

**REVIEWED***By Chris Tighe at 3:30 pm, Jul 26, 2018*

# Docket detail for case 2017-CF-001366

## Overview

Case Number: 2017-CF-001366

Case Type: Criminal Felony

Judge: MADONIA

Filing Date: 12/28/2017

Status:

Report:

## Plaintiffs

Name	Attorney
State of Illinois	

## Defendants

Name	Attorney
BRETT A. COLE	JAMES ELMORE

## Events

Date	Events
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Date	Events
12/28/2017	<p>Notice to Appear Given To Defendant: BRETT A. COLE</p> <p>Preliminary Hearing on Jan 11, 2018 at 9:00 AM in Courtroom 7C</p> <p>Complaint 01 Count 001 AGGRAVATED BATTERY Dec 27, 2017 Defendant: BRETT A. COLE</p> <p>Statute 720 5/12-3.05(d)(4) Class 2 Orig.</p> <p>Agency: CITY OF SPRINGFIELD Charge Instr: Complaint</p> <p>In Custody Dec 28, 2017 Defendant: BRETT A. COLE Assistant State's Attorney: WRIGHT</p> <p>Complaint 02 Count 002 RESISTING A PEACE OFFICER Dec 27, 2017 Defendant: BRETT A. COLE</p> <p>Statute 720 5/31-1(a) Class A Orig.</p> <p>Agency: CITY OF SPRINGFIELD Charge Instr: Complaint</p> <p>In Custody Dec 28, 2017 Defendant: BRETT A. COLE Assistant State's Attorney: WRIGHT</p> <p>Complaint 03 Count 003 RETAIL THEFT Dec 27, 2017 Defendant: BRETT A. COLE</p> <p>Statute 720 5/16-25(a)(1) Class 4 Orig.</p> <p>Agency: CITY OF SPRINGFIELD Charge Instr: Complaint</p> <p>In Custody Dec 28, 2017 Defendant: BRETT A. COLE Assistant State's Attorney: WRIGHT</p> <p>First Appearance - PD Appointed - Bond Set Amount: \$25,000.00</p> <p>DEFENDANT BRETT A. COLE: Present the People by ASA DAN WRIGHT. Present the Defendant in person in the custody of the Sheriff of Sangamon County. Cause called for first appearance. Defendant furnished with a copy of the Complaint, advised of the nature of the charge and possible penalties. Office of the Public Defender appointed. Bond set in the amount of \$25,000.00. Preliminary hearing set for 01/11/2018 at 09:00 AM in 7C. CLERK DIRECTED TO NOTIFY PUBLIC DEFENDER'S OFFICE OF APPOINTMENT AND PRELIMINARY HEARING DATE. Defendant remanded to the custody of the Sheriff pending posting of bond.</p> <p>Judge: SANCHEZ Reporter: RO Clerk: MM ASA: WRIGHT</p> <p>Preliminary Hearing on Jan 11, 2018 at 9:00 AM in Courtroom 7C</p> <p>Proof of Service Sent Public Defender: SCHERSCHLIGT</p>
01/08/2018	Judge Assignment for Criminal
01/10/2018	ISP Sheet Filed

Date	Events
01/11/2018	<p>Prelim Hearing - Defendant In Custody Judge: MADONIA</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA DAN WRIGHT. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney LINDSAY EVANS. Cause called for preliminary hearing. Witness sworn, evidence heard. Court finds probable cause exists. Information filed. Defendant furnished with copy of Information and enters plea of not guilty. Pretrial Discovery Order entered. Cause set for jury trial on 01/29/2018 at 10:00 AM before Judge JOHN MADONIA. Case assigned to Judge JOHN MADONIA. Defendant advised of trial in absentia and remanded to the custody of the Sheriff. CLERK DIRECTED TO SEND A COPY OF THIS DOCKET ENTRY TO JUDGE JOHN MADONIA.</p> <p>Judge: GRAVES Reporter: RO Clerk: AA ASA: WRIGHT</p> <p>Jury Trial on Jan 29, 2018 at 10:00 AM</p> <p>Preliminary Hearing Pleadings</p> <p>Motion for Disclosure to Prosecution Filed by</p> <p>Pre-Trial Discovery Filed by</p> <p>Certificate of Compliance Filed by Assistant State's Attorney: WRIGHT</p> <p>Information Filed by Assistant State's Attorney: WRIGHT</p> <p>COUNT I - AGGRAVATED BATTERY</p> <p>COUNT II - RESISTING A PEACE OFFICER</p> <p>COUNT III - RETAIL THEFT</p> <p>Pre-Trial Discovery Order Signed Judge: GRAVES</p> <p>Proof of Service Sent Judge: MADONIA</p>
01/29/2018	<p>Trial Continued on Motion of Defendant - In Custody Judge: MADONIA</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA DAN WRIGHT. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney LINDSAY EVANS for Attorney JAMES ELMORE. Trial call held. On motion of the Defendant, trial continued to 02/26/2018 at 10:00 AM before Judge MADONIA. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: MP ASA: WRIGHT</p> <p>Jury Trial on Feb 26, 2018 at 10:00 AM</p>
02/08/2018	<p>Motion INEFFECTVE MOTION Filed by Defendant: BRETT A. COLE</p> <p>Motion to Dismiss Filed by Defendant: BRETT A. COLE</p>

Date	Events
02/26/2018	<p>Trial Call Status Hearing In Custody Judge: MADONIA</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA DAN WRIGHT. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Trial call is held. Case is set for 402 conference on 03/02/2018 at 10:00 AM before Judge MADONIA. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: MP ASA: WRIGHT</p> <p>Status Hearing on Mar 2, 2018 at 10:00 AM</p>
03/02/2018	<p>Entry on Status Hearing</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA DAN WRIGHT. Present the Defendant, in custody of the Sheriff, and by Attorney J. ELMORE. Cause called for status hearing. Defendant admonished to not file pro-se pleadings as counsel has been appointed to represent him. Defendant became irate and was escorted/remanded to custody of the Sheriff. On Defendant's Motion, cause continued to 4/23/18 at 10:00am.</p> <p>Judge: MADONIA Reporter: LB Clerk: AK ASA: WRIGHT</p> <p>Jury Trial on Apr 23, 2018 at 10:00 AM</p>
03/06/2018	<p>Additional Discovery Filed by Assistant State's Attorney: WRIGHT</p>
04/12/2018	<p>Motion for Change of Venue Filed by Defendant: BRETT A. COLE</p>
04/23/2018	<p>Trial Call Continued by Agreement - Defendant In Custody Judge: MADONIA</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA ANDREW AFFRUNTI. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Trial call held. Defendant previously filed Pro Se motions to substitute Judge, Attorney JAMES ELMORE does not adopts Pro Se motions. By agreement of the parties, trial continued to 05/07/2018 at 9:00 a.m. before Judge MADONIA. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: MP ASA: AFFRUNTI</p> <p>Jury Trial on May 7, 2018 at 10:00 AM</p>
05/07/2018	<p>Trial Call Status Hearing In Custody Judge: MADONIA</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA BRIAN SHAW. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Trial call is held. Case is set for status hearing on 05/08/2018 at 01:30 PM before Judge MADONIA. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: CJ ASA: SHAW</p> <p>Status Hearing on May 8, 2018 at 1:30 PM</p>

Date	Events
05/08/2018	<p>Entry Regarding Status Hearing Judge: MADONIA</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA DANIEL WRIGHT. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Cause comes on for Status Hearing. Motion for Change of Defense Attorney is argued and denied. Defendant fails to present a legitimate allegation against his appointed Counsel. Said allegations did not demonstrate a conflict of interest in counsel's continued representation of the Defendant. Defendant then informs the Court that he will seek change of Counsel, either by hiring a private Attorney or going ProSe. Court is not allowing Defendant to go ProSe. Defendant admonished of possible penalties. On motion of the Defense, cause set for Jury Trial on 5/21/2018 at 10:00 AM before the Honorable Judge MADONIA, without objection. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: IB ASA: WRIGHT</p> <p>Jury Trial on May 21, 2018 at 10:00 AM</p>
05/09/2018	<p>Motion for Substitution of Counsel Filed by Defendant: BRETT A. COLE</p> <p>List of Witnesses Filed by Assistant State's Attorney: WRIGHT</p>
05/11/2018	<p>Motion in Limine Filed by Assistant State's Attorney: WRIGHT</p> <p>People's Motion In Limine</p> <p>Notice of Intent to Impeach Filed by Assistant State's Attorney: WRIGHT</p>
05/14/2018	<p>List of Witnesses Filed by Assistant State's Attorney: WRIGHT</p> <p>Amended</p> <p>Additional Discovery Filed by Assistant State's Attorney: WRIGHT</p>
05/16/2018	<p>Entry Status Hearing Judge: MADONIA</p> <p>DEFENDANT BRETT COLE: Present the State by ASA DAN WRIGHT. Present the Defendant in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Cause called on for status hearing. States motion in limine 1 reviewed by the Defendant. Defendants motion to substitute counsel is denied. Defendant is admonished Attorney JAMES ELMORE is still his Attorney of record until private Attorney files entry of appearance or the Defendant proceeds Pro Se. Parties will wait until Monday to argue States motion in limine to see if private counsel enters appearance. Parties make record of all offers and negotiations. Motion of the defendant to exonerate bond in 17-CF-1358 is allowed. Defendant makes oral motion saying Counsel is ineffective and would like a change of venue, motions have already been ruled on. Matter is still set for 05/21/18 at 10:00 AM before JUDGE MADONIA. Defendant is remanded to custody of the sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: MP ASA: WRIGHT</p> <p>Jury Trial on May 21, 2018 at 10:00 AM</p>

Date	Events
05/18/2018	Motion to Dismiss Filed by Defendant: BRETT A. COLE
05/21/2018	<p>Trial Continued on Motion of Defendant - In Custody</p> <p>DEFENDANT BRETT A. COLE: Present the State by ASA DAN WRIGHT. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Trial call held. On motion of the Defendant, trial continued to 06/18/2018 at 10:00 AM before Judge MADONIA. All pending motions will be heard on 6/13/18 at 11:00am. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: MP ASA: WRIGHT</p> <p>Jury Trial on Jun 18, 2018 at 10:00 AM</p>
05/31/2018	<p>List of Witnesses Filed by Assistant State's Attorney: WRIGHT</p> <p>Second Amended</p>
06/13/2018	<p>Entry Final Pretrial Judge: MADONIA</p> <p>DEFENDANT BRETT COLE: Present the State by ASA DAN WRIGHT. Present the Defendant in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Cause called on for final pretrial hearing. Court admonishes Defendant of all possible penalties and sentencing ranges on both matters if convicted. All negotiations and offers made up to this point are made part of the record. Court admonishes the defendant he will have to serve these sentences if convicted on both pending cases he will have to serve the terms consecutively. States Motion in Limine 1 is argued. States motion in Limine 1 is allowed in part, the testifying officer is not allowed to testify as to the prior retail theft arrest the night prior to this arrest; but can testify as to having prior police contact with the Defendant the night prior. States notice of intent to impeach arguments are reserved until trial date. State orally states they would like to amend Count III, Defendant objects. Defendant makes oral motion to dismiss count III; the State is given time to respond in writing. Trial on this matter is to start 06/19/18. Motions can be heard on 06/18/18 at 10:00 AM. Attorney JAMES ELMORE makes oral motion for the Defendant to be shackled and have the tables skirted during trial. Attorney ELMORES motion in reserved ruling until Court can look in the statues on the law. Defendant remanded to the custody of the Sheriff.</p> <p>Judge: MADONIA Reporter: TW Clerk: MP ASA: WRIGHT</p> <p>Jury Trial on Jun 18, 2018 at 10:00 AM</p>

Date	Events
06/18/2018	<p data-bbox="305 184 1084 216">Additional Discovery Filed by Assistant State's Attorney: WRIGHT</p> <p data-bbox="305 239 951 270">Trial Call Status Hearing In Custody Judge: MADONIA</p> <p data-bbox="305 300 1471 520">DEFENDANT BRETT A. COLE: Present the State by ASA DAN WRIGHT and ASA ROBIN SCHMIDT. Present the Defendant, in person, in the custody of the Sheriff, and by Attorney JAMES ELMORE. Trial call is held. Motion of the Defendant to withdraw motion for restraints. Motion of the Defendant for examination for fitness to proceed. Examination to be conducted by Doctor PAN. Defendant admonished of fitness examination rights. Case is set for status hearing on 08/03/2018 at 02:30 PM before Judge MADONIA. Defendant remanded to the custody of the Sheriff.</p> <p data-bbox="305 546 989 577">Judge: MADONIA Reporter: AP Clerk: MP ASA: WRIGHT</p> <p data-bbox="305 602 808 634">Status Hearing on Aug 3, 2018 at 2:30 PM</p>
06/25/2018	<p data-bbox="305 688 964 720">Order for Mental Examination Signed Judge: MADONIA</p>

The information on this page is current as of 07/26/2018. This information is intended to be used as a resource to determine the general status of historical and in-process court cases. This information is not the official record of the court. As such, it should only be used to gain a general understanding of a case's history and disposition. Accordingly, the Clerk of the Circuit Court of Sangamon County, its officers, and employees are not responsible or liable for any loss, consequence, or damage resulting directly or indirectly from use of this information.