

MEMORANDUM

TO: Jacob Gosselin, Injustice Watch

FROM: Hon. Maura Slattery Boyle

DATE: August 13, 2018

RE: Response to Questions

I have received the questions which were contained in your letter. The following is my response to your inquiries :

In regard to Appellate Court opinions, I read and follow the rule of law and appropriate precedent contained in all decisions, regardless of whether the case was heard by me at trial or originally heard by another judge. I comply with all decisions issued by the Appellate Court, and the rules of law and precedent are considered in all of my rulings.

You have referred to four cases in which my decisions were reversed by the Appellate Court. I understand these cases are still pending or are a part of other litigation. According to the Judicial Canon of Ethics, I am prohibited from commenting on these cases.

However, I will discuss with you my overall work. I have been affirmed by the Appellate Court on the vast majority of my cases.

You have also asked about cases that I have heard being reversed and assigned to other Judges. This is a practice used by the Appellate Court to ensure there is no appearance of impropriety. In addition, I have been assigned cases that were originally heard by other judges, which the Appellate Court had reversed and remanded, and which were then assigned to me for hearing or trial. The practice of the Appellate Court to remand and reassign cases is not a new or a novel practice. This approach has been employed by the reviewing Court for years and has been applied in numerous cases.

Your question about the sentence I have imposed upon individuals based on the Cook County State's Attorney's Office Data is multi-layered. The data which you examined is complex. There are many important factors in sentencing that are not considered or reflected in that data. The data does not tell you, for example, about the particular facts of the case, the defendants' background, factors in aggravation or mitigation, the defendant's allocution, or the Victim Impact Statement or anything about the victim. The data further does not reflect mandatory sentencing guidelines, or enhanced sentencing, based on facts in the case.

Your assessment that I impose harsh sentences is based on incomplete data. For example, some of the judges included in this data only hear specific types of cases, such as those involving narcotics or specialty courts, i.e. mental health and veterans' cases. I handle cases that are defined as violent offenses, the most serious crimes.

One of the important factors to consider is a request by either party for a Substitution of Judge. Since January 1, 2018, I can report that .01 of the cases assigned to me has either party requested a new judge. This fact is a clear indicator that defendants, defense attorneys, and the States' Attorneys Office do not view me unfair, harsh, or difficult. If I were considered to be any of those, the requests for Substitution of Judge would obviously be much greater. I can tell you that since 2009, when I was assigned to the Felony Criminal Division, I have only been presented with a small number of requests for a Substitution of Judge.

Judge Maura Slattery Boyle