

SUPREME COURT OF ILLINOIS

COURT CONVENED AT 9:00 A.M., WEDNESDAY, SEPTEMBER 12, 2018

THE COURT MADE THE FOLLOWING ANNOUNCEMENT:

ADVISEMENT DOCKET

123757 George Scully, petitioner, v. Jesse White et al., respondents.
Mandamus/Prohibition.

This cause coming to be heard on this Court's own motion, and the Court being fully advised in the premises;

Petitioner seeks a writ of *mandamus* or prohibition against respondents to prevent the name of Jessica Arong O'Brien, elected a judge of the Circuit Court of Cook County on November 6, 2012, from appearing on the ballot for judicial retention in the General Election to be held on November 6, 2018.

Section 25-1 of the Election Code provides that "resignations of elective offices shall be made to the officer, court, or county board authorized by law to fill a vacancy in such office by appointment or to order an election to fill such vacancy." 10 ILCS 5/25-1 (West 2016). Pursuant to this provision, an elected judge who decides to resign must notify this court. *Id.* Section 25-2 of the Election Code specifies that "[a]n unconditional resignation, effective on a future date, may not be withdrawn after it is received by the officer authorized to fill the vacancy." 10 ILCS 5/25-2 (West 2016).

As set forth in the attachment to this order, O'Brien notified this court on February 21, 2018, that if her post-trial motions for acquittal or a new trial in her federal criminal case were denied, she would resign her judicial position immediately. Consistent with this written notification, she twice informed this court in her brief in opposition to the instant writ for mandamus or prohibition, filed on August 23, 2018, that if the motions for acquittal or a new trial in the federal case were denied she would resign at that time. The federal district court denied those motions on September 4, 2018. *United States v. Jessica Arong O'Brien*, No. 17 CR 239-1 (United States District Court for the Northern District of Illinois). O'Brien has therefore resigned her position as judge of the Circuit Court of Cook County, effective September 4, 2018.

This court further recognizes that subsequent to the denial of her federal motions, O'Brien withdrew her declaration of notice of intention to seek retention as a circuit court judge in the upcoming General Election.

IT IS HEREBY ORDERED on this Court's own motion, that petitioner's petition for a writ of mandamus or prohibition is hereby dismissed as moot. Mandate to issue forthwith.

Order entered by the Court.

Kilbride, Burke, and Neville, JJ., took no part.

Jessica A. O'Brien

[REDACTED]
[REDACTED] *** [REDACTED]

February 21, 2018

Via Electronic Mail
Supreme Court of Illinois
Attn: Hon. Lloyd Karmeier, Chief Justice
160 N. LaSalle Street, Chicago, IL 60602

Re: Judicial Duties

Dear Chief Justice Karmeier and Honorable Illinois Supreme Court Justices:

As you know, I was unsuccessful in defending the allegations lodged against me in federal court. At the close of the Government's case, we timely filed a Rule 29 or Motion to Acquit based on the Government's failure to present sufficient evidence to prove the elements of intent to defraud and a scheme to defraud any financial institution. Specifically, as Judge Durkin cautioned or questioned the government during pre-trial, paper alone cannot prove these elements of the crimes that I have been accused. Nonetheless, Judge Thomas M. Durkin reserved ruling on the motion and has also allowed me to amend that motion by March 1, 2018, presumably to include actual testimony or lack thereof. The transcript however will not be available until mid-March. Consequently, we filed a motion for extension yesterday.

We expect a resolution of the motion some time in May or June of 2018. I do believe we are on solid ground in prevailing on our motion. I respectfully request that you hold off on removing me from my judicial position until resolution of this motion and any other Rule 33 motion(s) that I am contemplating on filing. In the meantime, I will diligently execute my judicial obligations as the Court sees fit. Should I be unsuccessful in my motions, I will immediately resign my judicial position and voluntarily request to be

removed from the rolls of the Illinois lawyers with the Attorney Registration Disciplinary Commission (ARDC).

Thank you for your consideration of these unfortunate events that I am facing.

Sincerely,

A handwritten signature in black ink, appearing to read "JA O'Brien". The signature is stylized and cursive.

Jessica A. O'Brien

cc: Illinois Supreme Court Justices listed Alphabetically:
Via Electronic Mail

Hon. Anne M. Burke, Illinois Supreme Court Justice

Hon. Charles E. Freeman, Illinois Supreme Court Justice

Hon. Rita B. Garman, Illinois Supreme Court Justice

Hon. Thomas L. Kilbride, Illinois Supreme Court Justice

Hon. Mary Jane Theis, Illinois Supreme Court Justice

Hon. Robert R. Thomas, Illinois Supreme Court Justice

cc: Hon. Timothy C. Evans, Chief Judge, Circuit Court of Cook County

Hon. E. Kenneth Wright, Jr., Presiding Judge, First Municipal District,
Circuit Court of Cook County

Marcia M. Meis, Director, Office of the Illinois Courts

Jerome Larkin, Administrator, Attorney Registration Disciplinary Commission (ARDC)



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

September 7, 2018

Steve Sandvoss
Executive Director
State Board of Elections
2329 S. MacArthur Boulevard
Springfield, IL 62704

Attn: Brent Davis, Director
Election Operations

Dear Mr. Davis:

Attached is a certified copy of the notice to Withdraw the Judicial Declaration of Candidacy for Retention in Office in the General Election to be held November 6, 2018, as filed in this office on September 6, 2018 by Jessica A. O'Brien, Circuit Court Judge of the Cook County Judicial Circuit.

Sincerely,

Lissa Richno
Public Records

enclosure



State of Illinois
Executive Department

CERTIFICATE

To All To Whom These Presents Shall Come, Greeting:

I, JESSE WHITE, Secretary of State of the State of Illinois, do hereby certify that attached is a true copy of a Notice to Withdraw the Judicial Declaration of Candidacy for Retention in Office, in the General Election to be held November 6, 2018 as filed in this office on September 6, 2018 by Jessica O'Brien, Circuit Court Judge of the Cook County Judicial Circuit.

IN TESTIMONY WHEREOF, I hereto set hand and cause to be affixed the at Seal of the State of Illinois. Done at the City of Springfield, September 7, 2018.



Jesse White

SECRETARY OF STATE

----- Original message -----

From: Jessica OBrien <[REDACTED]>
Date: 9/5/18 4:45 PM (GMT-06:00)
To: TERRENCE MCCONVILLE <[REDACTED]>
Cc: "Menzel, Ken" <[REDACTED]>, Michael Kasper <[REDACTED]>, Steve Greenberg <[REDACTED]>, jmeisner <[REDACTED]>, cgrosboll <[REDACTED]>, David Weisbaum <[REDACTED]>
Subject: [EXTERNAL] Notice to Withdraw Declaration for Retention

September 5, 2018

Secretary of State of Illinois Jesse White
c/o: Assistant General Counsel Terrence McConville
100 W. Randolph St.
Chicago, IL 60601

Re: Notice to Withdraw Declaration to Run for Retention

Dear Secretary White, Assistant General Counsel McConville and General Counsel Menzel:

In light of the federal court's ruling in my case yesterday, I hereby withdraw my Declaration Notice to Run for Retention, as consistent with my previous representation to the Illinois Supreme Court on February 21, 2018.

If you have any questions regarding this correspondence, please feel free to contact my attorney, Steven A. Greenberg.

Sincerely,

Jessica O'Brien

cc: Steven A. Greenberg, Esq.

Sent from my iPhone

FILED
INDEX DEPARTMENT
SEP 06 2018
IN THE OFFICE OF
SECRETARY OF STATE