

No. 2-12-1364

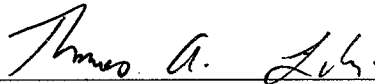
IN THE
APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of
)	the Twenty Third Judicial Circuit,
Plaintiff-Appellee,)	DeKalb County, Illinois
)	
-vs-)	No. 11 CF 454
)	
JACK MCCULLOUGH,)	Honorable
)	James Hallock,
Defendant-Appellant.)	Judge Presiding.

NOTICE AND PROOF OF SERVICE

TO: Mr. Lawrence Bauer, Deputy Director, State's Attorneys Appellate
Prosecutor, 2032 Larkin Avenue, Elgin, Illinois 60123;
✓ Mr. Jack McCullough, Register No. M33566, Pontiac Correctional Center,
P.O. Box 99, Pontiac, IL 61764

Please take notice that the original and three copies of the Motion for Extension of Time to File Appellant's Brief for Defendant-Appellant are being filed with the Clerk of the Appellate Court and that I am serving opposing counsel with two copies and the Defendant with one copy by depositing them in the mail in Elgin, Illinois, with sufficient prepaid postage and addressed as indicated above on, December 17, 2013.



Thomas A. Lilien
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Service via email will be accepted at
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COUNSEL FOR DEFENDANT-APPELLANT

No. 2-12-1364

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MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF

Defendant-Appellant, Jack McCullough, by Thomas A. Lilien, Deputy Defender, Office of the State Appellate Defender, respectfully requests an extension of time from January 2, 2014, until March 31, 2014, in which to file Appellant's Brief. The relevant supporting facts are set out in the attached affidavit.

Respectfully submitted,



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COUNSEL FOR DEFENDANT-APPELLANT

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

AFFIDAVIT

Thomas A. Lilien deposes and says that he has read the following and that the facts therein are true and correct to the best of his knowledge and belief:

1. The Defendant-Appellant was convicted of a 1957 first-degree murder, kidnaping and abduction of an infant at a bench trial. On December 10, 2012, the Honorable James Hallock sentenced the defendant to natural life imprisonment for murder. The judge imposed sentences of five years for kidnaping and seven years for abduction, but merged them with the murder sentence.

2. The defendant is currently incarcerated.

3. A notice of appeal was filed on December 10, 2012.

4. The Office of the State Appellate Defender was appointed to represent the defendant on appeal on December 10, 2012.

5. The certificate in lieu of record was filed on February 1, 2013. The Office has received a record consisting of 9 volumes, including a supplement. The total record is approximately 2100 pages long.

6. The original due date for the Appellant's Brief was March 18, 2013, 98 days after the filing of the notice of appeal.

7. On March 5, 2013, this Court set an extended due date of January 2, 2014, for the Appellant's Brief. That date is 388 days after the filing of the notice of appeal.

8. The Office of the State Appellate Defender has not sought any previous extensions of time for filing the Appellant's Brief.

9. Due to the volume and urgency of other appellate cases, undersigned counsel has not yet been able to assign the instant appeal to an attorney in the Office for briefing. Consistent with the agency policy of doing the oldest appeals first, the Assistant Appellate Defenders in the Office are primarily working on appeals with judgment dates in October and early November 2012, along with those that require expediting, at the current time. Counsel intends to assign the instant appeal as soon as possible once the briefing of the older appeals is completed.

10. If this extension of 88 days to March 31, 2014, is granted, the Appellant's Brief will be due 476 days after the filing of the notice of appeal. Assuming no further extensions of time, the State's brief will be due 35 days later on May 5, and the case will be ready for disposition two weeks later on May 19, 2014, the due date for the reply brief, which will be 525 days after the filing of the ^(10 DEC 2012) notice of appeal. Counsel hopes that no further extensions will be needed for filing the Appellant's Brief, despite the length of the record.

11. The delay in the filing of the Appellant's Brief is in no way the fault of the Defendant, and he should therefore not be penalized. The instant appeal will not become moot due to the passage of time.

Further the affiant sayeth not.

Thomas A. Lilien
Thomas A. Lilien, Deputy Defender

SUBSCRIBED AND SWORN
to before me on December 17, 2013.

Norma L Huerta
NOTARY PUBLIC

