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318 North Mill Street
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RE: Appointment of William H. Bertram as your Special Public Defender

Dear Client:

I have been appointed to represent you as a Special Public Defender in the above referenced matter.

You have been charged with a misdemeanor offense. You can receive jail time or a fine along with some sort of disposition involving probation, conditional discharge or supervision for up to two years. At this point, I do not have the reports or offers. As a result, I cannot advise you about this case other than what you are charged with and the possible penalties. If you wish to discuss this matter before the next hearing, please contact me at the address, phone number or email above and I will be happy to review what information I have and make a recommendation at that time if that information is available. You have also been given an appointment for a **MONDAY**. Until the COVID-19 pandemic subsides, you can call me at (815) 842-1100 or attend this meeting via Zoom at the following address:

Meeting ID: 958 7413 8943 Passcode: 8Pk4gW

If I am not available by phone, you can schedule an appointment to discuss this with me or you can email me.

You will have the choice of asking for a trial (either bench or jury) or pleading guilty to the charge (either accepting the State's offer or requesting a plea hearing and requesting a lesser penalty). If you are charged with a Petition to Revoke, you will have the choice of asking for a bench trial or admitting the petition to revoke and either accepting the State's offer or requesting a plea hearing and requesting a lesser penalty.

By requesting a plea hearing (sometimes called a "blind plea") you need to be aware that you can get a worse sentence from the Judge than what the State has offered. You need to be aware of this risk when deciding what course of action to pursue. I will make a recommendation but it is ultimately your decision.

Most of you have already received an offer from the State. If you do not want to accept that offer but are willing to take some sort of disposition in exchange for your plea of guilty, it is possible for me to negotiate a plea agreement. Please let me know what you do not like about the offer and we will attempt to negotiate a more favorable disposition.

Some of the possible dispositions in this matter are as follows:

SUPERVISION: If you accept a disposition of supervision, no conviction will be entered and you may be eligible to have record of this offense expunged to the extent allowable by law. You will be required to follow all the conditions set forth in the offer and the standard conditions of supervision. If you do not, the State could file a Petition to Revoke asking that a conviction be entered and for other penalties including additional fines and jail time.

YOUR APPOINTMENT DATE AND TIME IS: _____

YOUR NEXT COURT DATE IS: _____

William H. Bertram

Attorney at Law

Page 2

PROBATION/CONDITIONAL DISCHARGE: If you accept a disposition of conditional discharge or probation, a conviction will be entered. You probably will not be eligible to have record of this offense expunged but you may be able to have this matter sealed to the extent allowable by law. You will be required to follow all the conditions set forth in the order and the standard conditions of conditional discharge or probation which are contained on the back of the order. If this is probation, in addition to the standard conditions, you will be required to meet with a probation officer on a regular basis and pay a monthly probation fee. If you violate the terms of your conditional discharge or probation, the State could file a Petition to Revoke asking that other penalties be imposed including additional fines and jail time.

FINES AND ASSESSMENTS: If you accept any disposition and fines and/or assessments are imposed, you may file *within 30 days of the sentence being imposed* file a motion to have any or all of these costs waived. The form is available through the Livingston County Circuit Clerk's office.

Please note, you may also be required to submit to a drug and/or alcohol screening at the request of the judge at this hearing. The fee for those services are \$15.00 for a drug screening and \$5.00 for a breathalyzer. Payment will be required at the time of the screening.

If you are charged with a DUI and you received a statutory summary suspension, you have a limited time in which to file a civil proceeding to challenge this suspension. The proceeding is called a Petition to Rescind Statutory Summary Suspension. As Special Public Defender, I am not allowed to institute such a proceeding on your behalf because this is a civil proceeding. If you are a first time offender (according to the Secretary of State) you may be eligible to receive permission to drive during this suspension. This is a proceeding through the Secretary of State and again, I cannot seek this remedy for you. The Illinois Secretary of State's Office has the necessary forms for you to fill out and file if you wish to pursue these remedies.

I will be available to speak with you for a limited time prior to the scheduled hearing time. I am available at the contact information provided above. Your next hearing may be by Zoom. My website has the Zoom link for Judge Black. The address is www.whbltdpc.com/information. At the next hearing, I will be asking what your intentions are regarding this charge. Please contact my office prior to your hearing to determine if your hearing is by Zoom.

If you have been given a bond conditions order, you need to be aware of the terms and obey this order. If you are unsure whether you have such an order or any of the terms, please contact me as soon as possible.

If you have any questions or wish to discuss this matter, you may contact me at my office, either by telephone or making an appointment at the address indicated above or see me at the Livingston County Public Defenders Office at the Livingston County Law & Justice Center on Mondays.

Sincerely,



William H. Bertram
Special Public Defender