

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721
(217) 782-2035

Craig Mrazek
Reg. No. M20689
Taylorville Correctional Center
1144 IL Rte. 29
Taylorville IL 62568

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

November 26, 2019

In re: People State of Illinois, respondent, v. Craig Mrazek, petitioner.
Leave to appeal, Appellate Court, First District.
125336

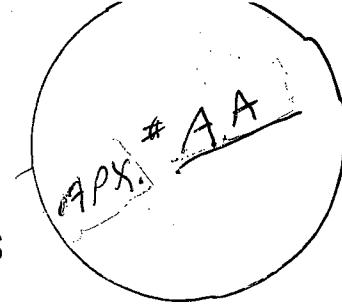
The Supreme Court today DENIED the Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 12/31/2019.

Very truly yours,

Carolyn Taft Gosboll

Clerk of the Supreme Court



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL
Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

February 28, 2020

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Craig Mrazek
Reg. No. M20689
Taylorville Correctional Center
1144 IL Rte. 29
Taylorville, IL 62568

In re: People v. Mrazek
125336

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Denied.

Order entered by the Court.

This Court's mandate shall issue forthwith to the Appellate Court, First District.

Very truly yours,

Carolyn Taft Gosboll

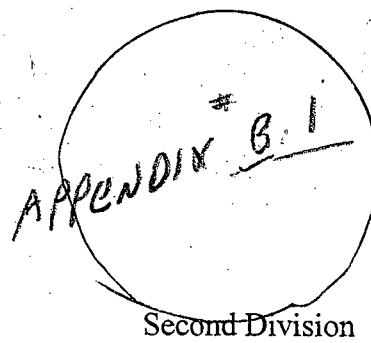
Clerk of the Supreme Court

cc: Appellate Court, First District
Attorney General of Illinois - Criminal Division
Cook County State's Attorney, Criminal Division

NOTICE
The text of this order may
be changed or corrected
prior to the time for filing of
a Petition for Rehearing or
the disposition of the same.

2006-25
No. 1-17-2310

Order filed on June 18, 2019.



IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,) Appeal from the
Plaintiff-Appellee,) Circuit Court of
v.) Cook County.
CRAIG MRAZEK,))
Defendant-Appellant.)) No. 09 CR 14841
)) The Honorable
)) Colleen A. Hyland,
)) Judge Presiding.

PRESIDING JUSTICE LAVIN delivered the judgment of the court.
Justices Pucinski and Hyman concurred in the judgment.

SUMMARY ORDER

¶ 1 Pursuant to a negotiated guilty plea entered on April 19, 2011, defendant Craig Mrazek was found guilty of three counts of predatory criminal sexual assault of a child and sentenced to three consecutive terms of six years' imprisonment. Defendant did not move to withdraw his guilty plea or file a direct appeal.

¶ 2 In April 2014, defendant filed a *pro se* petition under the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2014)), raising numerous claims of ineffective assistance of trial counsel. In July 2014, the circuit court entered a written order summarily dismissing the petition. On appeal, defendant contended he stated an arguable claim for ineffective assistance

APX 32

based on trial counsel's failure (1) to object to an improper term of mandatory supervised release, and (2) to request a fitness hearing. On October 18, 2017, this court reversed the summary dismissal and remanded for further proceedings in the circuit court. *People v. Mrazek*, 2017 IL App (1st) 142975-U. On March 15, 2019, circuit court dismissed defendant's petition at the second stage of postconviction proceedings, and his appeal is currently pending in this court.

¶ 3 In February 2015, during the pendency of defendant's first postconviction appeal, he filed a motion in the circuit court seeking additional presentence custody credit. In March 2015, the circuit court denied the motion. We granted appellate counsel's motion to withdraw pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987), and dismissed defendant's appeal for lack of jurisdiction. *People v. Mrazek*, 2017 IL App (1st) 152938-U.

¶ 4 On August 9, 2017, also during the pendency of the first postconviction appeal, defendant filed a motion in the circuit court for "Nunc Pro Tunc Power of Court to Correct Erroneous Records" (*nunc pro tunc* motion), based on the following facts.

¶ 5 In January 2010, trial counsel moved to dismiss the indictment based on an alleged statute of limitations violation. On September 14, 2010, counsel informed the trial court that the State had not responded to the motion. The State responded on November 9, 2010, and the court denied defendant's motion on December 7, 2010. On April 19, 2011, immediately before defendant entered his negotiated guilty plea, counsel confirmed that defendant "waive[d] any statute of limitations" claims.

¶ 6 In the *nunc pro tunc* motion, defendant alleged that, on September 14, 2010, the trial court stated it would "drop this case" at the next court date if the State was not prepared to argue his motion to dismiss. Defendant claimed that court reporters obstructed justice by failing to include the trial court's statement in the transcript of proceedings, and that trial counsel was

ineffective for not seeking an acquittal on the basis of that statement. Therefore, defendant requested the circuit court appoint a third party to re-transcribe the proceedings from September 14, 2010 and December 7, 2010.

¶ 7 On August 18, 2017, the circuit court made an oral ruling stating it “denied” defendant’s motion because “the [c]ourt lacks jurisdiction.”

¶ 8 The State Appellate Defender, who represents defendant on appeal, has filed a motion for leave to withdraw as appellate counsel, citing *Finley*. Counsel has submitted a memorandum in support of the motion, stating that counsel has reviewed the record and concluded that an appeal would be without arguable merit because the trial court did not err in denying defendant’s motion to dismiss and his guilty plea waived all non-jurisdictional errors. See *People v. Townsell*, 209 Ill. 2d 543, 545 (2004) (“a voluntary guilty plea waives all non-jurisdictional errors or irregularities, including constitutional ones”). Copies of the motion and memorandum were sent to defendant, who was advised that he may submit any points in support of his appeal. Defendant has responded.

¶ 9 After carefully reviewing the record in light of counsel’s memorandum and defendant’s response, we agree that an appeal would be without arguable merit. However, we reach this conclusion for a different reason than the grounds discussed in appellate counsel’s memorandum. Specifically, the circuit court correctly determined that it lacked jurisdiction over defendant’s *nunc pro tunc* motion.

¶ 10 Generally, the circuit court loses jurisdiction to hear a cause after the expiration of the 30-day period following the entry of a final judgment. *People v. Bailey*, 2014 IL 115459, ¶ 8; *Robinson v. Point One Toyota, Evanston*, 2012 IL App (1st) 111889, ¶ 18 (“Absent a timely filed posttrial motion, a trial court loses jurisdiction over a case pending before it 30 days after the

APX BY

entry of a final judgment terminating the litigation.”). As an exception, the circuit court may at any time enter an order *nunc pro tunc* “to correct a clerical error or matter of form so that the record conforms to the judgment actually rendered.” *Robinson*, 2012 IL App (1st) 111889, ¶ 18.

¶ 11 In this case, defendant filed the *nunc pro tunc* motion in the circuit court on August 9, 2017, more than six years after judgment was entered on his negotiated guilty plea. The *nunc pro tunc* motion did not seek to amend a clerical error in the trial court’s judgment, but rather, sought to amend the record to support defendant’s allegations against trial counsel and the court reporters. The circuit court correctly found it lacked jurisdiction to consider the motion, and notwithstanding that it stated the motion was “denied,” properly dismissed the motion for lack of jurisdiction. As our review is limited to reviewing the circuit court’s jurisdiction, which was lacking, we have no authority to review the merits of defendant’s appeal. See *People v. Flowers*, 208 Ill. 2d 291, 303, 307 (2003) (though the trial court lacked jurisdiction to consider the defendant’s motion filed more than 30 days after sentencing, the appellate court had authority to review whether the trial court had jurisdiction). Accordingly, the motion of the State Appellate Defender for leave to withdraw as counsel is allowed and defendant’s appeal is dismissed.

¶ 12 This order is entered in accordance with Illinois Supreme Court Rule 23(c)(1) (eff. April 1, 2018).

¶ 13 Appeal dismissed.

Sheet # 0007	Defendant Sheet # 0001 OF 0002	CRIMINAL DISPOSITION SHEET			Branch/Room/Location 0571 BRIDGEVIE 526 HICKORY HILLS	CLERK USE ONLY 0007	
CASE NUMBER 09CR1484101		DEFENDANT NAME MRAZEK, CRAIG		ATTORNEY ETTINGER BESBEKOS SCHROED		COURT DATE 08-18-2017	COURT CALL/TIME 2-0930 AM
CB/DCN # 017632320	IR # 2006026	EM	BOND # 13	I <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	C <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	D <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	BOND AMOUNT \$250,000.00
CHARGES		* IN CUSTODY 03/22/11*		COURT ORDER ENTERED			CODES
C001 720-5/12-14.1(A) (1) PREDATORY CRIMINAL SEXUAL 04/19/11 DEF SENTENCED ILLINOIS		DOC	Red Chordis 10/10/17				
C002 720-5/12-14.1(A) (1) PREDATORY CRIMINAL SEXUAL 04/19/11 DEF SENTENCED ILLINOIS		DOC	Molson For Order				
C003 720-5/12-14.1(A) (1) PREDATORY CRIMINAL SEXUAL 04/19/11 DEF SENTENCED ILLINOIS		DOC	Nine Pro Tury Power				
C004 720-5/12-14.1(A) (1) PREDATORY CRIMINAL SEXUAL 04/19/11 NOLLE PROSEQUI			of Court to forced Proseous				
C005 720-5/12-14.1(A) (1) PREDATORY CRIMINAL SEXUAL 04/19/11 NOLLE PROSEQUI			Revere's Discreet				
C006 720-5/12-14.1(A) (1) PREDATORY CRIMINAL SEXUAL 04/19/11 NOLLE PROSEQUI			Moggen to Update				
C007 720-5/12-13 (A) (2) CRIM SEX ASSAULT/CANT CON 04/19/11 NOLLE PROSEQUI			Demand				
C008 720-5/12-13 (A) (2) CRIM SEX ASSAULT/CANT CON 04/19/11 NOLLE PROSEQUI			CPL 10/10/17				
C009 720-5/12-13 (A) (2) CRIM SEX ASSAULT/CANT CON 04/19/11 NOLLE PROSEQUI			CND				
C010 720-5/12-13 (A) (2) CRIM SEX ASSAULT/CANT CON 04/19/11 NOLLE PROSEQUI			APR. 10 # 10				
C011 720-5/12-13 (A) (2) CRIM SEX ASSAULT/CANT CON 04/19/11 NOLLE PROSEQUI							
JUDGE: COSTA 188		JUDGE'S No.		RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:			VERIFIED BY:

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)

4
5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT-CRIMINAL DIVISION
7 FIFTH DISTRICT

8 THE PEOPLE OF THE)
9 STATE OF ILLINOIS,)
10 Plaintiff,)
11 vs.) No. 09 CR 14841
12 CRAIG MRAZEK,)
13 Defendant.)

14 REPORT OF PROCEEDINGS of the hearing had
15 before The Honorable COLLEEN MC SWEENEY-MOORE, Judge of
16 said Court, on the 14th day of September, 2010.

17 APPEARANCES:

18 HON. ANITA M. ALVAREZ,
19 State's Attorney of Cook County, by:
20 MS. NICHOLLE HEMPEL,
21 Assistant State's Attorney,

22 appeared for the People,

23 MR. MICHAEL ETTINGER,

24 appeared for the Defendant.

25 Judy A. Lucas, CSR-084-001463
Official Shorthand Reporter
10220 South 76th Avenue
Bridgeview, Illinois 60455

EXH A.2

1 THE CLERK: Craig Mrazek, Sheet 3.

2 MR. ETTINGER: For the record, Michael Ettinger.

3 Judge, I filed a motion to dismiss the indictment.

4 I filed a memorandum of law. The State was supposed to
5 respond. I have no problem with time.

6 MS. HEMPEL: Judge, I saw Ms. Ryan upstairs. I don't
7 know if she actually was going to file something in writing.
8 It did appear to me that she was preparing to do the motion
9 to dismiss today.

10 So I would ask if we could pass it and find her
11 and see if she is willing to do that today.

12 THE COURT: Good idea.

13 ~~AK~~
14 (WHEREUPON, the Court gave attention to
15 other matters on the calendar, after
16 which the following proceedings were
17 had:)

18 THE CLERK: Sheet 3, Craig Mrazek.

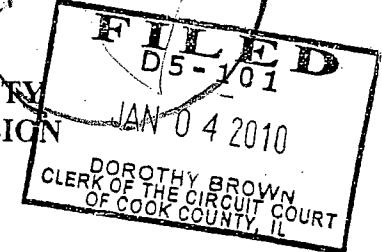
19 MR. ETTINGER: Good morning, Judge.

20 For the record, Michael Ettinger.

21 Your Honor, I was supposed to get --- I don't want
22 to get anyone in trouble, but I was supposed to get a
23 response to my motion, that I think Kathy Ryan is doing it
24 now.

25 So, if we could get a short date?

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION



THE PEOPLE OF THE STATE OF ILLINOIS)

) No. 09 CR 14841

Plaintiff,)

) vs.)

) Craig Mrazek)

) Defendant,)

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

NOW COMES the Defendant , Craig Mrazek, by and through his attorneys, Michael D. Ettinger and Mark A. Besbekos, and moves this Honorobale Court, pursuant to 725 ILCS 5/114-1(a)(2), to dismiss all fourteen counts of the Indictment because it is time barred pursuant to 720 ILCS 5/3-6(c) and in support thereof states as follows:

I. THE INDICTMENT IS FACIALLY INSUFFICIENT

720 ILCS 5/3-5(b) requires that unless specifically provided for elsewhere, a defendant be prosecuted for any felony offense within three years of commission of that offense. *People v. Macon*, 2009 Ill. App. LEXIS 1259 (Ill. App. Ct. 1st Dist. 2009). The government alleges that the defendant's conduct took place between October 1, 1996 and March 31, 2004. The prosecution did not commence until August of 2009, or five and a half years after the conduct took place. The government is over two years too late.

If the state plans to rely on an exception to this rule the state must, on the face of the indictment, specify the facts which give rise to such an exception. *People v. Macon*, 2009 Ill. App. LEXIS 1259 (Ill. App. Ct. 1st Dist. 2009). The statute itself is not self executing and therefore the state bears the burden of proving those exception should apply. *Id.* The

EXH C.2

circumstances of the exception including the specific facts and the specific exception that would suspend the statute must be pled on the indictment. *Id.* No where on the indictment does the government suggest an exception, therefore the indictment is insufficient on its face.

II. NO EXCEPTION APPLIES

According to 720 ILCS 5/3-6:

"A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are **family members**, as defined in Section 12-12 of this Code, may be commenced within one year of the [*986] victim attaining the age of 18 years." 720 ILCS 5/3-6(c)"

The Illinois courts have recognized this as a valid rule. See *People v. Stone*, 374 Ill. App. 3d 980 (Ill. App. Ct. 1st Dist. 2007). Only here the alleged victim was born on February 23, 1988, meaning her 18th birthday was on February 23, 2006. The prosecution would therefore have until February 23, 2007 to bring charges. Even with the exception carved out by section (c) the government would not have come within two years of meeting the statutory requirement.

The *Stone* decision although recognizing the defendant's lapse of time defense, overlooks it, noting that section (c) is prefaced with the clause: Except as otherwise provided in subdivision of (i) of this section. Section (i) stated:

When the victim is under 18 years of age at the time of the offense and the offender is a **family member** as defined in Section 12-12, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse may be commenced within 10 years of the victim attaining the age of 18 years." 720 ILCS 5/3-6(i)

However section (i) has been amended. On July 24, 2003 the court removed the words "family member" from the section. Section (j) of the statute which is also referred to in the *Stone* opinion also has no mention of family members. Section (c) is now the only relevant, and therefore controlling section in regards to family members.

Exh. C, 3

In construing a statute, the goal is to ascertain and give effect to the intent of the legislature. *Quad Cities Open, Inc., v. City of Silvis*, 208 Ill. 2d 498, 508, (Ill. 2004). The plain language of a statute is, of course, the best indication of the legislature's intent. *Hall v. Henn*, 208 Ill. 2d 325, 330, (Ill. 2003). All other rules of construction are subordinate to that principle. *Metzger*, 209 Ill. 2d at 34. Thus, unless an ambiguity exists in the language of the statute, we must give its plain meaning effect without resorting to further interpretive aids. *State Oil Co. v. People*, 822 N.E.2d 876, 879 (Ill. App. Ct. 2d Dist. 2004).

In seeking to determine legislative intent, a court should not read a particular provision in isolation, but rather must construe each provision in light of the statute as a whole. *People v. O'Donnell*, 116 Ill. 2d 517, 523 (Ill. 1987) Where competing interpretations of a statute exist the interpretation that is reasonable will be adopted and the one that renders portions of statute superfluous, redundant, ambiguous, etc. will be disregarded. *Chicago v. Strauss*, 128 Ill. App. 3d 193, 194 (Ill. App. Ct. 1st Dist. 1984) (Where ordinance interpretation that made a portion unnecessary, that interpretation could not be adopted.); See also *Patterson v. Department of Corrections*, 35 F. Supp. 2d 1103, 1108 (C. D. Ill. 1999). (Where Title I of Disabilities Act mentioned employment and Title II did not, employment understood only to apply to Title I).

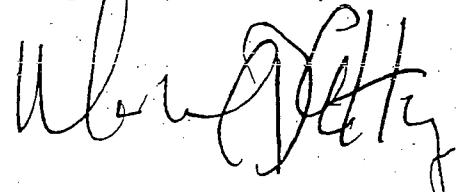
This statute can only be read one way. That section (c) includes family members because it specifically addresses family members and section (i) and (j) are meant to cover all other offenders. If one read (i) and (j) as including family members it would render the provision in (c) entirely useless and meaningless. There would be no purpose of including (c) if they wanted to remove it via (i) or (j). Furthermore the fact that the provision is effective through January 1, 2010 shows an intent to remove the provision by deletion. The legislature clearly believes it has effect and thus wishes to get rid of it.

EXH. #5,4

CONCLUSION

WHEREFORE, the defendant, Craig Mrazek, moves this Honorable Court to enter an order dismissing this Indictment for the reasons stated.

Respectfully Submitted,

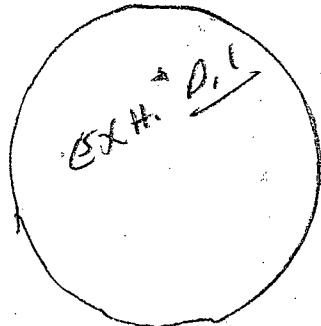


Michael D. Ettinger

Michael D. Ettinger
Ettinger, Besbekos & Schroeder P.C.
12413 S Harlem Avenue, Suite 203
Palos Heights, IL 60463
(708) 923-0368
#44210



CLERK'S OFFICE
APPELLATE COURT FIRST DISTRICT
STATE OF ILLINOIS
160 NORTH LASALLE STREET, RM S1400
CHICAGO, ILLINOIS 60601



THOMAS D. PALELLA
CLERK

October 7, 2019

Mr. Craig Mrazek
#M20689
1144 IL Route 29
Taylorville, IL 62568

Re: 1-17-2310

Dear Mr. Mrazek:

This is in response to your recent letter requesting a Supreme Court Instruction Packet and "the most thorough docket from filing action to present." I do not have a Supreme Court Instruction Packet. If you wish to contact that Court, you may do so at:

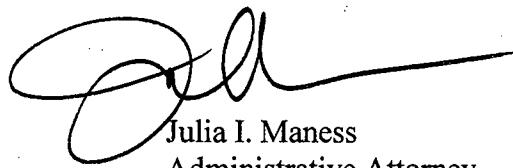
Clerk of the Illinois Supreme Court
200 East Capitol Avenue
Springfield, IL 62701

Regarding the docket you request, we do not have a public docket to provide you. I am, however, able to provide you information from our records. Our records indicate that your Notice of Appeal was filed in the trial court on September 8, 2017, and in the Appellate Court on September 26, 2017. You filed a motion for leave to proceed in forma pauperis on October 10, 2017, and the Court allowed the motion on November 6, 2017. You filed a series of motions for extensions of time to file the appellant's brief. These were denied because the record on appeal was not yet filed. On April 26, 2018, you filed a "Motion of Notification for Inclusion/Joiner." The Court denied that motion on April 27, 2018, and also appointed the Office of the State Appellate Defender to represent you on appeal. That office filed a docketing statement on July 17, 2018, a motion for extension of time to file the record, which was allowed, and a second motion for extension of time to file the record, which was also allowed. Your record on appeal was filed on November 15, 2018. Counsel then filed a motion for extension of time to file the appellant's brief on December 13, 2018, which was granted. On January 24, 2019, counsel filed a motion for leave to file electronic supplemental record *instanter*, which was granted. The supplemental record was filed on February 4, 2019. On February 11, 2019, counsel filed a motion to withdraw as counsel pursuant to *Finley*. You filed a *Finley* response on March 13, 2019, and a second *Finley* response on May 10, 2019. On April 15, 2019, you filed a Motion to

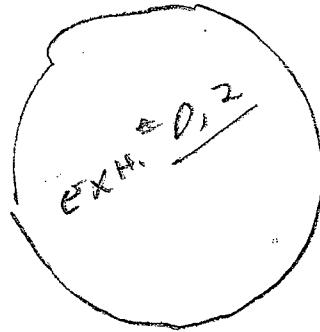
Reinstate and Reconsider, which the Court denied on April 25, 2019. On April 15, 2019, you filed a Motion for Bystander's Report, which the Court took under advisement. The Court filed a Summary Order in this case on June 18, 2019. You filed a Petition for Rehearing on July 30, 2019, which the Court denied on August 6, 2019. On October 3, 2019, you filed a Notice of Petition for Leave to Appeal.

Finally, I am returning the mandate letter you sent us. The mandate letter is directed to the Clerk of the Circuit Court. Our office also sends you and the attorneys on appeal a copy of the letter. This letter is for you to keep with your records.

Very truly yours,



Julia I. Maness
Administrative Attorney



DATE

JUDGE

ORDERS

ENTERED

Magistrate Cray

09CR14801-a61

ETX

10-30-09

Moore

① Farano withdraws Bestakos appears
BA 1-4-10

1-4-10

Moore

D motion to dismiss indictment
D files motion to reduce bond
State tend letters written by
D. B.A. 1-20-10 W/F Hearing on
motion to reduce bond.

1-20-10

Moore

① Ettinger / Bestakos

D's mo to reduce bond is
denied. D bond is exonerated
o/c BCX fitness
MD 3-2-10 x return BCX
CBR E/C

3-2-10

Moore

CBR atty BA 4-8-10 x BCX returned
\$ distributed

4-8-10

Moore

① Ettinger

BA 5-24-10

5-24-10

Moore

① Ettinger

BA 6-25-10 x do answer

6-25-10

Moore

① Bestakos

DFAD BA 7-16-10 jail
plea or setting

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE

NO.

09CR14841

DATE

PAPERS FILED

S. OFFICE

INDICTMENT/INFORMATION FILED IN

PRES. JUDGE ASSIGNMENT DATE:

BAIL PREVIOUSLY SET \$

DATE	JUDGE	ORDERS ENTERED
		NO ARRAIGNMENT
		ASSIGNED TO JUDGE
7-16-10	Moore	① Bustekas BA 8-20-10 (W/F) on motion to dismiss.
8-20-10	Moore	② Ettinger BA 9-14-10 (W/F) on motion
9-14-10	Moore	② Ettinger BA 10-7-10 (W/F) on motion to dismiss FINAL
10-7-10	Moore	② Ettinger BA 11-9-10 (W/F) on motion
11-9-10		② Ettinger St files answer to D motion to dismiss and state motion to amend ind
11-9-10		BA 12-7-10 (W/F) on motion
4-8-10		= 5th MONTAS ABSTENTION



CLERK'S OFFICE
APPELLATE COURT FIRST DISTRICT
STATE OF ILLINOIS
160 NORTH LA SALLE STREET, RM S1400
CHICAGO, ILLINOIS 60601

EXH. # IM

October 4, 2019

Honorable Dorothy Brown
Richard J. Daley Center
Room 1001
Chicago, IL 60602

RE: PEOPLE v. CRAIG MRAZEK
General No.: 1-17-2310
County: Cook County
Trial Court No: 09CR14841

We have been instructed to recall the original mandate issued to you on August 7, 2019, in the above entitled cause.

Kindly return the mandate to us at your earliest convenience.

Thomas D. Palella
Clerk of the Appellate Court

c: Craig Mrazek
Office of the State Appellate Defender, First District
State's Attorney Cook County

65-501/2 472



1-2-10
EXH. *KM

State of Illinois
Circuit Court of Cook County

Chambers of
Timothy C. Evans
Chief Judge

Kevin K. Marshall
Court Services Administrator
Judicial Security

69 West Washington Street
Suite 3300
Georg W. Dunne
Cook County Administration Building
Chicago, Illinois 60602
(312) 603-3303

December 29, 2017

Honorable Raymond L. Jagielski
Presiding Judge, Fifth Municipal District
Circuit Court of Cook County
10220 South 76th Avenue, Suite 205-L
Bridgeview, Illinois 60455

Dear Judge Jagielski:

Re: Craig Mrazek

→ 92 CR 14841

09 CR 14841 (115)

CORRECT CASE #

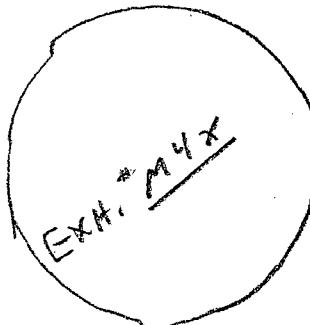
I have enclosed correspondence concerning the above-referenced individual and case.
Please review for any and all appropriate action.

Sincerely,

A handwritten signature in black ink that reads "Kevin K. Marshall" followed by "ms." in smaller letters.

Kevin K. Marshall
Court Services Administrator
Office of the Chief Judge

KKM:mjs
Enclosure
Cc: Craig Mrazek



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL
Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

January 2, 2020

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, Illinois 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Craig Mrazek
Reg. No. M-20689
Taylorville Correctional Center
1144 IL Route 29
Taylorville, IL 62568

Re: People State of Illinois, respondent, v. Craig Mrazek, petitioner.
No. 125336

Dear Mr. Mrazek:

This will acknowledge receipt of your "Motion for Enlargement of time to file Motion to Recall Mandate" on December 31, 2019.

In order to request that the Court reconsider their November 26, 2019, denial of your petition for leave to appeal in the above-captioned case, it will be necessary for you to submit the following documents to this Court without delay for filing:

- "Motion for Leave to File a Motion for Reconsideration" – This motion must ask the Court to reconsider their denial of your petition for leave to appeal, and generally set out the reasons why you feel they should do so. The motion for leave, as well as its attached proof of service, must be fully and properly completed, and be accompanied by a proposed draft order phrased in the alternative.
- "Motion for Reconsideration" - This motion must specifically set out the reasons why you feel your denied petition for leave to appeal should be reconsidered. The reconsideration motion, as well as its attached proof of service, must also be fully and properly completed, and be accompanied by a proposed draft order phrased in the alternative.

Once completed, please submit all documents to this office as soon as possible for filing.

Very truly yours,

Carolyn Taft Grossboll

Clerk of the Supreme Court

GVA) could not be brought against plain and ordinary meaning of term s individual human being and, in more expansive definition in IGVA, de legal entities, and context of that se "person or persons perpetrating," corporations were not included in since, under IGVA, term "perpetrator either personally committing violence or personally encouraging or acts of gender-related violence and could not act "personally," and that to overcome presumption, under Statutes, that term "person" orations. 740 ILCS § 82/10; 5 ILCS 5/1. Uline, Inc., 30 F.Supp.3d 739.

RATIONEM

11. Post-judgment amendment of aint to add individual as defendant, employee's argument that individual bureau chief signed letter from embe futile, where term "p.p.", which r. proactionem," which meant "byed individual's signature, and indire was below bureau chief's name indicating that individual signed letter if, and not on her own behalf. 42 981.—Titus v. Illinois Dept. of F.Supp.2d 957.—Fed Civ Proc 392.

FLICT

ist. 2017. A "per se conflict," waratic reversal, is one in which facts use attorney's status engender, by disabling conflict.—People v. Zarev, 545, 84 N.E.3d 527, appeal denied 38, 93 N.E.3d 1055, appeal denied 549, 116 N.E.3d 949.—Crim Law 31.

st. 2015. A "per se conflict" on fense counsel will be found to exist facts about a defense attorney's r, by themselves, a disabling con- l) defense counsel had a prior or us association with the victim, the an entity assisting the prosecution, insel contemporaneously represent- on witness, and (3) defense counsel rosecutor who had been personally prosecution of defendant.—People 395. Ill.Dec. 95, 37 N.E.3d 931, 397 Ill.Dec. 459, 42 N.E.3d 374.—

st. 2013. In deciding whether a ived ineffective assistance of coun- in alleged conflict of interest, the first resolves whether counsel la- per se conflict: a "per se conflict" facts about a defense attorney's r, by themselves, a disabling con-

flict. U.S.C.A. Const.Amend. 6.—People v. Patterson, 375 Ill.Dec. 362, 997 N.E.2d 673, appeal denied 378 Ill.Dec. 235, 3 N.E.3d 800, certiorari denied Patterson v. Illinois, 135 S.Ct. 63, 190 L.Ed.2d 60.—Crim Law 1781.

III.App. 2 Dist. 2012. When seeking reversal of judgment from juvenile court proceeding pursuant to a per se conflict of attorney interest, a party need not show that his or her counsel's performance was affected by the existence of the conflict; rather, a "per se conflict" arises when a party's counsel has ties to a person or entity that would benefit from an unfavorable judgment for that party, because the attorney's knowledge that his or her other client's favorable result would conflict with that party's interest might subliminally affect counsel's performance in ways that are difficult to detect and demonstrate.—In re A.F., 360 Ill.Dec. 832, 969 N.E.2d 877.—Infants 2341, 2434.

PER SE CONFLICT OF INTEREST

III. 2010. A "per se conflict of interest" exists where certain facts about a defense attorney's status engender, by themselves, a disabling conflict. U.S.C.A. Const.Amend. 6.—People v. Taylor, 341 Ill.Dec. 445, 930 N.E.2d 959, 237 Ill.2d 356, rehearing denied, certiorari denied Taylor v. Illinois, 131 S.Ct. 1466, 562 U.S. 1222, 179 L.Ed.2d 310, habeas corpus denied 2012 WL 2192228, reversed and remanded 721 F.3d 809, disapproved in later proceedings 721 F.3d 809.—Crim Law 1781.

III. 2008. A "per se conflict of interest" is one in which facts about a defense attorney's status engender, by themselves, a disabling conflict. U.S.C.A. Const.Amend. 6.—People v. Hernandez, 324 Ill.Dec. 511, 896 N.E.2d 297, 231 Ill.2d 134.—Crim Law 1781.

III.App. 1 Dist. 2016. "Per se conflict of interest," in the context of an ineffective assistance of counsel claim, arises when certain facts about a defense attorney's status create a disabling conflict, which is grounds for automatic reversal regardless of whether the conflict actually impacted the attorney's performance. U.S.C.A. Const. Amend. 6.—People v. Wilkerson, 407 Ill.Dec. 497, 63 N.E.3d 929, appeal denied 408 Ill.Dec. 370, 65 N.E.3d 846.—Crim Law 1166.10(3), 1781.

III.App. 1 Dist. 2016. Defense counsel's representation of relative of victim did not constitute "per se conflict of interest" in murder prosecution, where there was no evidence that relative would have benefited from defendant's conviction, and counsel had no association with the victim.—People v. Gacho, 403 Ill.Dec. 417, 53 N.E.3d 1054, appeal denied 406 Ill.Dec. 326, 60 N.E.3d 877.—Crim Law 1784.

III.App. 1 Dist. 2011. A "per se conflict of interest" exists where certain facts about a defense attorney's status engender, by themselves, a dis-

abling conflict. U.S.C.A. Const Amend. 6.—People v. White, 357 Ill.Dec. 57, 63 N.E.2d 994, appeal denied 360 Ill.2d 88, 63 N.E.2d 88, appeal denied 360 Ill.2d 88, 63 N.E.2d 88, dismissal of post-cr WL 1461305, ap III.Dec. 330, 60 N.E.3d 881.

III.App. 1 Dist. 2012. "Per se conflict of interest" defendant's Sixth Amendment right to effective assistance of counsel exists where certain facts about a defense attorney's status engender, by themselves, a disabling conflict. U.S.C.A. Const.Amend. 6.—People v. Poole, 396 Ill.Dec. 260, 39 N.E.3d 1086.—Crim Law 1780.

III.App. 4 Dist. 2010. A "per se conflict of interest" arises when a defendant's attorney has a tie to a person or entity that would benefit from an unfavorable verdict for the defendant, such as the victim of the defendant's alleged crime.—In re Austin M., 347 Ill.Dec. 34, 941 N.E.2d 903, 403 Ill.App.3d 667, appeal allowed 348 Ill.Dec. 190, 943 N.E.2d 1100, 239 Ill.2d 554, reversed People v. Austin M., 363 Ill.Dec. 220, 975 N.E.2d 22.—Crim Law 1783.

PER SE CONFLICTS OF INTEREST

III.App. 1 Dist. 2012. "Per se conflicts of interest," which Illinois recognizes as a class of impermissible attorney conflicts of interest, consist of those certain facts that engender, by themselves, a disabling conflict, usually the defense attorney's prior or contemporaneous association with either the prosecution or the victim; in such cases, a defendant need not show prejudice to secure a reversal of his conviction for ineffective assistance of counsel. U.S.C.A. Const.Amend. 6.—People v. Gacho, 359 Ill.Dec. 964, 967 N.E.2d 994.—Crim Law 1781, 1787, 1788.

PER SE DEFAMATION

C.A.7 (Ill.) 2016. Under Illinois law, the "per se defamation" designation applies if the statement's defamatory character is obvious and apparent on its face and injury to the plaintiff's reputation may be presumed.—Huon v. Denton, 841 F.3d 733.—Libel 33.

PERSON

C.A.7 (Ill.) 2018. Corporate manufacturer satisfied "person" requirement within meaning of federal officer removal statute, since corporations were persons under that statute. 28 U.S.C.A. § 1442(a).—Betzner v. Boeing Company, 910 F.3d 1010, on remand 2019 WL 1489046.—Rem of C 21.

C.A.7 (Ill.) 2017. State is not "person" suable under § 1983. 42 U.S.C.A. § 1983.—Kolton v. Frerichs, 869 F.3d 532, as amended, on remand 2018 WL 1519156, vacated and remanded

indefinitely when the plaintiff has shown irreparable harm and that there is no adequate remedy at law.—*Sola v. Roselle Police Pension Bd.*, 357 Ill.Dec. 812, 964 N.E.2d 175.—Inj 1011, 1046, 1053.

PERMISSIBLE INFERENCE INSTRUCTION

N.D.Ill. 2012. Unlike an "adverse inference charge," where the jury is directed to presume that the missing evidence would have been adverse to the spoliating party, a "spoliation charge," which is sometimes known as a "permissible inference instruction," permits but does not require a jury to presume that the lost evidence is both relevant and favorable to the innocent party; even if the jury makes this presumption, it must consider the spoliating party's rebuttal evidence before determining whether to draw an adverse inference. Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.—*Domarus v. Lewicki*, 284 F.R.D. 379, objections sustained 2012 WL 3307364.—Fed Civ Proc 1636.1, 2173.

PERMISSIBLE USE

C.A.7 (III.) 2011. Village's disclosure of personal information from motor vehicle record, by placing parking citation on vehicle's windshield, was for "permissible use" of effectuating service of legal process, and disclosure of personal information on citation thus did not violate Driver's Privacy Protection Act. 18 U.S.C.A. § 2721(a), (b)(4); S.H.A. 625 ILCS 5/11-208.3(b)(3).—*Senne v. Village of Palatine*, Ill., 645 F.3d 919, rehearing granted, opinion vacated, on rehearing 695 F.3d 597, stay denied 695 F.3d 617, certiorari denied 133 S.Ct. 2850, 570 U.S. 917, 186 L.Ed.2d 909, on remand 6 F.Supp.3d 786, affirmed 784 F.3d 444, rehearing and rehearing denied, certiorari denied 136 S.Ct. 419, 193 L.Ed.2d 318.—Records 31.

PERMISSIVE

III. 2009. In answering the question of whether a statute is mandatory or permissive, the term "mandatory" refers to an obligatory duty that a governmental entity is required to perform; the term "permissive" refers to a discretionary power, which a governmental entity may exercise or not as it chooses.—*People v. Delvillar*, 337 Ill.Dec. 207, 922 N.E.2d 330, 235 Ill.2d 507.—Statut 1407.

III. 2009. In the context of determining whether a statute is mandatory or permissive, the term "mandatory" refers to an obligatory duty which a governmental entity is required to perform, while "permissive" refers to a discretionary power, which a governmental entity may exercise or not as it chooses.—*People v. Ousley*, 335 Ill.Dec. 850, 919 N.E.2d 875, 235 Ill.2d 299, rehearing denied. —Statut 1407.

PERPETRATING

N.D.Ill. 2014. As predicted by federal district court, cause of action under Illinois Gender Vio-

lence Act (IGVA) could not be brought against corporations; plain and ordinary meaning of term "person" was individual human being and, in absence of more expansive definition in IGVA, did not include legal entities, and context of that term, in phrase "person or person" "rating," indicated that corporations "operating" in its definition, since, under "perpetrating" meant either gender-related violence and assisting a corporation. was sufficient. *Exh. 1* *PERSE 2* Illinois Statute presumes, under statutes, that term "person" included corporations. 740 ILCS § 82/10; 5 ILCS § 70/1.—*Fuesting v. Uline, Inc.*, 30 F.Supp.3d 739. —Civil R 1735.

PER PROCURATIONEM

N.D.Ill. 2011. Post-judgment amendment of § 1981 complaint to add individual as defendant, based on employee's argument that individual rather than bureau chief signed letter from employer, would be futile, where term "p.p.", which stood for "per procurationem," which meant "by proxy," preceded individual's signature, and individual's signature was below bureau chief's name in closing, indicating that individual signed letter for bureau chief, and not on her own behalf. 42 U.S.C.A. § 1981.—*Titus v. Illinois Dept. of Transp.*, 828 F.Supp.2d 957.—Fed Civ Proc 392.

PER SE CONFLICT

Ill.App. 1 Dist. 2017. A "per se conflict," warranting automatic reversal, is one in which facts about a defense attorney's status engender, by themselves, a disabling conflict.—*People v. Zare-ski*, 416 Ill.Dec. 545, 84 N.E.3d 527, appeal denied 419 Ill.Dec. 638, 93 N.E.3d 1055, appeal denied 426 Ill.Dec. 649, 116 N.E.3d 949.—Crim Law 1166.10(3), 1781.

* Ill.App. 1 Dist. 2015. A "per se conflict" on the part of defense counsel will be found to exist where certain facts about a defense attorney's status engender, by themselves, a disabling conflict where: (1) defense counsel had a prior or contemporaneous association with the victim, the prosecution, or an entity assisting the prosecution, (2) defense counsel contemporaneously represented a prosecution witness, and (3) defense counsel was a former prosecutor who had been personally involved in the prosecution of defendant.—People v. Thompson, 395 Ill.Dec. 95, 37 N.E.3d 931, appeal denied 397 Ill.Dec. 459, 42 N.E.3d 374.—Crim Law 1781.

III.App. 2 Dist. 2013. In deciding whether a defendant received ineffective assistance of counsel based on an alleged conflict of interest, the appellate court first resolves whether counsel labored under a *per se* conflict; a "*per se* conflict" is one where facts about a defense attorney's status engender, by themselves, a disabling con-

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EXH. # 5,1

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF)	Appeal from the Circuit Court of
ILLINOIS,)	Cook County, Illinois
)	
Plaintiff-Appellee,)	
)	No. 09 CR 14841
-vs-)	
)	
CRAIG MRAZEK,)	Honorable
)	Colleen Ann Hyland,
Defendant-Appellant.)	Judge Presiding.

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL ON APPEAL**

Appellate counsel should be permitted to withdraw because the claim that defense counsel could have achieved a dismissal of the charges is both rebutted by the record and forfeited.

I.

STATEMENT OF FACTS

In August of 2009, Craig Mrazek was indicted for six counts of predatory criminal sexual assault and nine counts of criminal sexual assault. (C. 59-73). The complainant, J.M., was Mrazek's stepdaughter, who was 21 years old when the indictment was filed. (C. 71-72, 134). The State originally alleged in the indictment that each act occurred between October 1, 1996 and March 31, 2004. (C. 69-73).

In January of 2010, defense counsel filed a motion to dismiss the indictment alleging the extended limitations statute (720 ILCS 5/3-6 (West 2009)) required the charges to be brought within one year of the complainant's 18th birthday. (C. 110-12). On September 14, 2010, defense counsel informed the trial court that he was

(C XH. # 5,2)

Mrazek's motion for order *nunc pro tunc* power to correct erroneous records

On August 9, 2017, Mrazek filed a "motion for order *nunc pro tunc* power to correct erroneous records." (C. 377). The motion alleged that when the case was passed on September 14, 2010, to determine when the prosecutor would respond to the defense's motion to dismiss indictment, the trial court stated she was "tired of the State wasting the court's time, + if (they) aren't ready to argue counsel's motion to dismiss next (time in court), I'm going to drop this case!" (C. 378) (Parentheses in the original).¹ The motion alleged that defense counsel squandered the opportunity to win Mrazek's acquittal when the court offered to drop the case. (C. 382). The motion alleged that the court reporters transcribing the proceedings on September 14, 2010, and on the date court denied the motion to dismiss obstructed justice by failing to transcribe the court's comments. (C. 385). The motion requested the appointment of a third party to retranscribe those two court dates. (C. 383).

On August 18, 2017, the circuit court denied the motion as follows: "Mr. Mrazek has filed two separate motions. He filed a motion entitled motion to expedite and a motion for order *nunc pro tunc* power of Court to correct erroneous records. Both motions are denied. The Court lacks jurisdiction. Clerk to notify the defendant." (R. 72). Mrazek appealed. (C. 398).

¹ Mrazek raised a similar claim in his *pro se* post-conviction petition. (C. 271).

(42)

CERTIFICATE

(TO BE COMPLETED FOR PRISONERS ONLY. THIS IS A STATEMENT BY THE PRISON AND NOT THE PRISONER)

I hereby certify that the plaintiff or petitioner in this action has the sum of \$ -63.57 in his trust fund account at this correctional center where is confined. I further certify that the plaintiff or petitioner has the following securities to his credit according to the records of this institution: _____

N/A

Susan L Key
Authorized Officer

Taylorville CC
Institution

Account Sec 1
Title

2-6-2020
Date

IMPORTANT:

THIS CERTIFICATE MUST BE ACCCOMPANIED BY A COPY OF A SIX MONTH LEDGER OF THE PLAINTIFF'S TRUST FUND ACCOUNT.

(42)

Date: 2/6/2020

Time: 1:45pm

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**Taylorville Correctional Center
Trust Fund**

Page 1

Inmate Transaction Statement

REPORT CRITERIA - Date: 07/01/2019 thru End; Inmate: M20689; Active Status Only ? : No; Print Restrictions ? : Yes;
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: M20689 Mrazek, Craig

Housing Unit: TAY-05-B -09

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
						Beginning Balance:	0.01
07/03/19	Mail Room	15 JPAY	184200	102821995	Mrazek, Kirk	200.00	200.01
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 05/17/2019	-2.40	197.61
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 05/23/2019	-7.30	190.31
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 05/31/2019	-4.15	186.16
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 06/07/2019	-1.75	184.41
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 06/07/2019	-1.60	182.81
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 06/14/2019	-4.80	178.01
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 06/21/2019	-7.30	170.71
07/11/19	Disbursements	81 Legal Postage	1923112	Chk #102735	Pitney Bowes Bank In, 06/28/2019	-7.00	163.71
07/11/19	Point of Sale	60 Commissary	192788	98861867	Commissary	-52.18	111.53
07/25/19	Mail Room	15 JPAY	206200	103682139	Hauser, Ross	150.00	261.53
07/26/19	Disbursements	81 Legal Postage	2073112	Chk #102836	Pitney Bowes Bank In, 07/17/2019	-2.60	258.93
07/26/19	Disbursements	81 Legal Postage	2073112	Chk #102836	Pitney Bowes Bank In, 07/19/2019	-4.65	254.28
07/26/19	Disbursements	81 Legal Postage	2073112	Chk #102836	Pitney Bowes Bank In, 07/25/2019	-4.85	249.43
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 05/20/2019	-8.85	240.58
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 05/20/2019	-2.58	238.00
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 05/22/2019	-1.38	236.62
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 05/28/2019	-6.35	230.27
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 05/30/2019	-2.81	227.46
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 06/07/2019	-4.50	222.96
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 06/13/2019	-2.10	220.86
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 06/13/2019	-2.20	218.66
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 06/19/2019	-5.40	213.26
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 06/24/2019	-13.50	199.76
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 06/28/2019	-3.70	196.06
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 07/05/2019	-.90	195.16
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 07/05/2019	-.10	195.06
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 07/05/2019	-2.31	192.75
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 07/05/2019	-4.69	188.06

Date: 2/6/2020

Time: 1:45pm

**Taylorville Correctional Center
Trust Fund**

Page 2

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Inmate Transaction Statement

REPORT CRITERIA - Date: 07/01/2019 thru End; Inmate: M20689; Active Status Only ? : No; Print Restrictions ? : Yes;
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance
 Errors Only ? : No

Inmate: M20689 Mrazek, Craig**Housing Unit: TAY-05-B -09**

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 07/17/2019	Inv. Date: -2.42	185.64
07/30/19	Disbursements	84 Library	2113112	Chk #102851	DOC: 523 Fund Librar, 07/24/2019	Inv. Date: -6.20	179.44
07/30/19	Disbursements	90 Medical Co-Pay	2113112	Chk #102852	DOC: 523 Fund Inmate, 05/22/2019	Inv. Date: -5.00	174.44
07/30/19	Disbursements	90 Medical Co-Pay	2113112	Chk #102852	DOC: 523 Fund Inmate, 06/10/2019	Inv. Date: -5.00	169.44
07/31/19	Disbursements	73 Court Ordered Fees	2123112	Chk #102866	0002322, US Dist Cou, 07/31/2019	Inv. Date: -19.89	149.55
08/01/19	Point of Sale	60 Commissary	2137109	98864249	Commissary	Inv. Date: -70.19	79.36
08/09/19	Disbursements	84 Library	2213112	Chk #102932	DOC: 523 Fund Librar, 07/24/2019	Inv. Date: -2.60	76.76
08/09/19	Disbursements	73 Court Ordered Fees	2213112	Chk #102945	0002310, US Central, 03/25/2019	Inv. Date: -40.00	36.76
08/09/19	Disbursements	73 Court Ordered Fees	2213112	Chk #102945	0002310, US Central, 03/25/2019	Inv. Date: -30.00	6.76
08/12/19	Disbursements	81 Legal Postage	2243112	Chk #102968	Pitney Bowes Bank In, 08/05/2019	Inv. Date: -1.95	4.81
08/12/19	Point of Sale	60 Commissary	224788	98865453	Commissary	Inv. Date: -4.62	.19
08/30/19	Mail Room	15 JPAY	242200	105126354	Mrazek, Kirk	Inv. Date: 200.00	200.19
09/05/19	Point of Sale	60 Commissary	2487109	98868362	Commissary	Inv. Date: -77.22	122.97
09/09/19	Disbursements	81 Legal Postage	2523112	Chk #103177	Pitney Bowes Bank In, 08/19/2019	Inv. Date: -2.35	120.62
09/09/19	Disbursements	81 Legal Postage	2523112	Chk #103177	Pitney Bowes Bank In, 08/26/2019	Inv. Date: -5.55	115.07
09/12/19	Disbursements	84 Library	2553112	Chk #103199	DOC: 523 Fund Librar, 08/21/2019	Inv. Date: -17.70	97.37
09/12/19	Disbursements	84 Library	2553112	Chk #103199	DOC: 523 Fund Librar, 08/22/2019	Inv. Date: -1.70	95.67
09/12/19	Disbursements	84 Library	2553112	Chk #103199	DOC: 523 Fund Librar, 08/27/2019	Inv. Date: -9.60	86.07
09/12/19	Disbursements	90 Medical Co-Pay	2553112	Chk #103200	DOC: 523 Fund Inmate, 08/22/2019	Inv. Date: -5.00	81.07
09/12/19	Payroll	20 Payroll Adjustment	2551112		P/R month of 8 2019	Inv. Date: 12.79	93.86
09/23/19	Disbursements	81 Legal Postage	2663112	Chk #103281	Pitney Bowes Bank In, 09/13/2019	Inv. Date: -8.95	84.91
09/26/19	Disbursements	84 Library	269305	Chk #103317	DOC: 523 Fund Librar, 09/11/2019	Inv. Date: -3.86	81.05
09/26/19	Disbursements	84 Library	269305	Chk #103317	DOC: 523 Fund Librar, 09/19/2019	Inv. Date: -.60	80.45
09/26/19	Disbursements	73 Court Ordered Fees	269305	Chk #103327	0002310, US Central, 03/25/2019	Inv. Date: -40.00	40.45
09/26/19	Disbursements	73 Court Ordered Fees	269305	Chk #103332	0002322, US Dist Cou, 07/31/2019	Inv. Date: -40.00	.45
10/10/19	Payroll	20 Payroll Adjustment	2831112		P/R month of 9 2019	Inv. Date: 15.00	15.45
10/11/19	Disbursements	84 Library	284305	Chk #103437	DOC: 523 Fund Librar, 09/16/2019	Inv. Date: -12.90	2.55
10/11/19	Disbursements	84 Library	284305	Chk #103437	DOC: 523 Fund Librar, 10/02/2019	Inv. Date: -.70	1.85
10/11/19	Disbursements	81 Legal Postage	284305	Chk #103452	Pitney Bowes Bank In, 09/30/2019	Inv. Date: -1.50	.35
10/17/19	Mail Room	15 JPAY	290200	107108636	Hauser, Ross	Inv. Date: 150.00	150.35
10/18/19	Disbursements	88 tithe	291305	Chk #103516	10181905, New Beginn, 10/18/2019	Inv. Date: -35.00	115.35
10/18/19	Point of Sale	60 Commissary	2917114	98873494	Commissary	Inv. Date: -7.17	108.18

Date: 2/6/2020

Time: 1:45pm

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**Taylorville Correctional Center
Trust Fund**

Page 3

Inmate Transaction Statement

REPORT CRITERIA - Date: 07/01/2019 thru End; Inmate: M20689; Active Status Only ? : No; Print Restrictions ? : Yes;
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: M20689 Mrazek, Craig

Housing Unit: TAY-05-B -09

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
10/18/19	AP Correction	88 tithe	291505	Chk #103516 Voided	10181905 - New Beginnings Mini	35.00	143.18
10/18/19	Disbursements	88 tithe	291305	Chk #103524	10181905, New Beginn, Inv. Date: 10/18/2019	-35.00	108.18
10/21/19	Disbursements	81 Legal Postage	294305	Chk #103530	Pitney Bowes Bank In, Inv. Date: 09/27/2019	-19.30	88.88
10/21/19	Disbursements	81 Legal Postage	294305	Chk #103530	Pitney Bowes Bank In, Inv. Date: 10/02/2019	-1.50	87.38
10/21/19	Disbursements	81 Legal Postage	294305	Chk #103530	Pitney Bowes Bank In, Inv. Date: 10/10/2019	-1.50	85.88
10/22/19	Mail Room	15 JPAY	295200	107302691	Mrazek, Kirk	200.00	285.88
10/24/19	Point of Sale	60 Commissary	2977114	98874305	Commissary	-91.64	194.24
10/28/19	Disbursements	81 Legal Postage	301305	Chk #103578	Pitney Bowes Bank In, Inv. Date: 10/23/2019	-6.45	187.79
10/30/19	Disbursements	84 Library	303305	Chk #103599	DOC: 523 Fund Librar, Inv. Date: 09/30/2019	-9.20	178.59
10/30/19	Disbursements	84 Library	303305	Chk #103599	DOC: 523 Fund Librar, Inv. Date: 10/24/2019	-7.72	170.87
10/30/19	Disbursements	73 Court Ordered Fees	303305	Chk #103607	0002310, US Central, Inv. Date: 03/25/2019	-30.00	140.87
10/30/19	Disbursements	73 Court Ordered Fees	303305	Chk #103607	0002310, US Central, Inv. Date: 03/25/2019	-40.00	100.87
10/30/19	Disbursements	73 Court Ordered Fees	303305	Chk #103611	0002322, US Dist Cou, Inv. Date: 07/31/2019	-30.00	70.87
10/30/19	Disbursements	73 Court Ordered Fees	303305	Chk #103611	0002322, US Dist Cou, Inv. Date: 07/31/2019	-40.00	30.87
10/30/19	Disbursements	90 Medical Co-Pay	303305	Chk #103612	DOC: 523 Fund Inmate, Inv. Date: 10/23/2019	-5.00	25.87
10/31/19	Point of Sale	60 Commissary	3047114	98875159	Commissary	-25.16	.71
11/08/19	Payroll	20 Payroll Adjustment	3121112		P/R month of 102019	15.00	15.71
12/05/19	Disbursements	84 Library	3393112	Chk #103855	DOC: 523 Fund Librar, Inv. Date: 11/01/2019	-3.02	12.69
12/05/19	Disbursements	84 Library	3393112	Chk #103855	DOC: 523 Fund Librar, Inv. Date: 11/18/2019	-2.62	10.07
12/05/19	Disbursements	90 Medical Co-Pay	3393112	Chk #103856	DOC: 523 Fund Inmate, Inv. Date: 11/08/2019	-5.00	5.07
12/05/19	Disbursements	81 Legal Postage	3393112	Chk #103857	Pitney Bowes Bank In, Inv. Date: 11/20/2019	-3.75	1.32
12/05/19	Disbursements	81 Legal Postage	3393112	Chk #103857	Pitney Bowes Bank In, Inv. Date: 12/02/2019	-.50	.82
12/12/19	Payroll	20 Payroll Adjustment	3461112		P/R month of 112019	15.00	15.82
12/18/19	Disbursements	81 Legal Postage	3523112	Chk #103968	Pitney Bowes Bank In, Inv. Date: 11/04/2019	-14.80	1.02
12/18/19	Disbursements	81 Legal Postage	3523112	Chk #103968	Pitney Bowes Bank In, Inv. Date: 12/05/2019	-.50	.52
12/24/19	Mail Room	15 JPAY	358200	109883252	Mrazek, Kirk	300.00	300.52
12/27/19	Point of Sale	60 Commissary	3617114	98881687	Commissary	-77.83	222.69
12/30/19	Disbursements	84 Library	3643112	Chk #104042	DOC: 523 Fund Librar, Inv. Date: 11/18/2019	-8.14	214.55
12/30/19	Disbursements	84 Library	3643112	Chk #104042	DOC: 523 Fund Librar, Inv. Date: 11/22/2019	-3.10	211.45
12/30/19	Disbursements	84 Library	3643112	Chk #104042	DOC: 523 Fund Librar, Inv. Date: 12/12/2019	-1.36	210.09
12/30/19	Disbursements	82 Debts due to State (non-postage)	3643112	Chk #104042	DOC: 523 Fund Librar, Inv. Date: 12/23/2019	-.30	209.79
12/30/19	Disbursements	84 Library	3643112	Chk #104042	DOC: 523 Fund Librar, Inv. Date: 12/23/2019	-1.58	208.21

Date: 2/6/2020

Time: 1:45pm

d_list_inmate_trans_statement_composite

**Taylorville Correctional Center
Trust Fund**

Page 4

Inmate Transaction Statement

REPORT CRITERIA - Date: 07/01/2019 thru End; Inmate: M20689; Active Status Only ? : No; Print Restrictions ? : Yes;
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: M20689 Mrazek, Craig

Housing Unit: TAY-05-B -09

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
01/02/20	Point of Sale	60 Commissary	0027109	98882406	Commissary	-9.67	198.54
01/06/20	Mail Room	15 JPAY	006200	110322197	Hauser, Ross	150.00	348.54
01/08/20	Disbursements	88 tithe	008305	Chk #104114	0108202001, New Begi, Inv. Date: 01/08/2020	-50.00	298.54
01/08/20	Point of Sale	60 Commissary	008797	98883029	Commissary	-10.31	288.23
01/10/20	Payroll	20 Payroll Adjustment	0101112		P/R month of 122019	11.27	299.50
01/15/20	Disbursements	84 Library	0153112	Chk #104174	DOC: 523 Fund Librar, Inv. Date: 01/02/2020	-.70	298.80
01/15/20	Disbursements	84 Library	0153112	Chk #104174	DOC: 523 Fund Librar, Inv. Date: 01/10/2020	-.60	298.20
01/15/20	Disbursements	84 Library	0153112	Chk #104174	DOC: 523 Fund Librar, Inv. Date: 01/10/2020	-.70	297.50
01/15/20	Disbursements	84 Library	0153112	Chk #104174	DOC: 523 Fund Librar, Inv. Date: 01/14/2020	-.50	297.00
01/15/20	Disbursements	81 Legal Postage	0153112	Chk #104175	Pitney Bowes Bank In, Inv. Date: 11/14/2019	-8.05	288.95
01/15/20	Disbursements	81 Legal Postage	0153112	Chk #104175	Pitney Bowes Bank In, Inv. Date: 12/05/2019	-2.00	286.95
01/15/20	Disbursements	81 Legal Postage	0153112	Chk #104175	Pitney Bowes Bank In, Inv. Date: 12/13/2019	-1.75	285.20
01/15/20	Disbursements	81 Legal Postage	0153112	Chk #104175	Pitney Bowes Bank In, Inv. Date: 12/20/2019	-2.20	283.00
01/15/20	Disbursements	81 Legal Postage	0153112	Chk #104175	Pitney Bowes Bank In, Inv. Date: 12/26/2019	-3.50	279.50
01/15/20	Disbursements	73 Court Ordered Fees	0153112	Chk #104195	0002363, United Stat, Inv. Date: 12/02/2019	-60.00	219.50
01/15/20	Disbursements	73 Court Ordered Fees	0153112	Chk #104195	0002363, United Stat, Inv. Date: 12/02/2019	-30.00	189.50
01/15/20	Disbursements	73 Court Ordered Fees	0153112	Chk #104196	0002310, US Central, Inv. Date: 03/25/2019	-60.00	129.50
01/15/20	Disbursements	73 Court Ordered Fees	0153112	Chk #104196	0002310, US Central, Inv. Date: 03/25/2019	-30.00	99.50
01/15/20	Disbursements	73 Court Ordered Fees	0153112	Chk #104200	0002322, US Dist Cou, Inv. Date: 07/31/2019	-60.00	39.50
01/15/20	Disbursements	73 Court Ordered Fees	0153112	Chk #104200	0002322, US Dist Cou, Inv. Date: 07/31/2019	-30.00	9.50
01/27/20	Disbursements	81 Legal Postage	0273112	Chk #104254	Pitney Bowes Bank In, Inv. Date: 01/22/2020	-5.75	3.75
01/30/20	Disbursements	84 Library	0303112	Chk #104275	DOC: 523 Fund Librar, Inv. Date: 01/22/2020	-1.20	2.55
02/03/20	Disbursements	81 Legal Postage	0343112	Chk #104293	Pitney Bowes Bank In, Inv. Date: 01/28/2020	-.50	2.05

Total Inmate Funds:	2.05
Less Funds Held For Orders:	.00
Less Funds Restricted:	65.62
Funds Available:	-63.57
Total Furloughs:	.00
Total Voluntary Restitutions:	.00

Date: 2/6/2020

Time: 1:45pm

d_list_inmate_trans_statement_composite

**Taylorville Correctional Center
Trust Fund**

Inmate Transaction Statement

Page 5

REPORT CRITERIA - Date: 07/01/2019 thru End; Inmate: M20689; Active Status Only ? : No; Print Restrictions ? : Yes;
Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance
Errors Only ? : No

Inmate: M20689 Mrazek, Craig

Housing Unit: TAY-05-B -09

RESTRICTIONS

Invoice Date	Invoice Number	Type	Description	Vendor	Amount
01/17/2020		Disb	Legal Postage	8664 Pitney Bowes Bank Inc	\$10.65
01/22/2020		Disb	Library	2 DOC: 523 Fund Library	\$22.68
01/23/2020		Disb	Legal Postage	8664 Pitney Bowes Bank Inc	\$5.00
01/23/2020		Disb	Library	2 DOC: 523 Fund Library	\$11.98
01/29/2020		Disb	Library	2 DOC: 523 Fund Library	\$3.75
01/31/2020		Disb	Legal Postage	8664 Pitney Bowes Bank Inc	\$5.20
02/04/2020		Disb	Library	2 DOC: 523 Fund Library	\$5.86
02/05/2020		Disb	Legal Postage	8664 Pitney Bowes Bank Inc	\$0.50
Total Restrictions:					\$65.62

AFFIDAVIT

I, CRAIG MRAZEK, being duly sworn do depose and state that the attached WRIT OF CERTIORARI is true and correct in substance and fact to the best of my knowledge. Question for Status

/s/ C

Petitioner

120689

Correctional Center

1149 RFA 29

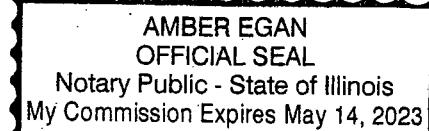
TAYLORVILLE

Illinois 62568

Subscribed and sworn to before me this
30 day of April, 2020

Amber Egan
Notary Public

May 14, 2023
Expiration of Commission



NOTICE OF FILING R-5614

TO: SA. K. FOX

10220 S. 26th AVE

BRIDGEVIEW, IL 60455

TO: SOLICITOR GENERAL

950 PENN. AV. NW

WASHINGTON, D.C. 20530

TO: _____

/s/ C

Please take notice on 4-3-1, 2020 I filed with U.S. SUP. CT ~~APPEAL CT 1ST DIST.~~ Court the attached WRIT OF CERTIORARI, copy(ies) of which are served on you. THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, 4-30-20 IN THE STATE OF ILLINOIS, COUNTY OF CHRISTIAN.

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)

)

COUNTY OF)

)

I, CRAIG MRAZEK, being sworn state that I served the attached notice on the above named person(s) by placing a true and correct copy in an envelope(s), addressed as shown above, with the proper U.S. postage on each and deposited the envelope(s) in the U.S. Mail at TAYLORVILLE, ILLINOIS, 62568, on or about the hour of 2019 on 2019

/s/ C

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Authorization for Payment

Posting Document # _____

Date 9-31-20

Offender Name MRAZEK

ID# M20689 Housing Unit 2A/3-9

Pay to _____

US SGT

Address _____

US SOL GEN.

City, State, Zip _____

SA K FOOK

AC150 -

The sum of _____ dollars and _____ cents charged to my trust fund
account, for the purpose of WRIT OF CERT 5/MOT-FOR SCOTUS

I hereby authorize payment of postage for the attached mail. I hereby request information on electronic fund transfers to be placed in the attached mail.

Offender's Signature _____

ID# M20689

Witness Signature _____

Approved Not Approved

Chief Administrative Officer's Signature _____

Postage applied in the amount of _____ dollars and _____ cents.

Distribution: Business Office, Offender

DOC 0286 (Eff. 1/2006)
Replaces DC-828

TABLE OF APPENDICES:

APX. <u>A</u> --	PLA DENIED 11-26-19
" <u>AA</u> --	DENIAL OF PET. FOR RECONSID. [REHEARING] 2-28-20
" <u>AT</u> --	PLA TIMELY FILED 10-3-19
APX. <u>B, 1-4</u>	A.C. 1 st D. 6-18-19 DENIAL OF NUNC PRO TUNC OFFICE
APX. <u>C</u> --	CIR. CT.'S DENIAL ALLEGING "LACK OF JURISDICTION"
EXH. <u>A, 1+2</u>	EVASIVE TRANSCRIPT CONCEALING AVAILABLE M.J.O.A. MOTION TO DISMISS LEG. INTENT: 720 ILCS 5/3-6 (c)
<u>#C, 1-4</u>	A.C. 1 st D. LONG FORM DOCKET
<u>#D, 1+2</u>	DOCKET PRESENTING PROSECUTION'S 6-MONTH ABSENCE
<u>#E, 1+2</u>	"A.C. 1 st D. IS" ISSUANCE OF MANDATE
<u>#IM</u>	COURT REPORTER'S NEG. & POS. MISPRISON
<u>#KM</u>	1-2-20 ILL. S. CT.'S INSTRUCTION FOR PET. & RE-NS10.
<u>#M4X</u>	
<u>#PERSE, 1+2</u>	DEFENSE COUNSEL AS FORMER & CURRENT PROSECUTOR MANDATES "AUTOMATIC REVERSAL"
<u>#S, 1+2</u>	BYSTANDER'S REPORT OF JUDICIAL PRONONCEMENT
<u>#SCT, 2</u>	LADY JUSTICE w/o BLINDFOLD (ILLINOIS!)
<u>#TD, 3</u>	S.A. OFFICE AFFIRMING PER SE CONFLICT ☺
<u>#WV, 1</u>	DEFENSE COUNSEL UNLAWFULLY WAIVING (M4) RIGHT
<u>WV, 2</u>	(M4) ONLY WAIVING RIGHT TO JURY TRIAL
<u>WV, 3</u>	TEN FRUITLESS ATTEMPTS WHISTLE BLOWING MISCONDUCT
EXH. <u>114</u>	725 ILCS. 5/114-(c)(2) PROSECUTION IS BARRED
<u>#323</u>	BYSTANDER'S REPORT VIA S. CT. R. #323(c)
<u>#366</u>	PERMITS RECORD TO BE AMENDED FOR CORRECTION
<u>#753</u>	COURT SESSION TRANSCRIPT GUARANTEED ACCURATE
<u>#9-11</u>	FALSE OATH DECLARING TRANSCRIPTS "TRUE & ACCURATE"
<u>#1519</u>	CONCEALING RECORDS MANDATES FINES/IMPRISONMENT



10/3/19

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL
Clerk of the Court
(217) 782-2035
TDD: (217) 524-8132

October 03, 2019

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Craig Mrazek
Reg. No. M20689
Taylorville Correctional Center
1144 IL Rte. 29
Taylorville, IL 62568

In re: People v. Mrazek
125336

Dear Craig Mrazek:

This office has timely filed your Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal, styled as set forth above. You are being permitted to proceed as a poor person.

Your motion will be presented to the Court for its consideration, and you will be advised of the Court's action thereon.

Very truly yours,

Carolyn Taft Gosboll

Clerk of the Supreme Court

cc: Attorney General of Illinois - Criminal Division
Cook County State's Attorney, Criminal Division



Supreme Court of Illinois
ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

Marcia M. Meis
Director

222 th]

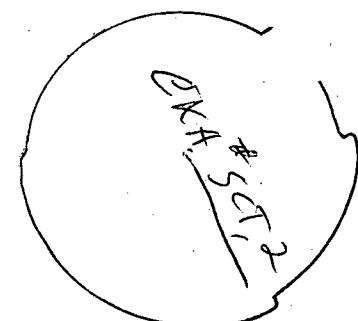
310

February 28, 2020

Craig Mrazek
#M20689
1144 Rt. #29
Taylorville, Illinois 62568

Dear Mr. Mrazek:

Our office is in receipt of your Motion in Affirmance of Action's "Paid-in-Full" S



LOBO JESUS CARES.



OFFICE OF THE STATE'S ATTORNEY

KIMBERLY M. FOXX
STATE'S ATTORNEY

COOK COUNTY, ILLINOIS

69 W. WASHINGTON, SUITE 3200
CHICAGO, ILLINOIS 60602
PHONE (312) 603-1880
FAX (312) 603-9693

December 19, 2019

To Whom It May Concern:

This letter is in regard to Cheryl Schroeder Hagedorn, a current employee of the Cook County State's Attorney's Office. She is employed as an Assistant State's Attorney.

Ms. Hagedorn originally began her employment September 4, 1990 and she was employed until April 2, 2007. She was later rehired February 23, 2014.

I can be contacted at (312) 603-1873, should you have questions regarding this information.

Sincerely,

Kathy Wallace

Kathy Wallace

Director of Human Resources

Cook County State's Attorney's Office

MY DEFENSE COUNSEL LEFT S.A.'S OFFICE 4-2-07
& RETURNED TO S.A.'S OFFICE 2-23-14!!!

"THIS" ASSOCIATION PURSUANT P. v. HENDERSON AFFIRMS:

PER-SE CONFLICT;
REQUIRING REVERSAL.

1 with respect to this Defendant, we had previously
2 had a 402 Conference. Today is the date for a plea.
3 Prior to the plea, the State seeks leave to amend
4 Counts 1 through 3. I had previously faxed a copy
5 of all my amendments to Counsel prior to today's
6 date. I have tendered a copy to your Honor. At
7 this time, we are seeking leave to amend the
8 Indictment to add the language having to do with the
9 statute of limitations as well as amending Counts 1,
10 2, and 3 as is reflected on the charges that I just
11 handed to your Honor.

12 MR. ETTINGER: Judge, we received those. We
13 agreed to those and we agree them now.

14 THE COURT: And you waive any statute of
15 limitations, any reswearing, re-execution, and any
16 formal defects, is that correct?

17 MR. ETTINGER: Yes, your Honor.

18 MS. GALVIN: Judge, based on the 402 Conference
19 in exchange for the Defendant's plea of guilty
20 today, the Defendant will be entering a plea with
21 respect to Counts 1, 2, and 3 to 18 years in the
22 Illinois Department of Corrections; specifically
23 each count is a Class X felony. It's a minimum of
24 six to thirty. Based on the different acts alleged

1 MS. GALVIN: That's correct.

2 THE COURT: And the time that Mr. Mrazek has in
3 custody has that been calculated?

4 MR. ETTINGER: Yes, your Honor.

5 MS. SCHROEDER: Yes. 625 days, Judge.

6 THE COURT: All right. Mr. Mrazek, you are
7 before this Court on those three separate charges of
8 predatory criminal sexual assault. Those three
9 separate charges of predatory criminal sexual
10 assault are from the date of February 22, 2001 and
11 you are charged in each separate offense with
12 separate acts. As to those three separate charges,
13 how do you plead; guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: Your attorney has provided me a

16 jury waiver. I am showing you the jury waiver. Is
17 that your signature on that jury waiver?

18 THE DEFENDANT: Yes, ma'am. NOT STATUTE OF LM.

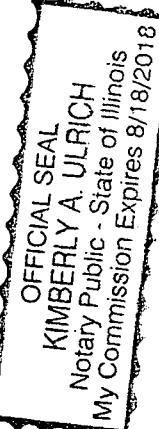
19 THE COURT: Do you understand by signing that
20 jury waiver, you give up your right to a trial by a
21 jury which would have been twelve citizens selected
22 by your attorney and the State's Attorney who would
23 sit, listen to the evidence, and have to reach a
24 unanimous decision as to whether or not the State

Exh. # WV,2

AFFIDAVIT

I, CRAIG MRAZEK
attached FOIA
my knowledge.

, being duly sworn do depose and state that the
is true and correct in substance and fact to the best of



Subscribed and sworn to before me this
15th day of October, 2015

Kimberly A. Ulrich
Notary Public

08/18/2018

Expiration of Commission

#1)

SUNRISE, Illinois 62466
BARBARA FLYNN CURRIE (FOIA)
--WHISTLEBLOWERS ON CORRUPT OFFICIALS
275-S STRATTON OFFICE BLD; 62706

#2)

SEN. C. RADOGNO -- LEG. ETHICS COMMISSION
1011 STATE ST., LEMONT, IL;

#3)

NOTICE OF FILING
FOIA OFFICER/100C
OFFICE OF ATTY. GEN.
PUBLIC ACCESS BUREAU

TO: COURT REPORTER'S OFFICE

TO: M.S. L. WETTERKAMP

TO: TIMOTHY O'BRIEN

10220 S. 26th AVE

1301 CONCORDIA CT.

500 S. 2nd ST.

BRIDGEVIEW; 60455

SPRINGFIELD; 62794

SPRINGFIELD; 62706

Please take notice on 12-8-15

#4) Please take notice on 12-8-15, 2015, I filed with ABOVE OFFICIALS
SEN. DILLARD Court the attached FOIA EXPOSING COURT REPORTER
copy(ies) of which are served on you. LUCAS' FRAUDULENT CONCEALMENT OF
--LEG. RULES OF MISCONDUCT COURT RECORD ON 9-14-10.
420 STRATTON BLD. SPRINGFIELD; 62706

ISI

#5) CLAY BORNE #5) SEN. VAN PELT 1016 W JACKSON, CHG.
--LEG. ETHICS COMMISSION
10 COLLINSVILLE AVE
E. ST. LOUIS, IL; 62201

STATE OF ILLINOIS)

COUNTY OF)

AFFIDAVIT OF SERVICE

#6) GOV. RAUER 207 STATEHOUSE
SPRINGFIELD; 62706

#7) REP. FLOWERS -- RESTORATIVE JUSTICE
2525 W. 79th ST.; CHC 60657

I, CRAIG MRAZEK, being sworn state that I served the attached
notice on the above named person(s) by placing a true and correct copy in an envelope(s),
addressed as shown above, with the proper U.S. postage on each and deposited the envelope(s) in
the U.S. Mail at SUNRISE, Illinois, 62466, on or about the hour of

9AM + 9PM on 9-13 + 9-15, 2015.

12-8-15

ISI

#8) CAITLIN KNUTTE A.A.G. - FOIA
100 W. RANDOLPH, CHC; 01

ARTICLE 114. PRE-TRIAL MOTIONS

Committee Comments—1963

Revised in 1970 by Charles H. Bowman

The general policy of the committee may be seen throughout this Article as consisting of a simplification of the various present procedures at the pre-trial stage and a grant of extended discretion to the trial court who may make the decision at the scene of the trial which will ensure a fair trial. The distinction in plea in bar, plea in abatement, and motion to quash is no longer necessary at the pre-trial stage. They have been replaced by the motion to dismiss as provided in section 114-1. The motions found in the remaining sections cover a wide range of problems but the procedure in each case is now more uniform.

The primary guides in this area are constitutional ones. In particular, see Article II, Section 6, search and seizure; Section 9, copy of charge, witnesses, speedy trial, and proper venue; Section 10, self incrimination, and double jeopardy. With these guides in mind, the Committee has attempted to provide a uniform and efficient method of ensuring these rights to the accused prior to trial without prejudice to the State.

Law Review and Journal Commentaries

"Plain error" and "fundamental fairness". Pre-trial motion practice in state criminal Paul T. Wangerin, 1980, 29 DePaul L.Rev. 753. cases. 1970, 51 Chi.B.Rec. 273.

Westlaw Electronic Research

See Westlaw Electronic Research Guide following the Preface.

725 5/114-1. Motion to dismiss charge (a) (2)

§ 114-1. Motion to dismiss charge.

(a) Upon the written motion of the defendant made prior to trial before or after a plea has been entered the court may dismiss the indictment, information or complaint upon any of the following grounds:

- (1) The defendant has not been placed on trial in compliance with Section 103-5 of this Code.
- (2) The prosecution of the offense is barred by Sections 3-3 through 3-8 of the Criminal Code of 1961, as heretofore and hereafter amended.¹
- (3) The defendant has received immunity from prosecution for the offense charged.
- (4) The indictment was returned by a Grand Jury which was improperly selected and which results in substantial injustice to the defendant.
- (5) The indictment was returned by a Grand Jury which acted contrary to Article 112 of this Code and which results in substantial injustice to the defendant.
- (6) The court in which the charge has been filed does not have jurisdiction.
- (7) The county is an improper place of trial.
- (8) The charge does not state an offense.
- (9) The indictment is based solely upon the testimony of an incompetent witness.
- (10) The defendant is misnamed in the charge and the misnomer results in substantial injustice to the defendant.

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have incorporated in the record on appeal. The report of proceedings shall include all the evidence pertinent to the issues on appeal. There shall be only a single report of proceedings if more than one appeal is taken.

Within the time for filing the docketing statement under Rule 312 the appellant shall make a written request to the reporter to prepare a transcript of the proceedings that appellant wishes included in the report of proceedings. Within 7 days after service on the appellee of the docketing statement, a copy of the request for transcript the appellee may serve on the reporter a designation of additional portions of the proceedings that the reporter deems necessary for inclusion in the report of proceedings. Within 14 days after service of such designation the appellant shall request the reporter to include the portions of the proceedings so designated or make a motion in the trial court for an order that such portions not be included unless the cost is advanced by the appellee.

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The entire expense of incorporating unnecessary and immaterial matter in the report of proceedings may be assessed by the reviewing court as costs against the party who designated that matter, irrespective of how the appeal is decided.

(b) Certification and Filing. Each shorthand reporter who transcribes a report of proceedings shall certify to its accuracy and shall notify all parties that the report of proceedings has been completed and is ready for filing. A report of proceedings may be filed without further certification if, within 14 days of the date on which notice of its completion was sent to the parties, no party has objected, citing alleged inaccuracies involving matters of substance. If objections are noted, the report of proceedings shall be submitted, upon notice given by the party seeking certification, to the judge before whom the proceedings occurred or the judge's successor (or if that is impossible because of the judge's absence or sickness or other disability, then to any other judge of the court) for the judge's certificate of correctness of those items the accuracy of which has been disputed by any party, and shall be filed, duly certified, in the trial court within 49 days after the filing of the notice of appeal. If, however, the parties so stipulate, a report of proceedings may be filed without certification.

(c) Procedure If No Verbatim Transcript Is Available (Bystander's Report). If no verbatim transcript of the evidence of proceedings is obtainable the appellant may prepare a proposed report of proceedings from the best available sources, including recollection. In any trial court, a party may request from the court official any audiotape, videotape or other recording of the proceedings. The court official or any person who prepared and kept, in accordance with these rules, any audiotape, videotape, or other report of the proceedings shall produce a copy of such materials to be provided at the party's expense. Such material may be transcribed for use in preparation of a bystander's report. The proposed report shall be served on all parties within 28 days after the notice of appeal is filed. Within 14 days after service of the proposed report of proceedings, any other party may serve proposed amendments or an alternative proposed report of proceedings. Within 7 days thereafter, the appellant shall, upon notice, present the proposed report or reports and any proposed amendments to the trial court for settlement and approval. The

be dropped, or allow parties to be rearranged as appellants or appellees, on such reasonable notice as it may require;

S.C.R. (a)

(3) order or permit the record to be amended by correcting errors or by adding matters that should have been included;

(4) draw inferences of fact; and

(5) enter any judgment and make any order that ought to have been given or made, and make any other and further order for any relief, including a remandment, a partial reversal, the entry of a new trial, the entry of a remittitur, or the enforcement of what the case may require.

(b) Scope of Review

(1) General.

(i) *Error of Law.* Any error of law, affecting the judgment or order appealed from may be brought up for review.

(ii) *Error of Fact.* Any error of fact, in that the judgment or order appealed from is not sustained by the evidence or is against the weight of the evidence, may be brought up for review.

(2) *Scope and Procedure on Review in Jury Cases.* In jury cases the following rules govern:

(i) *Instructions.* No party may raise on appeal the failure to give an instruction unless the party shall have tendered it.

(ii) *Remittitur.* Consenting to a remittitur as a condition to the denial of a new trial does not preclude the consenting party from asserting on appeal that the amount of the verdict was proper. No cross-appeal is required.

(iii) *Post-Trial Motion.* A party may not urge as error on review of the ruling on the party's post-trial motion any point, ground, or relief not specified in the motion.

(iv) *Review of Conditional Rulings on Post-Trial Motion.* The reviewing court, if it determines to reverse an unconditional ruling of the trial court on a post-trial motion, may review and determine any conditional rulings made by the trial court on other questions raised by the motion. No cross-appeal is required.

(3) *Scope and Procedure on Review in Nonjury Cases.* In nonjury cases the following rules govern:

(i) *Special Findings and Motions Unnecessary.* No special findings of fact, certificate of evidence, propositions of law, motion for a finding, or demurrer to the evidence is necessary to support the judgment or as a basis for review. The sufficiency of the evidence to support the judgment is subject to review without formal action to preserve the question.

(ii) *Post Judgment Motions.* Neither the filing of nor the failure to file a post judgment motion limits the scope of review.

(iii) *Procedure When Judgment at Close of Plaintiff's Case is Reversed.* If a judgment entered in favor of the defendant pursuant to a motion for a finding or judgment at the close of plaintiff's case is reversed on appeal, the case shall be remanded with directions to proceed as though the motion had been denied by the trial court or waived.

promptly by the authorized number of reporters and the urgency so great as to render it impracticable to obtain the approval of the Judicial Conference.

If any such court and the Judicial Conference are of the opinion that it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination and fix the salary for the performance of the duties combined.

(b) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used. Proceedings to be recorded under this section include (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.

The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

The reporter or other individual designated to produce the record shall transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him and filed with the clerk as provided in this subsection. He shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.



State of Illinois
Circuit Court of Cook County
Official Court Reporters

EXH. 9.M

Timothy C. Evans
Chief Judge

Marilyn A. Filishio
Administrator

69 W. Washington Street
Suite 900
Chicago, Illinois 60602
(312) 603-8509
Fax: (312) 603-9820

September 11, 2017

Craig Mrazek #M20689
251 N. Illinois Highway 37
P.O. Box 1000
Ina, Illinois 62846-1000

Re: People v. Craig Mrazek, 09 CR 14841

Dear Mr. Mrazek:

I am in receipt of your letter dated August 24, 2017 and your "Notice of Appeal." Please be advised Official Court Reporters Judy Lucas and Charles Coleman have checked their transcripts against their notes for the dates of September 14, 2010 and December 7, 2010 respectively. The court reporters' signed certificates are attached to those transcripts, stating the proceedings as transcribed are true and accurate. ** **

As to any matters pertaining to the appeal process or "fraudulent concealment of transcripts," please be advised our office provides transcripts after a request has been made and payment has been received in full.

If I can be of any further assistance, please have someone contact our office on your behalf at (708) 974-6600.

Tanya Connor

Tanya Connor, Supervisor
Official Court Reporters
10220 S. 76th Avenue – Room 058
Bridgeview, Illinois 60455

/tc

1 investigations of health

structs, misleads, delays or delay the communication of a Federal health all be fined under this title both.

"criminal investigator" means department, agency, or arm or engage in investigations are offenses.

Aug. 21, 1996, 110 Stat. 2017.

TUTORIAL NOTES

—736, see 1996 U.S. Code Cong. n. News, p. 1865.

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newly-created savings account only to his wife and not to defendant nothing in accountant's testimony that defendant had asked help in looking over their receipts an inference that defendant had any intent to prevent, obstruct, or delay. U.S. v. Franklin-El (Kan.) 2009, 555 F.3d 1115, appeal dismissed post-conviction 399 Fed.Appx. 427, 2010 WL 4146221. Obstructing Justice

ence that, upon being served with subpoena seeking alcohol and

treatment program's client records, defendant suddenly began submitting requests for preauthorization from Medicare, and transferred Medicare proceeds from her personal bank account to a newly created business savings account, was sufficient to support defendant's conviction for obstruction of justice. U.S. v. Franklin-El, C.A.10 (2009), 554 F.3d 903, certiorari denied 129 S.Ct. 2813, 557 U.S. 913, 174 F.3d 307, appeal from dismissal of conviction relief dismissed 399 Fed. Appx. 427, 2010 WL 4146221. Obstruction of justice § 170(6)

sentence and punishment

Physician's conviction for obstruction of justice in criminal investigation of a health

care offense fell within the scope of listed financial crimes detrimental to the best interests of Medicare, so as to warrant revocation of physician's Medicare enrollment and billing privileges; physician's conviction was similar to four financial crimes listed in regulation, specifically insurance fraud, in that he created and submitted false documents to support claims for Medicare. Physician admitted that \$20,000 of his patients' treatment was derived from Medicare. § 1519 offense, and Secretary of Health and Human Services (HHS) not required to rely on separate Medicare participation exclusion statute. Ahmed v. Sebelius, D.Mass. 2010, 710 F. Supp.2d 167. Health § 537

519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter in any case, shall be fined under this title, imprisoned not more than 20 years, or both.

(Added Pub.L. 107-204, Title VIII, § 802(a), July 30, 2002, 116 Stat. 800.)

HISTORICAL AND STATUTORY NOTES

vision Notes and Legislative Reports
2002 Acts. House Conference Report
107-610 and Statement by President,

see 2002 U.S. Code Cong. and Adm. News, p. 542.

LAW REVIEW AND JOURNAL COMMENTARIES

Anticipatory obstruction of justice: Pre-emptive document destruction under the Sarbanes-Oxley Anti-Shredding Statute, 18 U.S.C. § 1519. Note, 89 Cornell L. Rev. 1519 (2004).

How much cooperation between government agencies is *too* much?: Reconciling *United States v. Scrushy*, the corporate fraud task force, and the nature of parallel proceedings. Comment, 23 Ga. St. U. L. Rev. 427 (2006).

Sarbanes-Oxley five years later: A Canadian perspective. Stephanie Ben-Ishai, 39 Loy. U. Chi. L.J. 469 (2008).

Sarbanes-Oxley five years later: Hero or villain. Charles W. Murdock, 39 Loy. U. Chi. L.J. 525 (2008).

Sarbanes-Oxley five years later: Will criticism of SOX undermine the Act's benefits? Cheryl L. Wade, 39 Loy. U. Chi. L.J. 595 (2008).

Vicarious snitching: Crime, cooperation, and "good corporate citizenship". Michael A. Simons, 76 St. John's L. Rev. 979 (2002).

When your best friend is your worst enemy: How 18 U.S.C. § 1519 transforms internal investigations into state action and unexpected waiver of attorney-client privilege. Robert Buchholz, 46 New Eng. L. Rev. 811 (2012).