

APPEAL TO THE ILLINOIS SUPREME COURT  
FROM THE CIRCUIT COURT OF WINNEBAGO COUNTY  
CASE NO. \_\_\_\_\_

PEOPLE OF THE STATE OF ILLINOIS	)	Circuit Court Case Nos.
	)	01-CF-2701, 01-CM 8121,
Plaintiff-Appellee,	)	02-CM-637, 02-CM-3066,
	)	and 02-CM-6438
	)	
vs.	)	Date of Notice of Appeal:
	)	March 13, 2007
	)	
Clarence L. Vance,	)	Trial Judge:
	)	Richard W. Vidal (now retired)
Defendant-Appellant,	)	J. Edward Prochaska (presiding)
	)	
	)	Felony, Misdemeanors
	)	Out on Bond

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**MOTION FOR ORDER TO DIRECT THE CLERK OF THIS COURT  
TO FILE AND DOCKET THE SUBJECT CRIMINAL APPEAL  
AS IS REQUIRED BY SUPREME COURT RULE 606(f)**

Now comes Clarence L. Vance, the above named as Defendant-Appellant, and states to this Court as follows:

1. Said Appellant filed a timely NOTICE OF APPEAL in the above styled criminal cases on March 13, 2007.

2. Two identical **Notices** to said Appellant, dated March 23, 2007 and March 29, 2007 respectively and served on all parties hereto with a copy also provided to Justice Robert R. Thomas, the Clerk of this Court stated that:

*"The following notice of appeal will not be filed and docketed in the Supreme Court for want of compliance with Supreme Court Rule 303(b)(3), amended July 27, 2006, effective September 1, 2006: . . ."*

3. By a letter dated April 5, 2007 and served on all parties hereto and Justice Robert R. Thomas, said Appellant reminded said Clerk that said Rule 303 was applicable to appeals in civil cases only and that the instant appeal was filed in the noted criminal cases.

4. In consequence of the receipt of said April 5, 2007 letter, the Clerk of this Court, in a subsequent letter dated April 10, 2007 stated, in pertinent part, that:

*"The following notice of appeal will not be filed and docketed in the Supreme Court for want of compliance with Supreme Court Rule 603 . . . ." . . ."*

5. By a letter dated April 13, 2007 and delivered to the Office of said Clerk of this Court on April 19, 2007, said Appellant in response set forth that said NOTICE OF APPEAL satisfies all pertinent requirements of said Rule 603, as amended July 27, 2006, and that said administrative Clerk has an obligation and a duty to file and docket said Appeal pursuant to said Rule 606(f) which states, in pertinent part, to wit:

*"Upon receipt of the copy of the notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule . . . **the clerk of the reviewing court SHALL ENTER THE APPEAL UPON THE DOCKET.**" (Emphasis added).*

6. Said April 13, 2007 letter did also asked said Clerk:

*"In what respect is said Notice of Appeal **NOW** in "want of compliance with Supreme Court Rule 603"? - **OR** - Does, in fact, said April 10, 2007 letter comprise yet another inadvertence?"*

7. Said March 23, 2007 **Notice**, said March 29, 2007 **Notice**, said April 5, 2007 letter, said April 10, 2007 letter, and said April 13, 2007 letter are each incorporated respectively herein by reference as though stated in their entirety.

8. As of this date, said Appellant has received no reply to said April 13, 2007 letter nor any indication that said Appeal has been docketed as is so required pursuant to said Rule 606(f).

9. The said failure of said Clerk is unjustly depriving said Appellant of his rightful access to this Court and constitutes a consequent denial of his Constitutional Right to Equal Protection of the Law.

**THEREFORE**, in consideration of the premises, said Appellant asks this Court to enter an Order and therein direct said Clerk to docket said Appeal as is so required by said Rule 606(f).

Dated: April 25, 2007

Respectfully submitted,

\_\_\_\_\_  
Clarence L. Vance, Appellant

#### **AFFIDAVIT**

Pursuant to 735 ILCS 1-109, the undersigned certifies that the statements set forth in the foregoing MOTION are true and correct to the best of his knowledge, information and belief.

Executed: April 25, 2007

\_\_\_\_\_  
Clarence L. Vance

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	)	Out on Bond

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**NOTICE OF FILING**

To: Winnebago County State's Attorney Paul A. Logli;  
400 West State St., Rockford, Illinois, 61101;

Lisa Madigan, Illinois Attorney General, Criminal Appeals Div.  
100 West Randolph St., 12th Floor, Chicago, IL 60601;

You are hereby notified that on April 25, 2007, the undersigned filed an original and one (1) copy of the MOTION FOR ORDER TO DIRECT THE CLERK OF THIS COURT TO FILE AND DOCKET THE SUBJECT CRIMINAL APPEAL AS IS REQUIRED BY SUPREME COURT RULE 606(f) and a proposed order with the Clerk of this Court. A true and correct copy of which is being served on your Office.

**PROOF OF SERVICE**

Under penalties as provided by law, pursuant to 735 ILCS 1-109, the undersigned certifies that a copy of said MOTION and said order is being served on the Office of the persons named above on this date by depositing said document(s) in the U.s. Mail, with First-Class Postage prepaid.

Executed: April 25, 2007

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Clarence L. Vance  
2203 Halsted Rd.  
Rockford, IL 61103