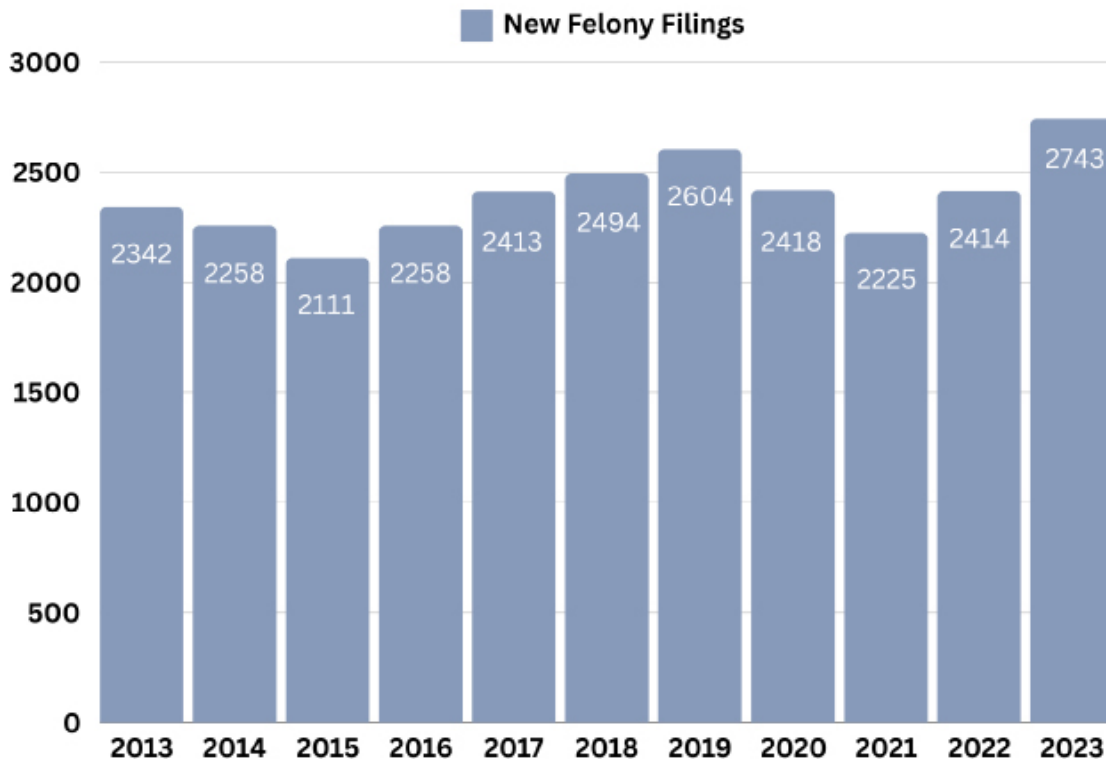


**Bob Dore**  
Division Chief

The Criminal Division comprises the following divisions: Major Crimes, Guns & Gangs, Narcotics, Special Victims, Child Advocacy Center, Domestic Violence, DUI & Major Traffic, Juvenile Delinquency, and Misdemeanor & Traffic.

Assistant State’s Attorney Bob Dore is the Criminal Division Chief. He handles complex criminal cases and supervises the division’s assistant state’s attorneys and staff. He was also instrumental in creating the Kane County Child Exploitation Unit. The new Child Exploitation Unit began investigating cases in August 2022 with the appointment of its first specialized investigator. The Unit added a second investigator in March 2023, and most recently added a director of forensics to more efficiently analyze electronic devices for evidence of criminal activity.

Assistant State’s Attorney Dore supervises 40 ASAs.



**We saw a 13.63% increase in felony filings.**



# Felony Screening



**Steve Sims**  
Supervisor

The Felony Screening Unit evaluates the facts and evidence of an investigation and determines whether felony charges are appropriate.

Criminal cases begin with a police investigation. Police have the discretion to authorize misdemeanor charges, but prosecutors must approve felony charges. When police believe they have sufficient evidence, they contact an on-call prosecutor.

Unit prosecutors are available 24 hours a day, 365 days a year to respond to officers, detectives and investigators, authorize charges when they conclude an investigation, and provide guidance during pending investigations.

In 2023, the unit screened 2,967 investigations for felony charges. Also, in 2023, the Felony Screening Unit upgraded from a pager system to a telephonic and email system.

Prosecutors must ensure that probable cause exists before authorizing an offense and determining appropriate charges. The prosecutor may suggest additional investigative steps be taken to build a stronger case. On more complex screenings, the prosecutor may go to the police station to review reports and evidence.

Assistant State's Attorney Sims supervises two ASAs.

## In Review

**2,967**

Screenings for felony charges

**34**

Police agencies in Kane County

# Major Crimes

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**David Belshan**

Deputy Chief & Major Crimes Supervisor

The Major Crimes Unit prosecutes the majority of the most serious and high-profile offenses committed in Kane County. These offenses include, but are not limited to, first-degree murder, attempt first-degree murder, aggravated kidnapping, aggravated vehicular hijacking, and select traffic fatalities.

The office's most experienced prosecutors are assigned to these cases because of their serious nature and because most of them allow little margin for error.

Assistant State's Attorney Belshan supervises three ASAs and three administrative assistants.

## In Review

**Six** murder cases resolved

**Two** defendants found guilty of first-degree murder

**Four** pled guilty to first-degree murder

**14** murder cases charged

11 committed in 2023  
One committed in 2022  
One committed in 2021  
One committed in 2015

# Notable Case Resolutions

## ASA Kelly Orland

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In January, a judge sentenced **Carlos Fonseca Gutierrez** of Aurora, to 25 years in prison after he pled guilty to first-degree murder for stabbing Mario Ying to death. It is believed that the defendant stabbed the victim while trying to take his tools to pawn for drugs.

In June, a judge sentenced **Trevor White** of Aurora, to 22 years in prison after he pled guilty to first-degree murder for shooting and killing John Smith over a dispute about a girl. White was 16 years old at the time of the shooting.

In June, a judge sentenced **Joseph Baker**, 40, of Chicago, to 20 years in prison after he pled guilty to the offense of criminal sexual assault. Baker trapped the victim in a room, refused to allow her to leave, and sexually assaulted her. Baker had been released from prison two days earlier where he had been serving a sentence for criminal sexual assault.

In July, a judge sentenced **Joshua Doss** of Huntley, to 23 years in prison after he pled guilty to home invasion for forcibly entering the victim's home and severely stabbing the victim's boyfriend in the chest and arm. He had no prior criminal history and attempted to also kill himself while inside the home, slicing his wrists and throat.

In September, a judge sentenced **Demond Davis** of Bellwood, to 15 years in prison after he pled guilty to armed robbery for robbing a Dollar General store while armed with a firearm.

## ASA Mark Stajdohar ASA Debra Conforti former ASA Bill Engerman

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In January, a judge sentenced **Darrell Frazier** of Lansing to 33 years in prison after he pled guilty to aggravated vehicular hijacking. The hijacking and shooting occurred in the Wendy's parking lot on Orchard Road in Aurora, and left the victim paralyzed. Two other co-defendants received 35 and 40 year sentences and the fourth co-defendant was killed while committing an unrelated crime.

## ASA Mark Stajdohar

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In January, a judge sentenced **Johnathan McDonald** to 20 years in prison after he pled guilty to attempt first-degree murder in an Aurora case in which he struck the victim in the head with a hammer while robbing her.

In May, a judge sentenced **Cameron Sebastian** of Milwaukee, WI, to 18 years in prison after he pled guilty to attempt first-degree murder for a shooting in Aurora which occurred on New Year's Day 2022.

## ASA Greg Sams ASA Mark Stajdohar ASA Margaret O'Brien

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In January, a judge sentenced **Shadwick R. King**, 55, of Geneva, to 30 years in prison after he was convicted at a retrial for the offense of first-degree murder for killing his wife, 32-year-old Kathleen King.

## ASA Mark Stajdohar ASA Tyler Cox

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In January, a judge sentenced **Quinton Moore** of Aurora, to 38 years in prison after he was found guilty of first-degree murder in the beating death of George Caro which occurred in 2005.



**ASA Jake Matekaitis**  
**ASA Margaret O'Brien**

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In February, a judge sentenced **Enrique B. Jaquez**, 43, of Montgomery, to 67 years in prison after he pled guilty to the offenses of attempt first-degree murder, home invasion, aggravated battery and other gun-related offenses.

**ASA Mark Stajdohar**  
**ASA Sarah Norkus**

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In June, **Jason Smith** accepted a plea agreement for 15 ½ years in the IDOC on the charge of armed violence for a home invasion/ attempt armed robbery, which occurred in Carpentersville in 2021.

**ASA Mark Stajdohar**  
**ASA Hannah Stout**

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In June, a judge sentenced **Javier Johnson** of Chicago to 25 years in prison after he pled guilty to armed robbery of a Family Dollar store in Elgin in 2019.

**ASA David Belshan**

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In November, two individuals pled guilty for their involvement in a December 2021 shooting of two young men inside of a residence in Elgin. The shooter, **Giovanni Ramirez** of Chicago, was sentenced in November to 23 years in prison after he pled guilty to aggravated battery with a firearm. **Edward Williams** of Oak Forest, who drove Ramirez to the residence, was sentenced in March to 11 years in prison after he pled guilty to aggravated battery with a firearm.

**First Assistant Christine Bayer**

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In December, a judge sentenced **Jose J. Gonzalez** of Aurora to 44 years in prison after he pled guilty to first-degree murder for the stabbing death of a 17 year old. It is believed the defendant stabbed the victim after a forced sexual encounter. The defendant was in a relationship with the victim's older sister.



# Guns & Gangs



**Lori Anderson**  
Supervisor

The Guns & Gangs Unit prosecutes cases involving the illegal use of or possession of firearms, as well as crimes committed by documented gang members and gang-related offenses.

ASAs appear in all felony courtrooms and oversee the authorizations and detention hearings involving these types of crimes.

The Illinois Criminal Code contains dozens of felony offenses related to the unlawful possession of or use of firearms. Many of those have enhanced sentencing provisions based upon the possession of a firearm. Armed Violence and Armed Habitual Criminal are two examples in which the class and penalty are more severe due to the weapon element. Gang membership is also charged with a higher class of felony offense.

This year, four members of the Aurora Latin Kings street gang were sentenced to prison in charges involving two separate murder cases.

Assistant State's Attorney Anderson supervises three ASA's and one administrative assistant.

## In Review

<b>91</b> Cases involved possession of a firearm, FOID invalid	<b>15</b> Cases involved possession of a firearm by a street gang member in a vehicle
<b>90</b> Cases involved unlawful use or possession of a weapon by a felon	<b>12</b> Cases involved aggravated unlawful use of a weapon in a vehicle
<b>25</b> Cases involved aggravated unlawful use of a weapon in a vehicle, no FOID	<b>6</b> Cases involved people younger than 21
<b>24</b> Cases involved aggravated unlawful use of a weapon in a vehicle, loaded, no FOID	<b>3</b> Cases involved aggravated unlawful use of a weapon in a vehicle, previous conviction

# Notable Case Resolutions

## **ASA Lori Anderson** **ASA Margaret O'Brien**

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In June, a judge sentenced **Daniel Aguirre**, 25, of Aurora, to 75 years in prison after a jury convicted him of the offense of first-degree murder. Aguirre ran through a neighboring yard and fired multiple gunshots at 32-year-old Fernando Carapia, killing him.

## **ASA Lori Anderson** **ASA Amanda Busljeta**

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In July, a judge sentenced **Fidel Bello**, 19, of Aurora, to 35 years in prison for his role in the May 2021 shooting death of 46-year-old Samuel Ortiz-Rodriguez of Aurora.

## **ASA Lori Anderson** **ASA Tyler Cox**

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In July, a judge sentenced **Kayshaune Steele**, 22, of Chicago, to 16 years in prison after he pled guilty to the offenses of aggravated battery with a firearm and aggravated discharge of a firearm in one incident, and aggravated unlawful use of a weapon in another.

## **ASA Brandon Raney** **ASA Hannah Stout**

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In September, a judge sentenced **Lorenzo Garcia**, 33, of East Chicago, Indiana, to 12 years in prison after a jury found him guilty of multiple felony gun offenses.





# Narcotics



**Jake Matekaitis**  
Supervisor

The Narcotics Unit is comprised of four prosecutors. Illegal narcotics prosecutions involve violations of the Controlled Substances Act, Methamphetamine Control and Community Protection Act, and the Cannabis Control Act. The narcotics prosecutors handle all of the felony narcotics cases ranging from the most serious trafficking cases to the lowest level possession cases.

The state's attorney's office works hard to identify and separate defendants whose charges are the product of addiction versus those whose charges are the result of illegal drug sales. We identify those who have addiction issues, and steer those individuals towards treatment programs to provide greater access to resources in an effort to break the addiction cycle.

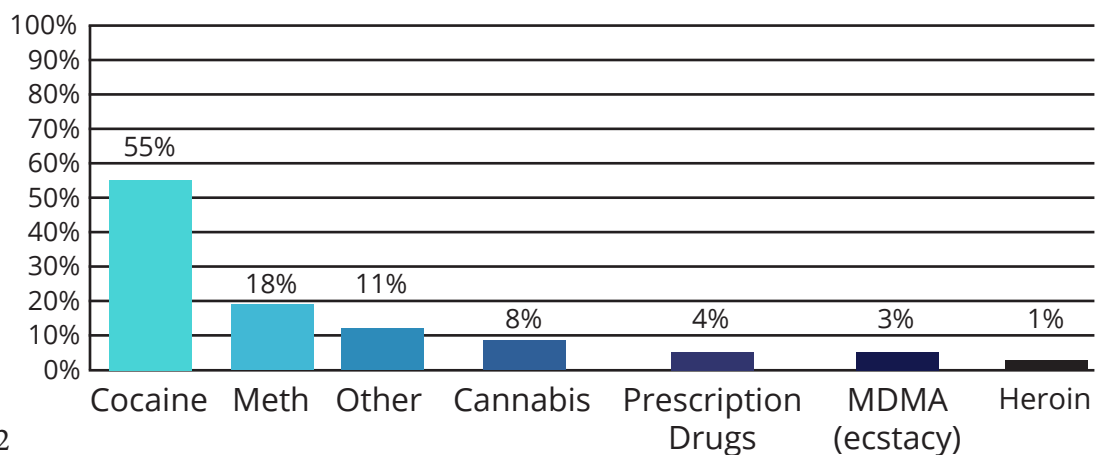
However, those who continue to make our community unsafe by selling and trafficking dangerous drugs are prosecuted to the fullest extent permitted by law. When authorities interrupt the supply chain, we are able to reduce drug-related crime and promote community safety.

The Narcotics Unit prosecutors work in cooperation with agencies at all levels of government, including the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; Homeland Security Investigations; the Illinois Attorney General's Office; and the Illinois State Police's North Central Narcotics Task Force; as well as local law enforcement agencies and police departments.

Assistant State's Attorney Matekaitis supervises three ASAs and one administrative assistant.

## In Review

435 new felony drug cases including offenses from possession to drug trafficking



The remaining new cases charged involve hallucinogens, opiates, and fentanyl. These numbers do not account for cases in which fentanyl was found in combination with heroin, cocaine, and other drugs.

# Notable Case Resolutions

## ASA Jake G. Matekaitis

In February, a judge sentenced **David Barbosa** to 10 years in prison for unlawful delivery of a controlled substance. Barbosa sold 53 grams of cocaine to a confidential source.

In April, a judge sentenced **Antonio Gutierrez** to 20 years in prison for unlawful delivery of a controlled substance. Gutierrez sold two kilograms of cocaine to a confidential source.

In May, a judge sentenced **Eduardo Zavala Mata** to nine years in prison for unlawful possession of a controlled substance with intent to deliver. Zavala Mata fled on foot from a traffic stop while in possession of 50 grams of methamphetamine and a loaded firearm.

In May, a judge sentenced **Daniel Garcia** to 8 ½ years in prison for unlawful delivery of a controlled substance. Garcia sold 28 grams of cocaine to a confidential source.

In June, a judge sentenced **Darieln Moran Sanchez** to 17 years in prison for unlawful possession of a controlled substance with intent to deliver and 15 years in prison for unlawful possession of methamphetamine with intent to deliver. Moran Sanchez was arrested following a traffic stop on Interstate 90 while in possession of one kilogram of cocaine and 446 grams of methamphetamine.

## ASA Hillary Sadler

In April, a judge sentenced **James Johnson**, 61, of Elgin, to 17 ½ years in prison after he pled guilty to the offense of unlawful delivery of a controlled substance. In April 2021 Johnson sold more than a gram of cocaine to an undercover officer. The sentence was enhanced because of Johnson's extensive history of selling illegal drugs.

In August, a judge sentenced **Edgardo Zepeda Padilla** to 10 years in prison for unlawful possession of methamphetamine with intent to deliver. Police responded to a report of a suspicious person and Zepeda Padilla was arrested while in possession of 79 grams of methamphetamine.

In October, a judge sentenced **Kendria Perez Martinez** to 10 ½ years in prison for armed violence. Perez Martinez was arrested during a traffic stop while in possession of 119 grams of methamphetamine, eight grams of cocaine, and a knife.

## ASA Ryan Merkel

In September, a judge sentenced **Jimmy Martinez** to seven years in prison for unlawful possession of a controlled substance with intent to deliver. Police executed a search warrant at Martinez's residence, and he was in possession of 34 grams of cocaine and a firearm.

In November, a judge sentenced **Ruben Ramos** to six years in prison for unlawful possession of methamphetamine with intent to deliver. Ramos was arrested during a traffic stop while in possession of 48 grams of methamphetamine.

# Child Advocacy Center



**Lori Schmidt**  
Executive Director



**Julie Pohlman**  
Deputy Executive Director

The Kane County Child Advocacy Center (CAC) was established in 1994 to ensure coordination and cooperation among all Kane County agencies involved in child sexual abuse and severe child physical abuse cases. The purpose of the CAC is to increase the efficiency and effectiveness of those agencies, to minimize the stress created for the child and his or her family by the investigatory and judicial processes, and to ensure that effective treatment is provided to the child and his or her family.

The CAC pursues justice by advocating on behalf of children, their families, and the community in a victim sensitive manner by coordinating a multidisciplinary response to child abuse.

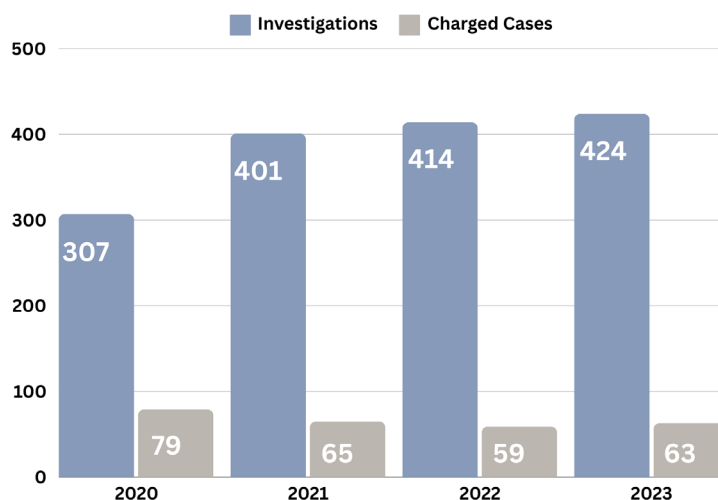
The CAC is one of 939 CACs nationwide.

The Aurora, Carpentersville and Elgin police departments, as well as the Kane County Sheriff's Office, assign officers to the CAC to assist with investigations.

The CAC has working partnerships with the Illinois Department of Children and Family Services, medical providers from the University of Illinois' College of Medicine and its Medical Evaluation Response Initiative Team in Rockford and community mental health professionals.

ASA Lori Schmidt, the executive director of the CAC, and Silvia Cruz, the CAC's MDT coordinator and outreach prevention specialist, traveled to the South American country of Bolivia to train judges, prosecutors and medical and mental health officials at The Interdisciplinary Seminar on Addressing Gender-Based Crimes with a Focus on Sexual Violence Against Children and Adolescents. ASA Schmidt spoke to attendees about the intricacies of investigating and prosecuting child sexual abuse cases. Silvia Cruz talked about the importance of child advocacy centers and multidisciplinary teams, and their roles in investigating, prosecuting and victim advocacy.

The CAC is managed by Executive Director, Assistant State's Attorney Lori Schmidt, and Deputy Executive Director Julie Pohlman. They supervised four ASAs, five victim advocates, five investigators, two forensic interviewers, two administrative assistants, the operations manager, and two MDT coordinators.





# In Review

**63**

Cases charged

**32**

Cases resolved by trial or guilty plea

**8**

Adjudications prosecuted in juvenile court

**424**

Number of investigations

**735**

Children referred for advocacy and services

**20**

Specialized child sexual abuse exams by Medical Evaluation Response Initiative Team, a Rockford-based, board-certified pediatrician group

## Outreach Events



Events: St Charles, Aurora, Elgin, and Carpentersville



Festival of Trees  
West Dundee



City of Aurora  
Events



BOYS & GIRLS CLUB  
Elgin and South Elgin



West Dundee  
High School



St. Charles North  
High School



Social Workers



CASA Kane County  
Annual Conference



Aurora African American  
Health Coalition



# Notable Case Resolutions

## ASA Tyler Cox

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In January, a judge sentenced **Jason J. Elipas** of Cortland, to 11½ years in prison after he pled guilty to the offenses of aggravated criminal sexual abuse and criminal sexual assault. The case involved two victims. Both victims were younger than 18 years old.

In February, a judge sentenced **Santos H. Lerna** of Genoa, to 12 years in prison after finding him guilty of two counts of predatory criminal sexual assault of a child. The victim was younger than 13 years old.

In May, a judge sentenced **Samir Murshed**, 49, of Aurora, to six years in prison after a judge found him guilty of the offense of predatory criminal sexual assault of a child. The victim was younger than 13 years old.

In August, a judge sentenced **Alberto Huerta**, 56, of Aurora, to 17 ½ years in prison after he pled guilty to predatory criminal sexual assault of a child. The sexual assaults took place over several years. The victim was younger than 13 years old.

## ASA Matt Rodgers

### ASA Morgan Wilkinson

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In March, a judge sentenced **Mark Rivera**, 50, of Winfield, to 15 years in prison after he was found guilty by a jury of two counts of predatory criminal sexual assault of a child. On multiple occasions between June 2018 and May 2019, Rivera sexually assaulted the victim. The victim was younger than 13 years old.

## ASA Stacey Wittman

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In June, a judge sentenced **Jose A. Jimenez**, 38, of Aurora, to 15 years in prison after he pled guilty to the offense of predatory criminal sexual assault of a child. The victim was younger than 13 years old.

In November, a judge sentenced 58-year-old **Gerardo Silva** of Montgomery, to 26 years in prison after he was found guilty of two counts of predatory criminal sexual assault of a child. The victim was younger than 13 years old.

## ASA Matt Rodgers

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In June, a judge found **Lewis Richardson**, 63, of Aurora, guilty of two counts of the offense of predatory criminal sexual assault of a child. The victim was younger than 13 years old. Richardson awaits sentencing.

In October, a judge sentenced **Randall L. Porter Rabey**, 39, of Schaumburg, to 23 years in prison after he pled guilty to predatory criminal sexual assault of a child, child pornography and aggravated criminal sexual abuse. Rabey sexually abused two children who were younger than 13 years old.

## ASA Tyler Cox

### ASA Morgan Wilkinson

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In September, a judge sentenced **Jesus Maciel Facio**, 34, of St. Charles Township, to 11 years in prison after a jury found him guilty of the offense of predatory criminal sexual assault of a child and related offenses. The victim was younger than 13 years old. Facio knew the victim.

## **ASA Tyler Cox** **ASA Joseph Gay**

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In October, a judge sentenced **Lawrence Slack**, 65, formerly of Elgin, to four years in prison, with an additional four years of probation to be served upon his release from prison. The judge found Slack guilty of criminal sexual assault. The victim was younger than 17 years old.

## **ASA Stacey Wittman** **ASA Alexandra Storto**

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In October, a judge sentenced **David R. Arevalo Estrada**, 30, of Aurora, to 14 years in prison after a jury convicted him of two counts of the offense of predatory criminal sexual assault of a child. The victim was younger than 13 years old.

## **ASA Morgan Wilkinson**

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In November, 58-year-old **Frank Walaitis** of Carpentersville, pled guilty to the offense of aggravated criminal sexual abuse. Walaitis sexually abused two students in his classroom. The victims were younger than 13 years old.

## **ASA Stacey Wittman** **ASA Bob Dore**

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In November, a jury convicted 38-year-old **Sergio Varela** of Elgin, of the offenses of predatory criminal sexual assault of a child and aggravated criminal sexual abuse. Varela sexually assaulted the victim. The victim was younger than 13 years old. Varela awaits sentencing.

## **ASA Lori Schmidt** **ASA Stacey Wittman**

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In November, a judge sentenced **David Dreher**, 59, of Rockford, to seven years in prison after a jury found him guilty of predatory criminal sexual assault of a child. The victim was younger than 13 years old. Dreher knew the victim.



# Special Victims



**Matt Rodgers**  
Supervisor

The Special Victims Unit is tasked with prosecuting criminal cases with victims that require special attention. The unit prosecutes cases of criminal sexual assault or abuse, sex offender registration violations, child pornography offenses, elderly and disabled exploitation offenses, arson offenses, and a variety of aggravated battery offenses.

Many of these cases involve sophisticated investigations that require assistant state's attorneys to work closely with local, state and federal authorities for the duration of the case, along with specialized technology.

## Training

The unit conducted training seminars for police and firefighters, including a training provided to the Kane County Arson Task Force. Assistant state's attorneys also engaged in community outreach, including providing training to various community groups regarding financial exploitation of elderly and elder abuse.

Assistant State's Attorney Rodgers supervised three ASAs and one administrative assistant.

## In Review

**Sexual assault and abuse cases**

**25** charged

**13** resolved

**Child pornography**

**27** charged

**9** resolved



# Notable Case Resolutions

## **ASA Hillary Sadler**

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In March, a judge sentenced **Michael R. Spina**, 65, of Aurora, to 19 years in prison after he pled guilty to the offense of home invasion. In January 2020, Spina forced his way into the victim's home, acquired an 8-inch knife and walked around the residence searching for the victim. Spina was under a court order to stay away from the victim and the residence.

## **ASA Amanda Busljeta ASA Hillary Sadler**

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In April, a judge sentenced **Francisco L. Manriquez**, of Aurora, to 30 years in prison after a jury found him guilty of aggravated criminal sexual assault, criminal sexual assault and aggravated battery.

## **ASA Amanda Busljeta ASA Matt Rodgers**

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In May, a judge sentenced **Sheah M. Brown**, of Matteson, to 12 years in prison after he was found guilty at bench trial of three counts of criminal sexual assault.

## **ASA Jessica Michels**

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In June, **Joseph E. Baker, Jr.**, of Chicago, accepted a plea agreement for 20 years imprisonment in the IDOC on the charge of criminal sexual assault, which occurred in Aurora in 2021.

## **ASA Amanda Busljeta**

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In September, a judge sentenced **Martin Zaca**, of Aurora, to 14 years in prison after he pled guilty to aggravated criminal sexual abuse. Zaca sexually abused the victim, who was under 13 years of age at the time of the offenses, which occurred from 2005 through 2011.

## **ASA Bob Dore**

## **ASA Ken Hudson**

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In September, a judge sentenced **David Winecke**, of Batavia, to six years in prison after he pled guilty to the offense of child pornography.

## **ASA Matt Rodgers ASA Hannah Stout**

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In October, a judge sentenced **Rene Cano-Rodriguez**, of Aurora, to four years in prison after he was found guilty at bench trial of criminal sexual assault.

## **ASA Matt Rodgers**

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In October, a judge sentenced **Steven J. Young**, of Elgin, to seven years in prison after he pled guilty to the offense of child pornography.

## **ASA Matt Rodgers ASA Jake Matekaitis**

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In November, a jury found **Steven T. Grimmitt**, of Woodstock, guilty of predatory criminal sexual assault of a child and aggravated criminal sexual abuse. He is currently awaiting sentencing.

## **ASA Matt Rodgers**

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In November, a judge sentenced **Gabriel M. Martinez**, of Aurora, to 12 years in prison after he pled guilty to the offense of child pornography.

# Domestic Violence



**Hannah Stout**  
Supervisor

The Domestic Violence Unit is tasked with prosecuting cases involving intimate partner abuse and violence, as well as cases of violence between family or household members.

At the center of every domestic violence case is the victim. Our attorneys work closely with our office's victim advocates to ensure that the victim's voice is heard throughout the prosecution of the case. We seek resolutions that balance the interests and desires of the victim with the need for justice on the case.

Our attorneys know and understand that to best address cases of domestic violence, we need to get to the root of the problem. To do so, our attorneys look at each case individually, knowing that every case requires something different. We focus our efforts on treatment to ensure healthy relationships for everyone in the community. Our attorneys are strong problem solvers and fierce advocates for survivors of domestic violence.

Assistant State's Attorney Stout supervises seven felony assistant state's attorneys and three misdemeanor assistant state's attorneys.

## In Review

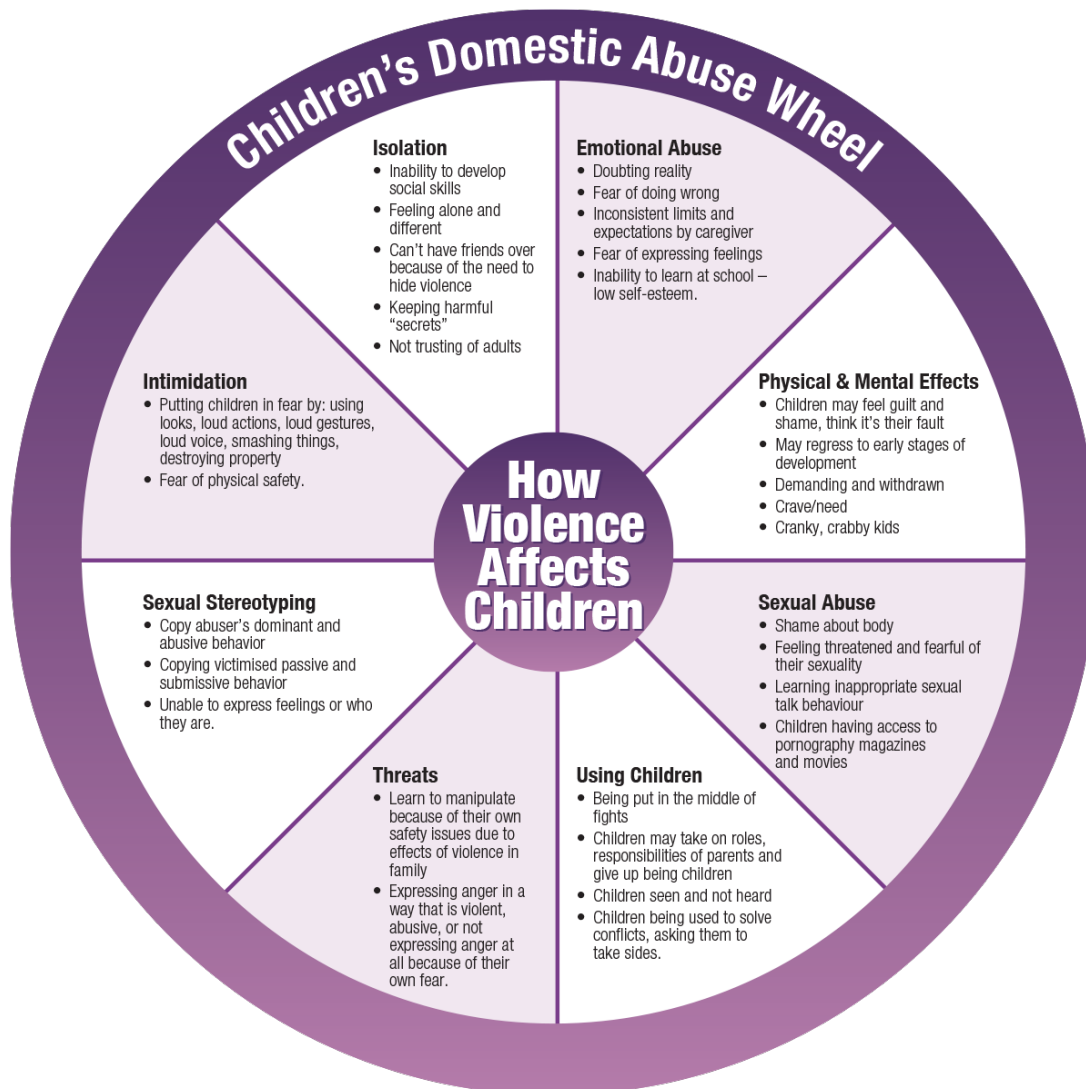
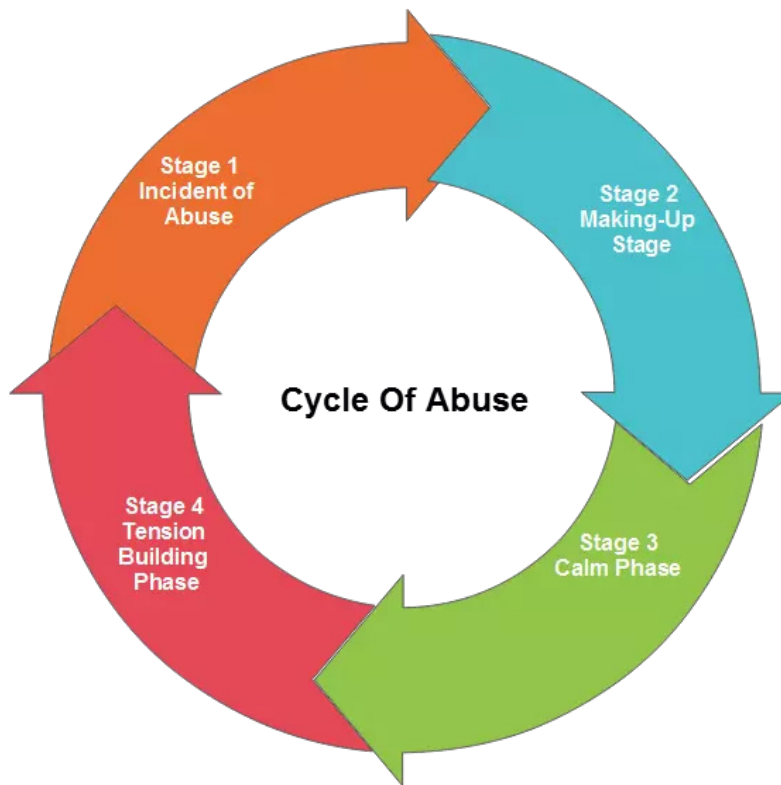
**1,032**

New misdemeanor  
domestic violence  
cases

**356**

New felony  
domestic violence  
cases

Of the 356 new felony cases, **110** were  
charged as strangulation offenses



# Notable Case Resolutions

## **ASA Hannah Stout**

In February, a judge sentenced **Lamarris Creal** to two years imprisonment for the offense of aggravated battery in a public place. Creal and the victim got into an argument in a parking lot. During that argument, he punched the victim in the face, thereby causing injury.

In July, a judge sentenced **Jose Avila** to seven years imprisonment in exchange for his plea of guilty to domestic battery bodily harm. Avila and the victim were in an argument when the victim asked him to leave the residence. Avila got upset and stabbed the victim in the abdomen multiple times.

## **ASA Tyler Cox**

### **ASA Stacey Wittman**

In April, a judge sentenced **Robert Boatright**, 37, of Aurora, to eight years in prison after he found Boatright guilty of the offenses of attempt armed robbery, domestic battery and armed robbery. In June 2022, Boatright went to his Aurora home and demanded that the victim give him money.

## **ASA Katy Flannagan**

In June, a judge sentenced **Amy Geren** to probation after a sentencing hearing for the offense of aggravated battery. Geren brutally attacked the victim with a knife, causing severe lacerations which required medical intervention.

## **ASA Jilian Burns**

In August, a jury found **Jose Perez Vieyra** guilty of domestic battery. He was sentenced to conditional discharge with the condition that he register as a violent offender against youth. Perez Vieyra struck the victim approximately 10 times with a shoe. The minor victim stood strong in the case when called to testify.

## **ASA Sal Viviritio**

In August, a jury found **Rozalynn Butler** guilty of domestic battery making physical contact in an insulting and provoking nature, as well as guilty of interfering with reporting of domestic violence. Butler struck the minor victim with a plastic office fan, and then beat the second minor victim when that victim called 911 for assistance.

## **ASA Jacki Kliment**

### **ASA Amanda Busljeta**

In November, a jury found **Rebecca Wise** guilty of aggravated domestic battery great bodily harm and aggravated battery to a person older than 60 years of age. Wise entered the victim's home and, while inside, proceeded to kick the victim in the face, thereby causing a broken orbital bone. Wise is currently awaiting sentencing.



# Anchor

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**Ryan Ahern**  
Supervisor

The Anchor Unit prosecutes felony offenses that do not fall within Major Crimes, Gangs and Guns, Drugs, Special Victims, Child Advocacy, DUI and Major Traffic, or Domestic Violence. The Anchor Unit specializes in a wide range of felony offenses that include, but are not limited to, Aggravated Assault, Aggravated Battery, Burglary, Criminal Damage to Property, Forgery, Home Invasion, Mob Action, Residential Burglary, Retail Theft, Theft, and Unlawful Possession of Stolen Motor Vehicle.

The role of an anchor ASA is to prosecute felony cases and to provide support and coverage for the entire Felony Criminal Division. One assistant state's attorney anchor is assigned to each of the following courtrooms: 211, 305, 311, 313, and 319.

Assistant State's Attorney Ahern supervises four ASAs and one administrative assistant.



# DUI & Major Traffic



**Katy Flannagan**  
Supervisor

The DUI & Major Traffic Unit prosecutes misdemeanor DUI offenders, felony DUI offenders and traffic offenders who were involved in crashes with serious injuries or fatalities. The unit also prosecutes cases involving aggravated fleeing and eluding the police.

For the second year in a row, our office saw a rise in DUI and serious injury traffic crash-related cases. In 2023, our office charged 18 cases that involved a fatality or great bodily harm. That is up from 12 cases in 2022. In 2023, our office also charged 22 cases where offenders were involved in traffic crashes involving personal injury and fleeing the scene of the crash without rendering aid. That is up from 13 cases in 2022 that were charged.

Our office charged seven new aggravated DUI causing death cases in 2023, and 11 new Aggravated DUI causing great bodily harm cases. There were 27 total victims impacted by those 18 charged defendants. Of the 18 defendants charged, eight of them were under the age of 30 and five of them were under the age of 21 at the time of the offense. Seven of the cases involved individuals who were under the influence of a drug or drugs, or a combination of alcohol and drugs, while 11 involved individuals who were under the influence of alcohol only.

Assistant State's Attorney Flannagan supervises two ASAs who prosecute misdemeanor DUI cases, as well as up to eight ASAs who prosecute felony DUI cases and felony domestic violence cases. Two administrative assistants are assigned to the unit.

## In Review

**1,037**

New misdemeanor  
DUI cases

**368**

New felony  
DUI cases

Of the new felony cases, **38** charged cases had at least four prior offenses and a total of **19** cases involved great bodily harm or death to another.

# Notable Case Resolutions

## ASA Katy Flannagan ASA Brandon Raney

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In January, a judge sentenced **John Schwartz** to three years in the Illinois Department of Corrections for his role in a traffic crash that severely injured two other people. Schwartz was alleged to have been speeding while under the influence of drugs when he caused a multi-vehicle crash, resulting in injuries to victims in multiple vehicles.

## ASA Katy Flannagan

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In January, a judge sentenced **Daniel Mayen** to seven years in the Illinois Department of Corrections for his role in a traffic crash that seriously injured a passenger in his vehicle. Mayen's BAC was .257 when he caused the crash. He was on probation for a felony Unlawful Possession of a Controlled Substance with Intent to Deliver (Class 1) at the time of the offense.

In August, **Steven Iniguez** pled guilty and agreed to a sentence of five years in the Illinois Department of Corrections for the offense of Aggravated DUI (Class 1 felony, based on four prior convictions for DUI). Iniguez was involved in a traffic crash and fled the scene. He was located nearby by responding officers and his blood alcohol content was .101.

In October, **Robert Smith** pled guilty and agreed to a sentence of seven years in the Illinois Department of Corrections. He pled guilty to a Class X DUI, it being his sixth subsequent offense. Smith was on parole for two separate DUI offenses at the time of his arrest, and his BAC was 0.180 at the time of the offense he pled guilty to.

## ASA Katy Flannagan ASA David Belshan

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In January, a judge sentenced **Brayer Arias Colazo** to four and a half years in the Illinois Department of Corrections for his role in a traffic crash that killed an infant in a vehicle he struck. Arias Colazo was driving at an excessive speed when he struck a car that was turning, killing a child inside and injuring three other people.

In August, a judge sentenced **Gustavo Gutierrez** to six years in the Illinois Department of Corrections for his role in a traffic crash that killed another individual. Gutierrez was driving a motor vehicle when it crashed into a tree killing his passenger. His BAC was 0.173. It was his third offense for DUI.

In October, **Kahleel Steele** agreed to and was sentenced to five years in the Illinois Department of Corrections for his role in an April 2021 traffic crash that killed two Judson University students. Steele pled guilty to Aggravated Street Racing in February 2023. He also pled guilty to Unlawful Delivery of a Controlled Substance for delivering controlled substances to a police officer while on bond for the street racing case.

## ASA Michael Pettet

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In May, **Nicholas Stadler** pled guilty to Aggravated DUI/No Valid Driver's License and agreed to a sentence of two years in the Illinois Department of Corrections for his role in a traffic crash involving damage to another vehicle. His BAC was 0.325 at the time of the crash and he did not possess a valid driver's license.

# Juvenile Delinquency



**Debra Conforti**  
Supervisor

The Juvenile Delinquency Unit prosecutes felony and misdemeanor crimes committed by offenders age 17 or younger when the crime was committed. Juvenile prosecutions must adhere to the Illinois Juvenile Court Act, which requires the court to balance the need for public safety with what is in the juvenile's best interests. The goal is to rehabilitate the youth to prevent them from engaging in future criminal behaviors by collaborating with several stakeholders, including mental health professionals, substance use providers, probation staff, educators, counselors, therapists, the court, and the parents of the youth. The philosophy is to work together to identify and address areas that may contribute to future criminal behaviors and to provide essential services to the youth to implement positive changes and ultimately reduce crime committed by juveniles. However, if community-based services fail to curb delinquent behavior, or if probation is not appropriate, a minor can be sentenced to the state's juvenile prison system.

By law, juvenile offenders age 16 or older who are accused of extremely serious crimes such as first-degree murder, aggravated criminal sexual assault or aggravated battery with a firearm involving injury, are automatically prosecuted in adult court. If a youth is younger than 16 and is accused of one of those offenses or is under 17 and accused of any serious crimes, that person may be transferred to adult court after a hearing where the state provides evidence on many statutory factors including probable cause, the circumstances and seriousness of the crime and the history of the juvenile. If the court then finds that it is in the best interests of the public to proceed in adult criminal court, the minor will be transferred.

In recent years, the state's attorney's office has seen a disturbing increase in the number of juveniles being charged with committing extremely serious, violent crimes including: first-degree murder, attempt murder, drug induced homicide, aggravated discharge of firearms, and aggravated batteries resulting in serious bodily harm. In these cases, the state's attorney's office will prosecute to the fullest force and effect of the law, while giving priority to public safety and the concerns of the victims.

Assistant State's Attorney Conforti supervises three ASAs and one administrative assistant.



# In Review

<b>302</b> Petitions filed	<b>5</b> New cases filed of first-degree murder, attempt murder, drug induced homicide
<b>186</b> Detention hearings held	
<b>7</b> New cases filed for possession or distribution of child pornography	
<b>289</b> Cases were closed upon disposition, resentencing or completion of sentence term	
	<b>29</b> New cases filed for offenses involving the discharge or use of a firearm, armed robbery, armed violence, aggravated gun possessions
	<b>10</b> New cases filed for possession of a firearm by street gang member

# Notable Case Resolutions

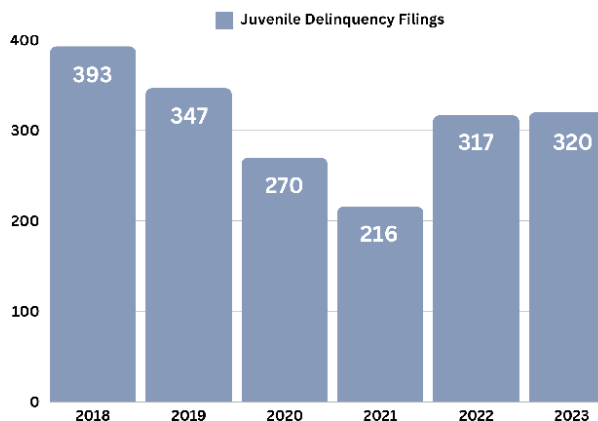
One minor was transferred to adult court for criminal prosecution. The minor received a five year prison sentence for unlawful possession of a firearm by a street gang member, a class 2 felony. He was 17 years of age when he committed this crime.

Six juveniles were sentenced to juvenile prison for terms not to exceed their 21st birthdays.

Five minors are currently facing State Motions for Transfer to Adult Criminal Court. Three of those minors are charged with first-degree murder.

Eleven cases were designated as extended jurisdiction juvenile prosecutions, in which the minor is given both a juvenile probation or juvenile prison sentence and a stayed adult prison sentence which may be lifted and enforced if the terms of the juvenile sentence are violated.

One juvenile with an extended jurisdiction juvenile prosecution sentence had the stay lifted and was resentenced to adult prison for four years.



# Misdemeanor & Traffic



**Robert Kinsella**  
Supervisor

Prosecutors in traffic and misdemeanor courtrooms hold offenders accountable for misdemeanor offenses, advocating for victims of misdemeanor offenses and advocating for traffic safety through enforcement of traffic laws.

Offenders in these courtrooms face many sentencing options in addition to fines and jail: alcohol monitoring, victim impact panels, substance use counseling, chemical testing, deferred prosecution and community service. In addition, new prosecutors gain experience in these courtrooms developing litigation skills with guidance and supervision from veteran prosecutors.

Assistant State's Attorney Kinsella supervises nine prosecutors and six administrative personnel. Offenses are addressed in four courtrooms in 2023: Courtroom 203 at the Kane County Judicial Center, along with Aurora Branch Court, Elgin Branch Court and Kane Branch Court. These courtrooms see the greatest volume of cases.

## Misdemeanors

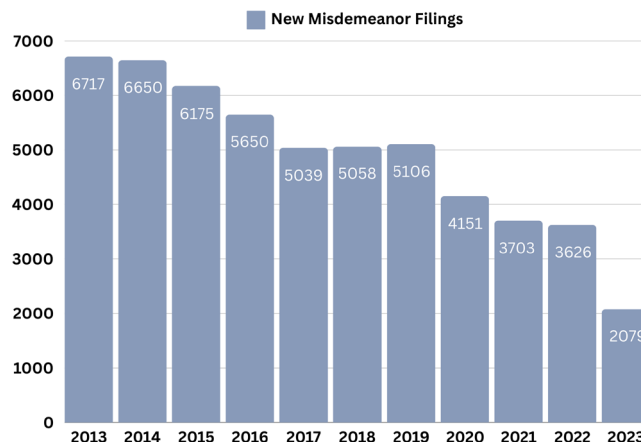
Our office in 2023 charged 2,040 new misdemeanor cases, down nearly seven percent from 2,176 new misdemeanor cases in 2022. Among the 2,040 new cases were 484 misdemeanor DUI cases. Misdemeanor cases have been on a steady decline for more than a decade as a result of changes in numerous laws and growing local DUI prosecutions.

## Most Common Offenses

The most common misdemeanor offenses in 2023 not involving drugs, DUI or domestic battery were resisting a peace officer (357 counts), disorderly conduct (218 counts), battery involving physical contact of an insulting or provoking nature (200 counts), driving while license suspended (1,785) and battery involving bodily harm (119 counts).

## Traffic Court

We prosecuted 12,129 new traffic citations. This does not include 16,972 traffic citations that were prosecuted by the municipality in which they occurred. Our office may allow individual municipalities to prosecute traffic and misdemeanor DUI cases upon request. Traffic citations continue to decline due to less police interactions during the COVID-19 crisis.



# In Review

**39**

New misdemeanor  
cases

**16,972**

New traffic  
citations

The most common misdemeanor offenses in 2023 not involving drugs, DUI, or domestic battery:

**357**

Resisting a  
peace officer

**218**

Disorderly  
conduct

**119**

Battery involving  
boddily harm

**200**

Battery involving physical  
contact of an insulting or  
provoking nature

**1,785**

Driving while license  
suspended

# Post-Conviction Unit

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**Greg Sams**  
Division Chief

ASA Greg Sams is chief of the Post-Conviction Unit. Individuals who have been sentenced to prison and who believe their constitutional rights have been violated may challenge elements of their conviction or sentence under the Post-Conviction Act. When the SAO receives a post-conviction petition, it researches the case and reviews transcripts. The SAO then files a response to the petition or a motion to dismiss the petition. In both cases, the petition is set for hearing in front of a judge. The burden is on the defendant to prove the alleged constitutional violation. The unit addressed approximately 50 post-conviction matters.

The Post-Conviction Unit handles petitions filed by defendants who have previously been convicted of major crimes and, usually, remain in prison. These filings take the forms of two different types of petitions: either what are termed Post-Conviction Petitions (PCPs) or Petitions for Relief from Judgment (commonly referred to as 2-1401 petitions based on the statute that authorizes the petitions). PCPs raise issues of alleged deprivations of constitutional rights which a petitioner could not raise on his direct appeal, such as ineffective assistance of his trial attorney. The 2-1401 petitions, on the other hand, raise factual issues unknown to the petitioner at the time of trial that would allegedly, if known at the time of the trial, change the outcome of the trial. Almost all PCPs and 2-1401 petitions filed by defendants concern major crimes that have been prosecuted – either murder, attempt murder, or other crimes of physical violence such as sex crimes against both children and adults or other weapons offenses.

The three attorneys in this unit spend much of their day reviewing pertinent case law regarding issues raised and reading transcripts of the defendant's trial and other hearings in an effort to analyze the issues. These transcripts often number in the thousands of pages. The PCP unit attorneys then must fashion a written response to a defendant's petition, which is usually in the form of very extensive and detailed Motion to Dismiss the petitions. Therefore, unlike other ASAs in the office, the PCP unit attorneys must use their writing skills quite extensively. However, the PCP attorneys also must make oral arguments on the motions, which means that their persuasive speaking skills must also be honed. Often times, the hearings they participate in are evidentiary hearings, so the PCP attorneys must also be proficient in evidentiary presentation skills.

Many of the PCPs involve crimes that were committed years, if not decades, ago. For example, in 2023, the unit was successful in getting several PCP allegations dismissed that had been made in various old first-degree murder cases: one from 1989 and two others from 2007. In the 1989 case, the defendant had filed a post-conviction petition approximately a decade after his crime, and through various levels of the court system, the case was finally resolved when the PCP unit was successful in getting the petition dismissed.

The PCP unit attorneys also act as the state's attorney's office liaison with the State's Appellate Prosecutor's Office, whose task it is to defend appeals filed by defendants or to argue in favor of appeals brought by the SAO.

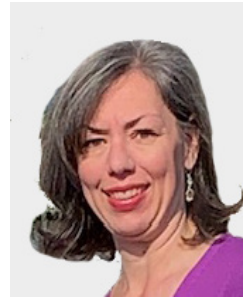
Assistant State's Attorney Sams supervises two ASAs and one administrative assistant.



# Conviction & Integrity



**Viviana Ramirez**  
Former Supervisor



**Julie Visher**  
Current Supervisor

The SAO Conviction Integrity and Resentencing Unit entered its second year supervised by ASA Viviana Ramirez. ASA Julie Visher began supervising the unit in June. ASA Visher works to review claims of actual innocence and examines cases that qualify for resentencing consideration under Illinois law 725 ILCS 5/122-9.

The unit received 11 requests for resentencing review. Upon review, the unit found six of those cases to be ineligible under the SAO criteria for filing a petition to resentence. Five of those cases were found to be eligible under the criteria and allowed the defendant to submit mitigation to determine if a petition to resentence should be filed. Only one of those five merited a petition to resentence to be filed after the unit determined that the sentence no longer served the ends of justice. The unit also filed a petition to resentence on a request from last year.

The unit successfully argued two petitions to resentence this year. The first petition was argued by SA Mosser in which Judge Tegeler resentenced Derron Johnson to 20 years on August 4, 2023. The defendant's sentence was reduced from 27 years.

The second petition was argued by ASA Julie Visher in which Judge Kliment resentenced Nicholas Bennett to 10 years, three months on September 15, 2023. The defendant's sentence was reduced from 18 years.

The unit also reviewed and denied one case for actual innocence.

## In Review

**Five**  
Cases eligible

**Six**  
Cases ineligible

**11**  
Requests for  
resentencing

# Abuse & Neglect

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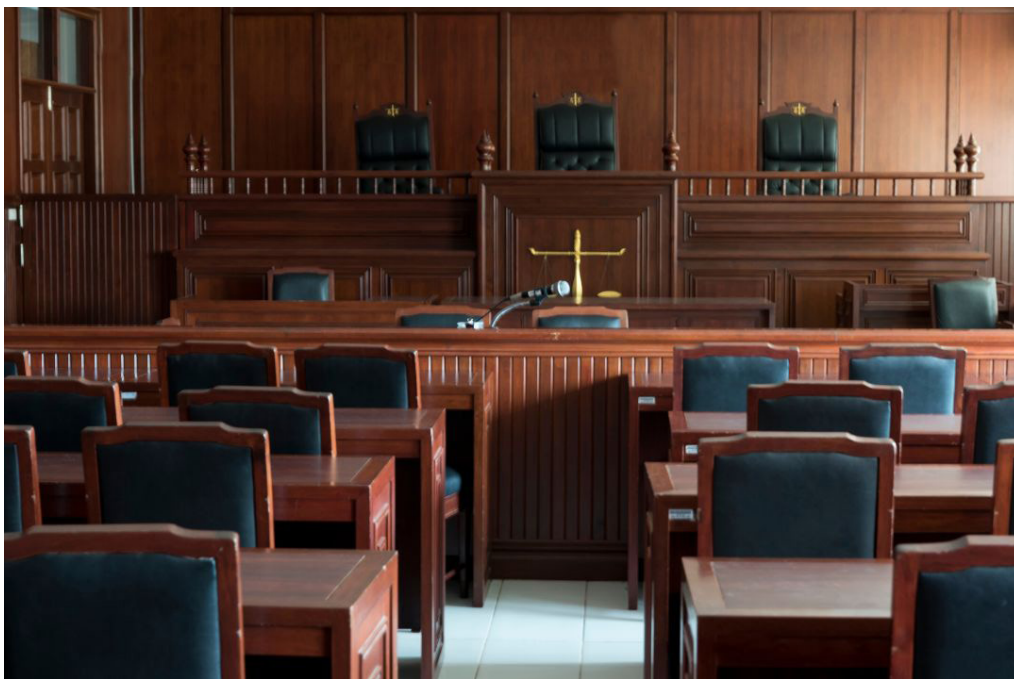
**Jess Michels**  
Supervisor

The Abuse & Neglect Unit works to protect abused or neglected children in Kane County. Abuse & Neglect cases usually result from an Illinois Department of Children and Family Services investigation that determines a child to be abused, neglected or dependent. Upon that determination, DCFS contacts the state's attorney's office to screen the case for further action or to inform the office that it has taken protective custody of the child or children. The SAO also receives case referrals from law enforcement, social service providers, probate court and juvenile delinquency court.

When a case is opened, the first step is a shelter care hearing, in which the judge determines whether a child should be placed in the temporary custody of a relative or foster family. The child remains in foster care until the parents can rectify the issues that brought the child into care. Next is an adjudicatory hearing – which is comparable to a trial – in which the SAO must prove the children named in the petition have been abused, neglected or are dependent. In a dispositional hearing, the judge determines what issues must be addressed for the children to be returned to their parents.

Abuse & Neglect court works to help the child's family improve conditions so the child can return to a safe and healthy home environment. All parties have a primary goal of keeping families together. If a child cannot safely return to their parents, the court seeks to permanently place the child in a loving home. This is determined at a parental rights termination hearing.

Assistant State's Attorney Michels supervises two ASA's and two administrative assistants.



# In Review

**175**

Cases reviewed

**195**

New files

**40**

Cases involving families  
with multiple children

**95**

Shelter care  
hearings

**73**

Adjudicatory  
hearings

**67**

Dispositional  
hearings

**41**

Parental rights  
termination hearings

## Closed 188 child cases

**6**

Petitions withdrawn

**7**

Children placed under  
guardianship

**8**

Minors achieved  
independence, aged out  
or were emancipated

**16**

Children transferred to  
other counties

**67**

Children returned home

**84**

Children adopted

# Specialty Courts



**Kim Klein**  
Supervisor

The Specialty Courts Unit oversees three problem-solving courts – Drug Rehabilitation Court, Veterans Court and Treatment Alternative Court – and three courts that focus on specialized areas of the law – Mental Health Court, Forfeiture Court and Expungement/Sealing Court. The unit also handles probation violations.

Assistant State’s Attorney Klein supervises four ASAs and three administrative assistants.

## Problem-Solving Courts

According to the Bureau of Justice Statistics, almost 60% of individuals charged with a crime test positive for one or more illegal drugs at the time of arrest, 80% of incarcerated offenders abused alcohol or other drugs before their arrest, and 50% of all inmates are clinically addicted to substances. Additionally, the National Alliance on Mental Illness reports that nearly 15% of men and 30% of women booked into jails have a serious mental health condition.

The 16th Judicial Circuit offers problem-solving courts to individuals to address these concerns as an alternative to incarceration. These courts must meet specific standards and obtain certifications as required by the Administrative Office of the Illinois Courts (AOIC) and the Special Supreme Court Advisory Committee for Justice and Mental Health Planning. Participation time varies based on each individual, and can exceed two years.





## Drug Rehabilitation Court

This court is designed to reduce recidivism and substance use among nonviolent offenders and to promote rehabilitation through intense treatment, mandatory drug testing, community supervision and appropriate sanctions and rehabilitation services. Participants work with a team of substance use professionals, local service providers, attorneys, the judge and court staff in an intensive non-adversarial program designed to address their substance use concerns and the criminal case. This approach requires frequent court appearances, treatment and testing.

### In 2023

**80**

New applicants

**89**

Overall participants

**16**

Graduates

## Treatment Alternative Court

Treatment Alternative Court is for defendants with serious mental health issues. Participants work with a team of mental health professionals, local service providers, attorneys, the judge and court staff in an intensive, non-adversarial program to address their concerns and the criminal case.

### In 2023

**31**

New applicants

**30**

Overall participants

**6**

Graduates

## Veterans Court

Veterans Court is for defendants who have been on active military duty and who have serious mental health or substance use concerns. Participants work with a team of mental health professionals, local service providers, attorneys, the judge, and court staff in an intensive nonadversarial program designed to address these concerns.

### In 2023

**5**

New applicants

**6**

Overall participants

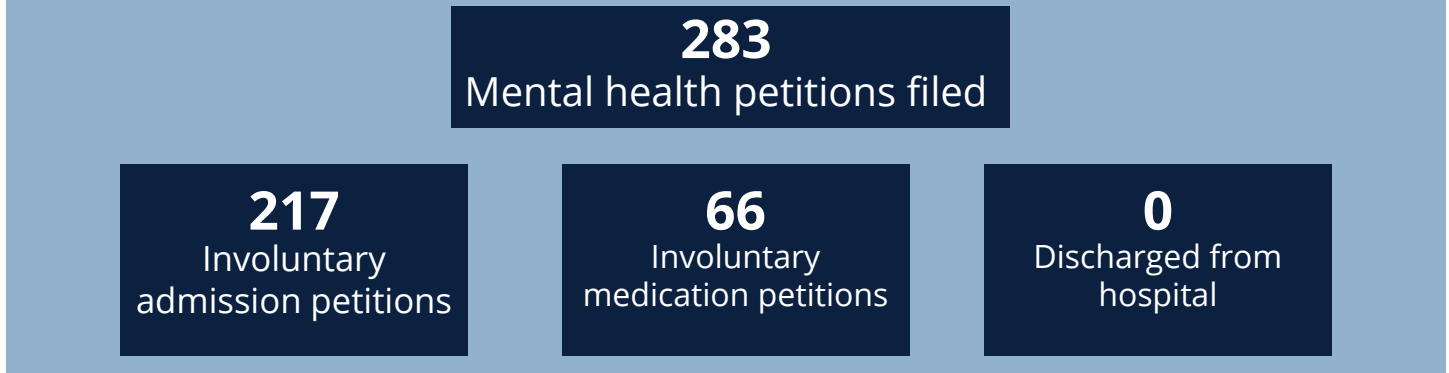
**0**

Graduates

## Mental Health Court

This court consists of hearings on Petition for Involuntary Admission and Petition for Administration of Psychotropic Medication. Most respondents are patients at Elgin Mental Health Center, Ascension Mercy Hospital in Aurora, or Ascension St. Joseph Hospital in Elgin.

In 2023



## Forfeiture Court

Article 36 forfeitures – Illinois law allows state’s attorneys to seek forfeiture of assets, including cash involved in felony drug transactions, as well as the forfeiture of vehicles used to commit certain crimes. Our office works in conjunction with police agencies on forfeiture proceedings under 720 ILCS 5/36-1 or Article 36. This law allows police to seize vehicles that were used with the knowledge and consent of the owner in the commission of certain crimes. These include: DUI while driving on a suspended or revoked license, felony DUI, aggravated fleeing and eluding, reckless homicide, stalking and burglary. This law is used in conjunction with the criminal courts and criminal charges. Seized property is returned when there is evidence of innocent ownership.

Drug asset forfeitures – The Drug Asset Forfeiture Procedure Act (725 ILCS 150) allows for the civil forfeiture of property used to facilitate, or that was acquired from a violation of felony drug laws. Under this statute, police may seize assets that were profits from drug deals or that were used in the commission of certain drug offenses.

**Expungement/Sealing** - Illinois law allows individuals with a criminal record the opportunity to have their records cleared or sealed. Expungement removes all records related to the criminal offense, while sealing makes the record inaccessible to the public. To have a charge expunged from a criminal record or sealed, an individual must petition the court in the county where the offense occurred. The state’s attorney’s office is responsible for reviewing those petitions for expungement or sealing and for determining whether the petitioner meets the legal requirements for expungement or sealing.

**Probation Violations** - Many defendants, upon conviction, are given a sentence of probation. If a defendant violates their probation terms, the SAO must determine the next step, which could involve resentencing the offender. The office reviewed 1,489 probation violations, 569 of which were new criminal offenses.

# Civil



**John Frank**  
Chief



**Erin Brady**  
Deputy Chief

The Civil Division serves as the legal counsel for the County of Kane, as well as its elected and appointed officials. This includes the County Board (and its county departments), State's Attorney, Sheriff, Public Defender, Judiciary, Court Services, Circuit Clerk, County Clerk, Coroner, Treasurer, Auditor, Recorder, Supervisor of Assessments, and the Regional Office of Education. The Civil Division does not represent private interests, nor residents of the county individually.

As legal counsel for the County, the Civil Division represents and advises officials and staff in all legal aspects of government operations. This includes litigation and risk management, statutory authority and governance, constitutional and statutory requirements, sunshine laws, ethics, parliamentary rules, intergovernmental cooperation, budgets, audits, taxes, federal and state grants, labor and employment, civil rights, First Amendment, Due Process, contracts, procurement, bond financings, zoning and development, landfill operations and compliance, emergency planning and response, public health, and elections. The Civil Division even routinely litigates in state and federal court, as well as various state and federal agencies, on all of the topics above. Given the breadth of the topics that the Civil Division handles, it has increased in numbers to comprise 11 attorneys, one paralegal, and one administrative assistant.

## In Review

- The Civil Division faced a number of complex and time-consuming responsibilities in 2023. One of the primary responsibilities is providing legal support for the County Board on an endless number of issues throughout the year. Some of the more known issues are conflicts over internal control for elected officials, special use petitions for solar fields, and passing the annual budget during a marathon end-of-the-year meeting. The Civil Division also continues to assist Kane County with its efforts to spend over \$100 million of ARPA funds before the end of 2023 to benefit county services for residents.
- On the litigation front, the Civil Division has numerous ongoing cases throughout the year and has won or received favorable judgments in federal and state lawsuits, including Section 1983 actions, various tort actions against the County, and property tax objection matters.
- The Civil Division continues to negotiate labor contracts annually, review and draft contracts and resolutions, and respond to the large volume of Freedom of Information Act requests. In 2023 alone, the Civil Division has processed over eighty-four (84) requests to the SAO in 2023, which can each require significant resources and substantial time to process.

# Child Support



**Heidi Baxter**  
Supervisor

The Child Support Unit's goal, as enumerated by the Federal Office of Child Support Enforcement, is "to promote parental responsibility so that children receive reliable support from both of their parents as they grow to adulthood." Our office accomplishes this goal by helping Kane County families establish paternity, child support, medical support, and modifying judgments, as well as collecting delinquent child support payments.

The unit began in 1975 when the Kane County State's Attorney's Office entered into its first contract to provide legal services to the State of Illinois Department of Public Aid, now known as the Illinois Department of Healthcare and Family Services, Division of Child Support Services HFS/DCSS. The Social Security Act of 1975 included Title IV-D, a federal law that requires all states to provide child support enforcement services to families with dependent children regardless of income. Each state has a Title IV-D agency that operates its child support enforcement program. HFS/DCSS is the official Title IV-D Agency in Illinois and administers the child support enforcement program here.

The Kane County State's Attorney's Office is one of only 13 county prosecutor's offices throughout Illinois that contracts with HFS/DCSS to provide local judicial enforcement of child support obligations. The Illinois Attorney General's Office provides judicial enforcement in the remaining 89 Illinois counties.

Kane County taxpayers do not bear the direct burden of paying for the Child Support Unit. Title IV-D provides that the federal government pay matching funds and incentive payments to the states in order to fund their enforcement programs. The federal government provides the majority of the unit's operating budget via contractual payments through the State of Illinois and HFS/DCSS pays the balance.

Assistant State's Attorney Baxter supervises three ASA's, four paralegals, and one administrative assistant.

## In Review

**\$41,414,274**

Collected for Kane County families

**99%**

Exceeded all performance targets imposed by the State with an average compliance rate greater than 99% over all required elements.

**9,927**

Children served in 9,478 families

**566**

Filed new pleadings



# Advocacy Services



**Sheila Gray**  
Supervisor

The victim services advocates serve an essential and critical role in the Kane County State's Attorney's Office. Advocates work to ensure that crime victims are made aware of their rights as outlined under the Crime Victims' Bill of Rights. They coordinate with the assistant state's attorneys to schedule meetings with victims to complete case reviews and help in preparing victims for trial. The victim services advocates are the primary point of contact for victims and can be present with them in court during proceedings. The advocates are committed to supporting victims throughout a process that can be difficult to understand.

Advocates provide information and referrals to victims about programs and services in the community. They assist victims in completing forms for restitution and with filing claims with the Illinois Crime Victim Compensation program. The victim services advocates work to maintain connections with community partners to stay current with available services. Community partners with whom advocates have the most contact with are the following: Mutual Ground, Community Crisis Center, Alliance Against Intoxicated Motorists and Mothers Against Drunk Driving.

The unit consists of the supervisor and five victim services advocates.

## In Review

<b>2,490</b>	New cases opened to assist victims and/or their families or significant others in criminal proceedings
<b>557</b>	Meetings with walk-ins to respond to various
<b>317</b>	Emergency Orders of Protection, Stalking No Contact Orders and/or Civil No Contact Orders filed
<b>125</b>	Assisted in the filing of Orders of Protection, Stalking No Contact Orders and/or Civil No Contact Orders
<b>509</b>	Victims accompanied to court for status hearings, bench and jury trials

# Investigations

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**Chris Merritt**  
Chief

The Investigations division consists of three units: General Investigations, the Child Advocacy Center and the Child Exploitation Unit. There are two investigators assigned to General Investigations, five investigators assigned to the Child Advocacy Center, and two investigators assigned to the Child Exploitation Unit. There is also a chief investigator who is responsible for supporting and performing supervisory duties to ensure the efficient operations of the unit. The chief investigator also oversees the administrative and daily operations of the unit. The unit's main function is to support the state's attorneys in the prosecution of cases.

## **General Investigations Unit**

The unit supports the successful prosecution of criminal defendants by serving subjects with subpoenas and conducting follow up investigations. Each one of these tasks are critical to ensure that defendants are prosecuted and convicted of the crimes they committed.

In 2023, the unit was assigned to serve over 680 subpoenas. Each subpoena requires research into the subject to obtain the most current and accurate information as to the subject's whereabouts. The follow up investigations help the assistant state's attorneys prepare for trial. The unit conducted more than 30 follow up investigations. Most of the investigations involve the investigator locating and interviewing victims and/or witnesses to a crime. They are responsible for retrieving evidence from different law enforcement agencies and assisting police agencies with investigations when requested.

## **Child Advocacy Center**

The Kane County Child Advocacy Center is responsible for investigating cases of child victims of sexual assault and sexual abuse, ensuring thorough and victim-sensitive investigations and prosecutions. A team that includes a prosecutor, investigator, DCFS child protection investigator, social workers and a victim advocate, collaborates on each case to minimize the stress on the child and the child's family and to ensure that effective medical treatment and counseling are available to every child who experiences abuse.

## Child Exploitation Unit

The Child Exploitation Unit began investigating cases in August 2022 with the addition of its first specialized investigator. It added a second investigator in March 2023, and most recently added a digital forensics expert to more quickly analyze electronic devices for evidence of the crimes being committed. The goal is to ensure that individuals who download, possess, view and share child pornography are held accountable for their criminal conduct.

In addition to child pornography, the unit tackles so-called “sextortion” cases. This is when an adult posing as teenager befriends teenagers through social media, coerces the teenager to take compromising photos of themselves and eventually threatens to share the images unless the teenager continues to share compromising photos.

The proliferation of child pornography and online child exploitation grows more problematic every year. According to the most recent data available from the National Center for Missing & Exploited Children (NCMEC), there were nearly 30 million reports of online child sexual exploitation in 2021 in the United States. This is an increase of more than 42 percent from 2019. Federal, state and local law enforcement simply are unable to keep up.

- The 30 million reports in 2021 translates to more than 563,000 reports per week.
- These reports involved 39.9 million images, of which 16.9 million were unique, and 44.8 million videos, of which 5.1 million were unique.
- In 2021, NCMEC alerted local law enforcement across the U.S. to more than 4,260 potential new child victims of child pornography.
- According to the Canadian Centre for Child Protection, 78 percent of images it assessed depicted children younger than 12. Of those images, 63 percent of the children were younger than eight.

According to the Illinois Attorney General’s Internet Crimes Against Children Task Force and High-Tech Crimes Bureau and High-Tech Crimes Bureau:

- NCMEC forwarded 4,190 tips to the Illinois AG’s ICAC Task Force for investigation by Illinois law enforcement in 2019.
- That number grew to 9,292 tips in 2022, a total of 26,748 over the last four years.
- There were 3,310 tips from NCMEC to the task force through March 31, 2023. That’s on pace to more than triple the number of tips received in 2019.

## In Review

**44**

Digital forensics cases initiated

**115**

Devices examined

**84**

Forensics reports generated

**9**

Assists to external agencies

### Training/Education

- Kane County Sheriff’s Office - on Sextortion (also filmed by Fox News Chicago).
- Fox News Interview of Sextortion Special (on air and also featured on their website).
- Law and Lifesaver’s Club Guest Speaker (OTHS) on law enforcement, cybercrime, and child exploitation.
- Marmion Academy on Sextortion and Internet Crimes Against Children.
- Elgin Open Door Health Center, Guest Speaker on Internet Safety and Sextortion.

# Deferred Prosecution



**Michelle Halbesma**  
Supervisor

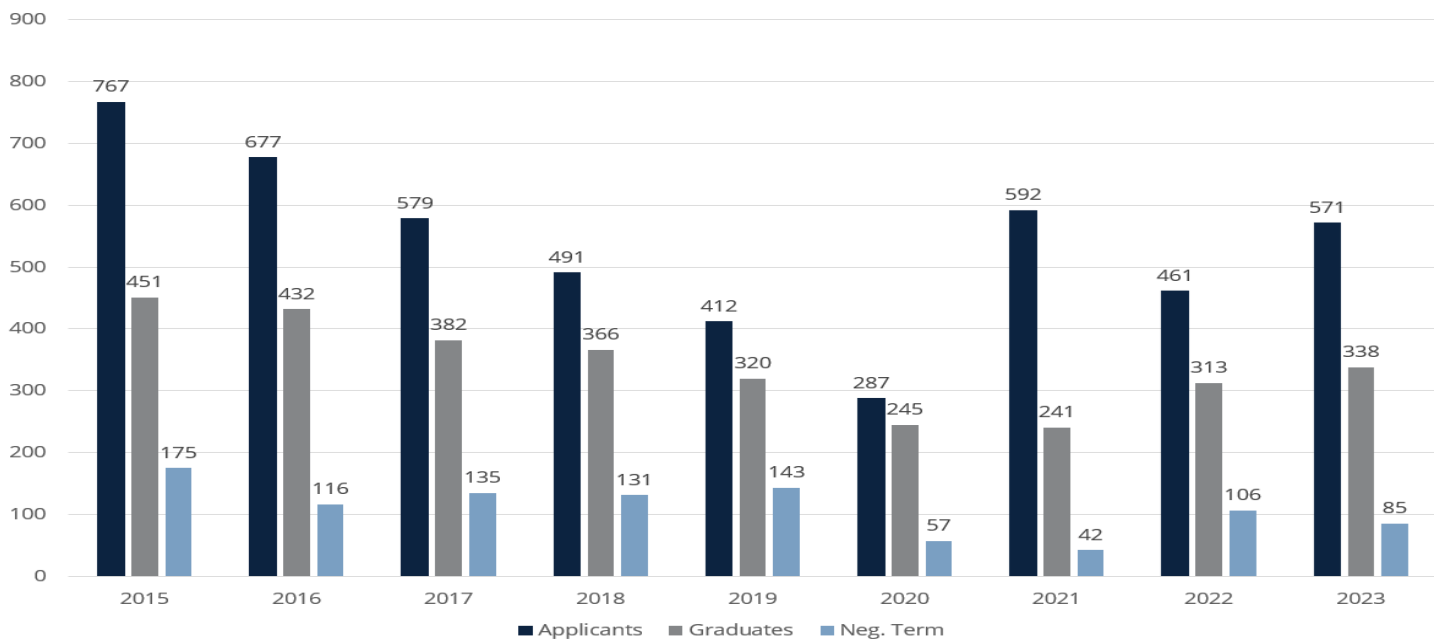
Formalized in 1995, Deferred Prosecution (a.k.a Diversion) has proven beneficial to offenders by allowing them to keep a conviction off their records. The program relieves jail overcrowding and courtroom caseloads. The continued success of the program relies on support from the criminal justice system and the community. Deferred Prosecution provides an opportunity for offenders to avoid a permanent conviction from being entered on their record while holding them accountable.

All programs provide appropriate access to mental health, substance abuse, and medical treatment, as well as case management, education, housing, and job training. Participants are evaluated to determine the risk of recidivism, appropriate levels of supervision, and need for services. Requirements vary, but typically include community service, fees, drug testing and restitution, and may include substance abuse or mental health treatment, employment and education. Upon successful completion, charges are dismissed. Overall, the completion rate averages 75 percent or greater. Upon successful completion, charges are dismissed.

The unit consists of the supervisor, six case managers and two administrative assistants.

## In Review

Deferred Prosecution by the numbers





## Felony/Misdemeanor

**Individuals diverted per year:** 150-250

**Average age of participants:** 29

**Year established:** 1995

For first-time, nonviolent offenders who have not been previously convicted. Application and program fees are assessed on a sliding scale up to \$1,500 and collected in monthly installments. Average participation time is six to 12 months.

### In 2023

- A total of 199 offenders applied for the program. Seventy-seven offenders graduated from the program and 24 were negatively terminated. Since the program's inception, 5,607 defendants have successfully completed the program with an overall success rate of 78 percent.
- Participants paid \$161,777 in restitution. Cumulatively, \$2,988,925 in restitution has been collected for victims. Restitution is required and must be paid before discharge.
- Collected \$99,419 in application and program fees.
- Participants performed 1,061 hours of community service work at charitable organizations. Since 1995, 460,342 hours of community service have been performed by Deferred Prosecution participants.
- In addition to fines, costs, restitution and community service, two participants obtained a high school diploma or GED, one completed an individual counseling program, 17 completed a substance abuse evaluation and subsequent treatment recommendations, 53 wrote letters of apology, 23 completed the Theft Awareness Program, nine complete the Parenting Support Program, 13 completed the Decision Pathways Program, and five completed the Anger Management Program.

## Misdemeanor Drug/Alcohol

**Individuals diverted per year:** 5-10\*

**Average age of participants:** 20

**Year established:** 2004

For first-time, nonviolent misdemeanor drug and alcohol offenses. Application and program fees are assessed on a sliding scale up to \$1,000 and are collected monthly throughout the agreement. Participation averages six to 12 months.

### In 2023

- Nine offenders applied to the program. Three participants graduated from the program and zero were negatively terminated. Cumulatively the program has had 1,791 graduates with an average success rate of 75 percent.
- Collected \$3,513.22 in program fees.

\* The Misdemeanor Drug/Alcohol program has seen a sharp drop in applications due to laws decriminalizing certain amounts of marijuana possession.

# Domestic Violence

**Individuals diverted per year:** 200-300

**Average age of participants:** 34

**Year established:** 2010

For first-time, misdemeanor domestic battery offenses. Application and program fees are assessed on a sliding scale up to \$400 and are collected monthly. Average participation time is 12 months.

## In 2023

- 255 offenders applied for the program. 182 participants graduated from the program and 36 were negatively terminated. Cumulatively the program has had 1,527 graduates, with an average success rate of 80 percent.
- Collected \$74,542 in program fees.

# Felony Drug

**Individuals diverted per year:** 50-100

**Average age of participants:** 26

**Year established:** 2012

For first-time, nonviolent drug offenses. Application and program fees are assessed on a sliding scale up to \$1,500 and are collected in monthly installments throughout the participant's agreement. Average participation time is 12 months.

## In 2023

- 97 offenders applied to the program. 62 participants graduated from the program and 22 were negatively terminated. Cumulatively, the program has had 510 graduates and a cumulative success rate of 76 percent.
- Collected \$34,456 in program fees.
- Eight participants completed the Drugs of Abuse class and 67 participated in formalized substance abuse treatment.

# First-time Offenders Weapon Possession

Individuals diverted per year: 25-50

Average age of participants: 25

Year established: 2021

For first-time, gun offenders who may have experienced trauma that may have contributed to poor decision-making skills. Application and program fees are assessed on a sliding scale up to \$1,500 and are collected in monthly installments throughout the participant's agreement. Average participation time is 12 months.

## In 2023

- 11 offenders applied to the program. Fourteen participants graduated from the program and three were negatively terminated. Cumulatively, the program has had 19 graduates and a cumulative success rate of 87 percent.
- Collected \$17,039 in program fees.
- Participants performed 1,001 hours of community service and attended cognitive behavioral therapy classes.



Back row L-R, Ariana Cardenas, Erick Cepeda, Intern Ulrich Adjetey, Mayra Franco, Michelle Halbesma  
Front row L-R, Kelsey Miller, Daniela Garcia, Jenny Reader, Jessica Orsini (not pictured, Lizbeth Guerrero).

# Collaborative Diversion



**Courtney Duran**  
Project Manager



**Chris Thomas**  
Supervisor

Originally called Pre-Arrest Diversion, Collaborative Diversion was developed in 2022 with the goal of public safety.

The initiative encompasses additional pathways including accepting first-time offenders and jail inmates who have entered treatment through the A Way Out program, as well as community referrals from service providers and mobile Crisis Response Teams when appropriate.

The project manager oversees finances and funding, supports program needs, and handles day-to-day administrative operations.

Collaborative Diversion case managers work with program participants, whose involvement in the criminal justice system is the result of untreated mental health, substance use, and/or a lack of resources. The case managers use motivational interviewing and harm reduction, connecting participants to needed services and treatment when they are ready.

The community engagement coordinator communicates with the community and outside agencies and implements program policies and procedures.

Collaborative Diversion is almost entirely grant funded. Grants continue to fund this initiative with the second year of both the state Community Law Enforcement Partnership for Deflection grant and the federal Comprehensive Opioid, Stimulant, and Substance Use Program grant. The program has received \$1.7 million in grants.

The initiative consists of a project manager, community engagement coordinator, four case managers, and a case manager supervisor.





# In Review

**58** Individuals agreed to voluntarily work with case managers

**44** Participants remain engaged in case management

**8** Participants had subsequent arrests

**4** Completed 30 days of treatment

**130** Referrals made

## Collaborative Diversion Participant Highlights

An individual with a severe drug addiction was referred to the program. He had burned all bridges with his family members. We worked with him to get him stabilized while also placing him in an inpatient program which he completed after 38 days. He then transitioned to sober living where he started working and was able to get his driver's license back. From there, he made amends with his family members, and rekindled a relationship that he thought would never be again. He is now in school working towards a bachelor's degree in psychology while working, and living in his own apartment.

A houseless individual with alcohol use disorder completed a 30-day inpatient program after multiple attempts to become sober. The individual then transitioned to a sober living facility where they were able to obtain a job and is currently living in their own apartment and paying their way.

A participant was deferred to the program after experiencing a psychotic episode, and left marijuana and guns on the steps of the Kane County Sheriff's Office. The participant is currently stable, and contributing to his mother and home for the first time ever. Also, for the first time in 15 years, he is employed and has purchased a car.

A young man who already had a full-time job was caught with THC cartridges he was selling to make ends meet. The case manager worked with the young man to budget, prioritize more, and kept him on his path when he wanted to stray. This young man continues his job as an assistant general manager of a restaurant and did not have to worry about a mistake causing him to have a criminal record follow him. He is now a home owner, and his fiancé and their two infant daughters reside with him. He was able to complete this process due to his now clean criminal background. He is also currently in the process of opening his own restaurant.



# Community Prosecution



**Pam Bradley**  
Director

Community Prosecution is a proactive approach to public safety that allows the SAO to address residents' and stakeholders' welfare concerns while building community trust.

The overall goal is crime reduction with increased community ownership and pride, as well as long-term relationships with residents, law enforcement, community groups, elected officials, and churches in Kane County. An additional goal is to increase crime prevention awareness and youth involvement.

The Community Prosecution Unit completed its 19th year of the Law Enforcement Youth Academy in partnership with the Aurora Police Department, Kane County Sheriff's Office, Kane County Coroner's Office, Drug Enforcement Administration, Federal Bureau of Investigation and the City of Aurora. In 2023, 40 youth graduated from the academy and established a milestone of 540 youth graduating from the program since 2004.

State's Attorney Jamie Mosser partnered with the North Aurora Police Department to host a youth and technology event presentation at Jewel Middle School, as well as three senior citizen scam/fraud prevention events with the Village of North Aurora and the Messenger Public Library. Volunteers attended all of the events.

The unit included the supervisor and eight volunteer SAO employees.

## In Review

**40**

Graduates from the Aurora Law Enforcement Youth Academy

**140**

Employee volunteer hours

**19**

Community events attended

# Juvenile Justice Council



**Julia Schick**  
Supervisor

The Juvenile Justice Council supports collaboration among agencies and programs to better address juvenile delinquency and to develop and implement a plan to prevent juvenile delinquency.

The council consists of stakeholders from inside and outside the juvenile court system who collaborate to improve juvenile justice issues in Kane County. Stakeholders comprise the council's board of directors, while the full council consists of partners from community agencies, service providers, schools and other community alliances.

Public Defender Rachelle Conant chairs the group. Additionally, the council represents the local juvenile justice system on other community initiatives and alliances. The board of directors meets monthly. The full council meets quarterly. Subcommittees meet as needed. Although the council makes recommendations to more effectively utilize services, it is not a direct service provider.

## Accomplishments

- Coordinated a two-part speaker series focusing on utilizing data and strategic approaches for those working with the juvenile justice system.
- Continued to support implementation of Restorative Practices throughout the community by facilitating and coordinating trainings.
- Explored strategies to address inequities occurring within the juvenile justice system by maintaining a workgroup to examine data from the various decisions made throughout the duration of a case, coordinated a presentation for stakeholders to review the trends in data related to racial and ethnic disparities, and participated in the statewide Illinois Racial Justice and Equity Committee, with the JJC coordinator maintaining a role as co-chair to this group.
- Progressed on a strategy to address the issue of adolescent domestic battery, specifically related to youth being placed in detention as a result of this offense.
- Initiated efforts to focus on the station adjustment process to increase consistency in using station adjustments as an intervention to prevent youth from entering the court system.



# **Kane County State's Attorney's Office**

37W777 Route 38, Suite 300  
St. Charles, IL 60175

<https://sao.kanecountyil.gov/>