

TO: Members of Subcommittee No. 2 of the Capital Punishment Reform Study Committee (CPRSC)

FROM: Peter Baroni,  
Special Counsel to the CPRSC

DATE: June 24, 2006

RE: Minutes of Subcommittee No. 2 conference call meeting --  
June 13, 2006

On June 13, 2006 at 2:30pm a meeting of Subcommittee #2 was held via conference call. Attending were Leigh Bienen, Tom Sullivan, Mike Waller and Peter Baroni (special counsel to the Committee). Kirk Dillard did not participate, however, Dan Rippey, legal counsel to Senator Dillard participated on his behalf.

**Item No. 1:** Survey Issues/Questions. Leigh Bienen summarized the meeting of the subcommittee chairs regarding the concerted effort that needs to be put forward by all four CPRSC subcommittees in creating a uniform, concise survey instrument for those actors involved in the capital punishment litigation process – prosecutors, defense attorneys, judges and police. Bienen urged all members of the subcommittee to conceive questions based on the jurisdiction of subcommittee #2 for submission to Peter Baroni by July 15, 2006. The reform jurisdiction of Subcommittee #2 is as follows:

1. Murder statute: redefinition of felony murder aggravating factors. 720 ILCS 5/9-1(b)(6)(c) (P.A. 93-605, Sec. 10).
2. Murder statute: advisory prosecution standards for screening capital punishment. 720 ILCS 9-1(k) (P.A. 93-605, Sec. 10).
3. Funding for DNA testing from Capital Litigation Trust Fund. 725 ILCS 124/15(e)(2) (P.A. 93-605, Sec. 20).
4. Notice requirements on seeking the death penalty. Sup. Ct. R. 416(c).
5. Minimum, uniform evidentiary standards for DNA evidence. Sup. Ct. R. 417.

The subcommittee went on to discuss the types of questions each member would like to have answered by survey respondents. Additionally, Peter Baroni reported on a meeting he had with Supreme Court Chief Justice Thomas regarding the Court assisting the CPRSC in gathering information. Baroni indicated that Justice Thomas seemed open to the idea, but that Thomas wanted a formal request from the Committee. The group agreed that Mr. Baroni should draft such a request on behalf of the Committee conversation.

**Item No. 2:** DNA Backlog. Peter Baroni reported that the Illinois State Police was supposed to provide information on the DNA backlog after the legislative session had adjourned. Baroni was told by a representative of the Illinois State Police that backlog information would be provided by the end of May 2006. As of the June meeting of Subcommittee #2 no information had been provided. Mr. Baroni indicated that he would follow up with the State Police and the Governor's Office.

**Item No. 3:** First Degree Murder Indictment Data Collection. Leigh Bienen reported on the response to the letter sent asking for the indictments from all county prosecutors for first degree murders during the 2003 and 2004 period. More than 75 of 102 counties have responded and information from the indictments is being put in a data base. Peter Baroni suggested that he had difficulty getting any information from the Will County State's Attorney. Dan Rippy made several suggestions regarding people in that office who may be helpful. Baroni also spoke to Gerry Nora of the Cook County State's Attorney's Office regarding the receipt of first degree murder information and indictments. Nora indicated that the information would be coming soon. Baroni also spoke to Jeff Howard from the Cook County Public Defender's Office. Howard said he had received first degree murder indictment information from about 80% of the assistant public defenders in Cook County that handle such cases and when he was closer to 100% he would forward the information to Peter Baroni or Leigh Bienen.

**Item No. 4:** Capital Punishment Protocols. The committee briefly discussed the status of the protocols adopted by the State's Attorney's Association and the Attorney General's Office regarding the prosecution of capital cases in Illinois. Mike Waller reported that the status was largely unchanged. Discussions continue between the Attorney General's Office and the DuPage County State's Attorney's Office concerning the final protocol proposal. The Committee would like to get a copy of the protocols for public distribution when available.

The meeting was adjourned.

Peter G. Baroni  
Special Counsel to the CPRSC  
Leinenweber & Baroni  
Attorneys at Law