

To: Members of the Lake County Bar Association

From: Gary J. Cooney

Re: Pleas in Absentia Via Email

Date: April 7, 2020

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After consultation with various stakeholders, Judge Davis authorized the filing of written pleas in absentia via email. Those pleas are for county criminal cases only, and must include the following language above the signature of the defense attorney filing the plea:

The defendant has acknowledged the above signature is theirs.

They must also include the following language above the signature of the defendant:

Signed in the presence of defense counsel, or I have acknowledged the signature is mine, this \_\_\_\_\_ day of \_\_\_\_\_.

For those cases in which fingerprints of the defendant are necessary as part of the judgment and sentence, the plea agreement will be conditioned upon the defendant's fingerprints being taken for the judgment and sentence, and if not taken at the time this plea is entered, the defendant will be required to be fingerprinted within 90 days of the sentence as a condition of probation.

Once fully executed by the defendant, the defense attorney, and the state attorney, the pleas should be emailed to the Clerk of the Court at the following email address:

[Pleas@lakecountyclerk.org](mailto:Pleas@lakecountyclerk.org)

For those seeking a same day release, the pleas must be received by the Clerk's office no later than 3:00 p.m. Please keep in mind, however, with the current state of operations, and the various actions which must be taken, there is no guarantee of a same day release even if the plea is received prior to 3:00 p.m.

An example of a plea agreement which contains the above required language was produced by Mike Graves after consultation with Walter Forgie. The example is attached hereto.