

Another Adventure in Illinois Law: Jury Summons

Back in November, I received my first letter summoning me to be a juror. At that time, I had just started a new job and really didn't want to take off work so early on, so I deferred until May.

Well, May is almost here and the dreaded letter came once again. I am being summoned to jury duty the week of May 11th.

There are a few options that I have. First off, I could discretely get chosen as a juror and nullify the law that the defendant is being charged with breaking, should it be an unjust law whose very enforcement violates my conscience. On the other hand, during jury selection, I could just say something along the lines of, "I am a libertarian and/or an informed juror," which would certainly save me from having to ever serve as a juror, legally speaking (more likely than not, the prosecutor would likely be more than happy to have the bailiff escort me out). Lastly, I could learn what the punishments are in the law for neglecting the jury summons in order to make an informed decision as to whether or not civil disobedience would be wise for me to perform.

Of course, the legal maxim of *ignorantia juris non excusat* applies here, so I am doing the best I can to understand the law, no matter how hard or confusing the lawyers make it sound.

Within this summons letter, in the section titled **Failure to Answer Jury Summons**, it states: "In addition to any criminal penalty prescribed by law, a person summoned for jury service who does not comply with the summons as required by law is subject to contempt of court punishable by a fine and/or incarceration."

It definitely sounds intimidating, but there was no legal citation which indicated those things listed in the letter.

And so, my journey into "Legal Land" begins...

As always, the place to start for me was in the Illinois Compiled Statutes. At (705 ILCS 305/15) (from Ch. 78, par. 15) Sec. 15, the law states this in regards to jury duty:

"Every person who shall fail to attend when lawfully summoned to appear as a grand or petit juror, without having a reasonable excuse, shall be considered as guilty of a contempt, and shall be fined by the courts, respectively, in any sum not less than \$5 nor more than \$100, for the use of the proper county, unless good cause be shown for such default; and it shall be the duty of the court to enter an order of attachment, returnable forthwith, against all such delinquents, and upon the return thereof the court shall proceed to assess the fine unless the person or persons so attached shall show good cause for such delinquency: Provided, that the oath or affirmation of any such delinquent shall, at all times, be received as competent evidence."

So quite frankly, as the law states, the punishment for failing to appear to a jury summons is a fine from \$5 to \$100. I will also add this, the daily pay is \$10. It doesn't matter what job you have, even if its minimum wage; you're taking a major pay cut to waste a day, or a week, on jury duty.

(Isn't it interesting that the government is working to mandate a \$15 minimum wage, but they can only pay \$10 a day for jury service? Hypocrisy, much?)

I also looked through city ordinances, dug through the county and city websites, and the Illinois Administrative Code, yet this was the only citation I could find for a punishment for failure to comply to a jury summons.

For the sake of accuracy and safety, I decided to again, head to down the Government Center in downtown Bloomington, as well as the McLean County Law and Justice Center.

In the interests of not having to pay for parking, I first went to the County Clerk's Office within the Government Center. I inquired about any specific codes, ordinances, or county laws regarding jury duty since there were none available on their website. They really didn't have any answers, but I was told to go to the Law and Justice Center and see what I could find out.

Across the street I go...

I walked into the building and went through the metal detectors and of course I set off the alarm, since I have Type 1 Diabetes and therefore I must have an insulin pump on me 24/7. I did get an additional security theater screening by getting wanded--- but at least they didn't pat me down or touch my junk.

After successfully making it through "security," I proceeded up to the third floor toward the Court Clerk's office (I will say, it wasn't my first time there). I walked up to the desk and inquired again about the codes, ordinances, or county laws, and she had a little more input than the nice ladies at the Government Center.

She told me to go up to Floor 5 and speak with Jason Daisy, who handles all things jury related, and then to head up to Floor 6 to the law library. I smiled and thanked her for her assistance and continued my journey through this belly of the beast known as local county government.

I went up to Floor 5 and there were no open doors, no people, and the court rooms were empty, minus a couple people in a select few of them. I wandered down to the end of the hall and to my right saw an open door at the end of the hallway. I walked down there, stood awkwardly, waiting for the gentlemen to acknowledge me. He asked if he could help me, and I told him I was looking for Jason Daisy.

He said that he was Jason Daisy and told me to come in. First try, that never happens within the bureaucracy.

I said to him, "Hi Mr. Daisy, my name is Shane and I've just got a couple of questions for you. In attempting to not be ignorant of the law, I'm working to understand and learn it as best as I can and I need your assistance."

I read the "Failure to Appear" section and handed him the letter. I told him that I am having trouble finding the legal citation that the summons letter refers to in regards to the incarceration aspect of the punishment. I told him that I've been doing as much as I can and have only been able to find the citation for the fine aspect.

To my surprise... well, actually, not to my surprise, as the citizens are the only ones who are expected to know the law, unlike police officers and other government employees who are not expected to.

Not surprisingly, he said that he would have to do some digging for me as he was not familiar with the law citation that this letter references.

I pulled out a Liberty Under Attack business card, turned it over, and wrote my phone number and email on it, and thanked him for his time and that I look forward to hearing from him.

And my journey through the belly of the beast called government continued, up to the 6th floor. I got out of the elevator and turned left and the law library was on the right. I knocked on the door and walked in and the library assistant greeted me and asked if she could help me find anything.

I again, explained what I was looking and also explained the journey I had made before coming to the law library.

This kind lady assisted me more than all of the other three combined (as I recall, in one of the discussions I had with Kyle Rearden, he mentioned to be extra nice to the law librarians, as they could be a major help in legal research—he was certainly correct).

I asked her quite a few questions and got some good answers. There are no McLean County codes, ordinances, regulations, etc. McLean County falls under the purview of the various city ordinances and the Illinois Compiled Statutes—that includes the McLean County Law and Justice Center as well.

She also went on to mention that she doesn't know anything about the actual citation the letter is referring to, but based off of the legalese, she took it as failure to appear is considered contempt of court, which means it is up to the determination of the judge. Which means, that someone who fails to appear for a jury summons, could only be required to pay a fine or they could be incarcerated.

I continued digging through statutory code for anything relating to the definition or circumstances surrounding contempt of court. I couldn't find anything, except when it related to things like someone not paying child support, having outstanding fees owed to the court, or some sort of a court order to appear.

Then I started looking into some case law. It all started to make sense from that point on. From extensive Google searches, I found a page called [Criminal Lawyer Illinois](#) and their page on contempt of court. They say that, "Illinois law does not have a statute for contempt of court. Instead, the rules for contempt come from common law."

That is interesting. In the Illinois Constitution of 1970 (adopted at a special election, current Constitution), common law is mentioned once.

In Article 7, Section 4(d), it states that: "County officers shall have the duties, powers or functions derived from common law or historical precedent *unless altered by law or county ordinance.*"

That is the only reference of “Common Law” in the current Illinois Constitution, yet they are using common law as the excuse for contempt of court.

Criminal contempt of court has a penalty of up to 180 days in jail and a fine of \$500.

There are a bunch of different versions, such as: indirect/direct civil contempt of court and indirect/direct criminal contempt of court, and as far as the definitions, I won't bore you with that.

There are a couple of cases that I would like to touch on, to let my readers know what I would be up against if I decided to tell the court to stick it where the sun don't shine.

- *People v. Perez*, 2014 IL App (3d) 120978 (No. 3-12-0978, 10/1/14)
 - Criminal contempt arises from conduct calculated to: (1) impede, embarrass, or obstruct the court in its administration of justice; (2) derogate from the court's authority or dignity; or (3) bring the administration of law into disrepute

According to *People v. Perez*, any attempt to (in the words of Eric Cartman), “disrespect their authoritah”, might as well be indirect criminal contempt of court.

Next, is the punishment, as ruled by this specific hearing, which aligns with others that I have found.

- *People ex rel. City of Chicago v. Le Mirage*, 2013 IL App (1st) 093547 (Nos. 1-09-3547 & 1-09-3549 cons., 11/14/13)
 - Criminal contempt is punishable by fine or imprisonment. The power to punish for contempt is inherent and can be neither created nor limited by statute. Because it is not subject to legislation, contempt has no sentencing classification or range.

That is only two of the case studies I've read, but it is sufficient. To conclude, you have seen the definition of what they call “criminal contempt” (at least here in Illinois) and you know the punishment.

From the criminal lawyer Illinois page, you have also seen how they can “legally” enforce contempt of court, which, to reiterate, is common law (even though, the state of Illinois despises common law and any other aspect of freedom, hence why I call it the “communist state of Illinois”).

So, from my investigation into the law (even without response from Mr. Daisy), my mind is already 99.9% made up. And of course, I couldn't rely on the employees that enforce or oversee the law to tell me these things, I had to find it out for myself.

This experience has only made me despise the State even more. The law isn't understandable for the majority of the public, and even if it is, it's damn near impossible to find what you're looking for. When I did eventually discover what their “law” actually said, it more or less grants so much discretion to the judge that the courtroom might as well be his own little personal fiefdom.

So more often than not, I will have to venture back into the belly of the beast known as government, regardless of whether I end up in the courtroom “serving” as a juror, or I am thankfully rejected from such “service” during *voir dire*.

I can honestly say, though I’m looking forward to either outcome. For one, I will have an extremely gratifying feeling standing by up for my morals and ethics if I am able to squirm my way out; otherwise, maybe I can save a fellow citizen from a conviction on a victimless crime. Either way, I will consider it a win, at least for me, individually.

Ignorantia juris non excusat, and I’m doing my best to not be ignorant. They just don’t make it easy.