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SEP 13 2001

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL WILLARD, et al., )  
)  
Plaintiffs, )  
)  
-v )  
)  
DONALD SNYDER, Director of )  
Illinois Department of Corrections, )  
Et al., )  
)  
Defendants. )

01 C 1884

Honorable Matthew Kennelly  
Judge Presiding

**FILED**

SEP 13 2001

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**STIPULATED DISMISSAL**

Now come the plaintiffs, Michael Willard, William Frierson, Gary Moore, and Douglas Nash, through their attorneys, Thomas Peters, Kevin Peters, and Elyse Yoelin, and defendants, by and through their attorney, James E. Ryan, Attorney General for the State of Illinois, and hereby stipulate to the dismissal of this cause. The parties agree as follows:

1. This lawsuit is dismissed with prejudice and without leave to reinstate, in view of the acknowledgment by the parties that:
  - a. the Department has directed its responsible administrators and staff that, absent exigent circumstances, preliminary hearings for parolees/releasees who have been arrested solely for technical parole/release violations in Cook County, Illinois, must be held at a location reasonably near the place of the alleged parole/release violation or arrest, which shall include any designated facility within sixty miles of Cook County or the nearest Department Reception and Classification Center.
  - b. the Department has directed its responsible administrators to amend the notice of charges to provide notice to alleged violators that they may retain an attorney to represent them at

the preliminary hearing in accordance with 20 Ill. Adm. Code 1610.140 (c) and that they may make in advance of the hearing a written request to present witnesses who can provide relevant information, or for adverse witnesses, consistent with the hearing officer's determination of good cause.

- c. the Department has directed its responsible administrators and staff that where the parolee/releasee requests in advance of the hearing to present witnesses or to confront and cross examine adverse witnesses, the testimony of those witnesses may be provided, as the hearing officer directs, either in person or through a telephonic link up between the witness and the site of the preliminary hearing on the date scheduled for the hearing. However, with regard to witnesses, in person or telephonic testimony shall not be required where the proffered evidence upon which the requested testimony would be based bears substantial guarantees of trustworthiness or where the testimony of a witness is excluded for good cause.
- d. the Department has directed its responsible administrators and staff to hold preliminary hearings for parolees/releasees who have been arrested solely for technical parole/release violations in Cook County, Illinois, within ten business days of their imprisonment pursuant to the execution of a parole violation warrant alleging a technical parole/release violation, absent exigent circumstances. The Department has directed its responsible administrators and staff that a preliminary parole revocation hearing need not be held within ten business days if (1) the parolee/releasee waives the preliminary parole revocation hearing; (2) the parolee/releasee requests or agrees to a continuance of the preliminary parole revocation hearing; (3) the parolee/releasee is unavailable due to physical or mental health reasons or other reasons as determined by the

Department; or (4) the hearing officer continues the preliminary revocation hearing for up to fourteen business days from the date the hearing was originally scheduled in order to obtain evidence or to ensure the attendance of witnesses, or for other good cause shown.

e. the Department has directed its responsible administrators and staff that where the alleged parole violation is supported solely by an unverified written statement of a parole agent, the hearing officer must also review a sworn verification, affidavit, or declaration from the parole agent, an appropriately executed copy of the violation report or oral testimony of the parole agent.

2. This stipulated dismissal shall not constitute an admission of liability and shall not serve as a precedent or be admissible in any proceeding.



Thomas Peters

Counsel for Plaintiffs

Date: 8/6/01



Edward Seward  
Assistant Attorney General  
Counsel for Defendants

Date: 9/12/01