

No. _____

**IN THE
SUPREME COURT OF ILLINOIS**

ANGEL LUSTER-HOSKINS,	)	Original Petition for Writ of Mandamus or
	)	Prohibition
Defendant-Petitioner,)	
	)	Underlying Case No. 2022-CF-293
v.	)	Circuit Court of the Fifth Judicial Circuit,
	)	Vermilion County, Illinois
THE HONORABLE CHARLES C. HALL,)	
Circuit Court Judge of the Fifth Judicial	)	Honorable Charles C. Hall,
Circuit	)	Judge Presiding
)	
Respondent.)	

**EMERGENCY MOTION FOR LEAVE TO FILE
PETITION FOR WRIT OF MANDAMUS OR PROHIBITION**

ANGEL LUSTER-HOSKINS, by and through her attorneys, respectfully moves this Court, on an emergency basis, for leave to file the attached Original Petition for Writ of Mandamus or Prohibition pursuant to Supreme Court Rule 381 and Article VI, Section 4(a) of the Illinois Constitution to vacate the Circuit Court's November 17, 2022 order appointing a guardian ad litem for Ms. Luster-Hoskins' fetus. In support of this emergency motion, Petitioner states the following.

Expedited Emergency Relief is Justified Here

1. The relief requested, an emergency writ of mandamus or prohibition, is warranted because the Circuit Court, *sua sponte*, appointed a guardian ad litem for Ms. Luster-Hoskins' fetus, violating Ms. Luster-Hoskins' constitutional and fundamental rights.
2. There was no pending written or oral motion requesting the appointment of a guardian ad litem for the fetus. Nor could there be because, as set out in detail in the Original

Petition for Writ of Mandamus or Prohibition filed contemporaneously herewith, this action was a gross overreach of the court's authority that had no basis in law, and stands in brazen defiance of Ms. Luster-Hoskins' fundamental rights as codified in Illinois statutes and common law.

3. Illinois law is very clear that a fetus does not have independent rights. *See, e.g.*, 775 Ill. Comp. Stat. Ann. 55/1-15(c); *Stallman v. Youngquist*, 125 Ill. 2d 267, 277 (1988) ("the law will not treat a fetus as an entity which is entirely separate from its mother").

4. The involvement of a guardian ad litem in Ms. Luster-Hoskins' medical treatment during her pregnancy subjects her to ongoing harm, as it will further exacerbate the coercive situation she is facing while incarcerated.

5. After issuing the order, the Circuit Court subsequently requested that the appointed guardian ad litem for the fetus prepare an order mandating that Ms. Luster-Hoskins' doctor disclose Ms. Luster-Hoskins' medical records to the guardian ad litem for review. SR at ii.¹

6. By appointing a guardian ad litem for a fetus that is without any independent rights, the Circuit Court's opens the door for the guardian ad litem to attempt to opine on Ms. Luster-Hoskins' own medical decisions and health care.

7. By appointing a guardian ad litem for a fetus that is without any independent rights, Judge Hall's order creates an untenable situation for Ms. Luster-Hoskins' doctor. She may be put in a position of being asked to disclose privileged and confidential medical information to the guardian ad litem – even though there is no exception to the physician-patient privilege that would allow for that disclosure, *see* 735 Ill. Comp. Stat. 5/8-802, and doing so would violate Ms. Luster-Hoskins' right to medical privacy. *See also Kunkel v. Walton*, 179 Ill. 2d 519, 537 (1997) (holding that Illinois constitutional right to privacy protects medical

¹ SR" refers to the supporting record filed with this motion and proposed petition.

information). Her doctor may also be put in the position of having to actually consider the guardian ad litem's opinion when discussing and providing health care to Ms. Luster-Hoskins. Maternity care, like all other health care, can only be provided subject to the informed consent of the patient, not a stranger appointed by the court to represent non-existent rights. *See, e.g.*, 775 Ill. Comp. Stat. Ann. 55/1-10.

8. The Circuit Court's order not only exceeded its jurisdiction and authority, but it created an inherently coercive situation that is in violation of, and will continue to violate, Ms. Luster-Hoskins' rights and privileges in serious and irreparable ways.

9. Prior to appointing a guardian ad litem, the Circuit Court twice "admonished" Ms. Luster-Hoskins to "cooperate with jail staff for medical treatment." SR27, SR91 – SR94.

10. On November 3, 2022, despite Ms. Luster-Hoskins' attorney's representation that Ms. Luster-Hoskins was committed to proper medical care during her pregnancy, the Circuit Court admonished Ms. Luster-Hoskins, stating, "you have a duty to your child....to protect that child and protect yourself to the full extent of your ability." SR27.

11. On November 17, 2022, the Circuit Court again admonished Ms. Luster-Hoskins and lectured her for several minutes on her "honey-cocky" attitude. SR93. The Circuit Court accused Ms. Luster-Hoskins of not caring about her pregnancy and of having a "narcissistic lack of care and concern." SR94. The judge stated on the record that Ms. Luster-Hoskins did not have the legal right to "endanger an unborn child." SR92.

12. Ms. Luster-Hoskins now sits in the Vermilion County Jail, where staff have repeatedly threatened her and told her that if she does not agree to have her labor induced, she will be held in contempt. SR at ii.

13. Absent a writ of mandamus, the appointment of the guardian ad litem will continue to violate Ms. Luster-Hoskins' constitutional right to make her own medical decisions, her right to

privacy and confidentiality, and her fundamental right to make autonomous decisions regarding her own reproductive healthcare.

14. Though mandamus is an “extraordinary remedy,” the Supreme Court may issue a writ when “matters involved are of a compelling and general importance.” *People ex rel. Rice v. Cunningham*, 61 Ill. 2d 353, 356 (1975). “Mandamus is an appropriate remedy to compel compliance with mandatory legal standards,” including compelling the undoing of an act. *People ex. rel. Birkett v. Konetski*, 233 Ill. 2d 185, 193 (2009). Because the Circuit Court’s order appointing a guardian ad litem to a fetus without independent rights is unauthorized and plainly violates clear Illinois law, a mandamus action appropriately asks this Court to order him to correct it to conform to Illinois law.

15. For these reasons and those set forth in the proposed Original Petition for Writ of *Mandamus* or Prohibition, Ms. Luster-Hoskins respectfully requests that this Court issue an order directing the Circuit Court to vacate his order appointing a guardian ad litem to Ms. Luster-Hoskins’ fetus.

DATED: November 22, 2022

Respectfully submitted,

/s/ Kevin M. Fee
Attorney for Defendant-Petitioner

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Kevin M. Fee

Attorney for Defendant-Petitioner

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THE HONORABLE CHARLES C. HALL,)	
Circuit Court Judge of the Fifth Judicial)	Honorable Charles C. Hall,
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Respondent.)	

ORIGINAL PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

Pursuant to Supreme Court Rule 381, ANGEL LUSTER-HOSKINS by and through her attorneys seeks an order of mandamus or prohibition directing the Honorable Charles C. Hall (the “Circuit Court”) to vacate his November 18, 2022 order appointing a guardian ad litem for her fetus (“Order”). Under art. VI, § 4(a) of the Illinois Constitution, this Court “may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.” ILL. CONST. Art. VI, § 4(a). A writ of mandamus or prohibition is appropriate because respondent exceeded his legitimate authority in issuing the Order in defiance of clearly established law and fundamental rights, and because the Order’s violation of Ms. Luster-Hoskins’s autonomy involves matters of compelling and general importance, and its resolution is crucial to the administration of justice in Illinois.

INTRODUCTION

This case concerns an incarcerated pregnant woman, and the Circuit Court's unlawful interference with her medical care at the late stages of her pregnancy. As part of a series of Circuit Court "admonishments" and vaguely-worded orders compelling Ms. Luster-Hoskins to "cooperate" with her medical care, the Circuit Court overseeing her criminal case took the unprecedented step of appointing a guardian ad litem *sua sponte* to "protect" the rights of her unborn fetus. But bedrock Illinois law establishes that fetuses have no independent legal rights to protect. The Court's Order is thus defective on its face as a matter of law. It is also contradicted by the statute governing guardians ad litem and exceeds the jurisdiction of a Circuit Court presiding over a criminal case, all of which adds up to a clear overreach of judicial authority.

In its attempt to safeguard rights that do not exist, the Order tramples the genuine and fundamental rights of Ms. Luster-Hoskins. It contravenes the Illinois Reproductive Health Act and over fifty years of settled case law establishing that pregnant people have a fundamental right to bodily autonomy and medical decision-making free from State interference. It is also profoundly harmful to Ms. Luster-Hoskins in the near term. The Order has allowed the State to invade her private relationship with her physician, opened her private medical records to review by State-appointed actors, and subjected her to inherently coercive conditions as she attempts to navigate the most crucial phase of her pregnancy. The urgency and gravity of the Circuit Court's overreach justify awarding a writ in this case compelling the Circuit Court to rescind its order immediately to prevent further and ongoing harm to Ms. Luster-Hoskins.

BACKGROUND

Angel Luster-Hoskins has been incarcerated in Vermilion County since June 1, 2022. As of this week, she is 38 weeks along in her pregnancy. She has two criminal cases pending, one arising out of a charge of First Degree Murder (2022 CF 293) ("Case 293") and another arising

out of a charge of Aggravated Battery with a Firearm (2021 CF 748) (“Case 748”).

In late October, Ms. Luster-Hoskins met with her obstetrician to discuss her pregnancy and the impending birth of her child. SR at ii.¹ Ms. Luster-Hoskins’s obstetrician advised her that there was not a specific medical indication for her to have her labor induced, and that the decision whether to induce was ultimately up to her. *Id.* Ms. Luster-Hoskins decided not to go through with an induction at that time, preferring to go into labor without medical intervention. *Id.* Her obstetrician informed Ms. Luster-Hoskins that County Jail staff had requested that an appointment be scheduled for Ms. Luster-Hoskins to induce on November 21, 2022. *Id.*

A. November 3, 2022 Hearing and Admonishment

Soon after her October appointment Ms. Luster-Hoskins was subjected to an escalating series of intrusions into her medical care by the State, the Court, and Vermilion County jail staff.

On November 3, 2022, the Circuit Court held a hearing on a bond reduction motion filed by the Public Defender representing Ms. Luster-Hoskins in Case 293, and on a motion filed by Ms. Hallie Bezner – Ms. Luster-Hoskins’s counsel in Case 748 – seeking Ms. Luster-Hoskins’s release pursuant to 725 Ill. Comp. Stat. Ann. 5/110-5.2, which states that pregnant pretrial detainees shall not be required to deliver while in custody without a hearing determining that they pose a real and present threat to the physical safety of a specific person or the public. SR1, SR2. At the hearing, the Circuit Court allowed brief testimony from Ms. Luster-Hoskins about her inability to post bond, and the status of her advanced pregnancy. SR7 – SR12. The Court also entertained argument from the parties regarding the State’s contention that releasing Ms. Luster-Hoskins would pose a danger to the public. SR13 – 24. Citing this supposed danger, the Circuit Court denied both motions, requiring Ms. Luster-Hoskins to remain incarcerated through the end

¹ “SR” refers to the supporting record filed with this motion and proposed petition.

of her pregnancy. SR24 – SR27.

The State also argued – notwithstanding the successful medical appointment Ms. Luster-Hoskins had completed just days before the hearing – that Ms. Luster-Hoskins was being “uncooperative” regarding her medical care and should be admonished. SR17 – SR18. Specifically, the State’s Attorney asked the Circuit Court to “admonish” Ms. Luster-Hoskins to “cooperate for the safety of the child to ensure that she makes her appointments and follows all of the doctor’s orders and make sure that she indicates to the jail when she goes into labor so that they can ensure that she is taken care of and is taken to the hospital in an appropriate manner.” SR18. In opposing “admonishment” as unnecessary and inappropriate, Ms. Bezner informed the Circuit Court that Ms. Luster-Hoskins was committed to prenatal care, citing the successful appointment with the obstetrician the prior week. SR23. She pointed out that Ms. Luster-Hoskins’s next scheduled appointment had been “canceled” only because of Ms. Luster-Hoskins’s mandatory attendance at the November 3 hearing. *Id.*

After hearing this testimony and argument, the Circuit Court issued the following admonishment in court:

And I am going to admonish defendant, you have a duty to your child, as well as to yourself and to society, to protect that child and protect yourself to the full extent of your ability. There are measures in place to provide the assistance you need, but you have to cooperate and you have to treat the correctional people with respect, as well as treat yourself with respect, and your unborn child with respect. SR27.

On November 10, the State’s Attorney contacted Ms. Bezner to remind her of the court’s admonishment and ask Ms. Luster-Hoskins to “encourage [her] client to cooperate with medical treatment and with jail staff.” SR29. Ms. Bezner continued to object to the State’s interference with her client’s right to make her own decisions regarding her medical care. SR30.

B. November 17, 2022 Hearing and “Re-Admonishment”

On November 16, 2022 the State’s Attorney filed an emergency motion to “request the court to re-admonish the defendant to cooperate with jail staff for medical treatment.” SR32. The Motion requested that the court re-admonish Ms. Luster-Hoskins to cooperate “for the safety of defendant and the safety of her unborn child.” SR34. The Circuit Court scheduled a hearing for 3:30 pm the following day. SR73. Ms. Bezner submitted a response objecting to the motion on the grounds that the Circuit Court had no authority or jurisdiction to order Ms. Luster-Hoskins to undergo any kind of medical care. SR74. Ms. Bezner also objected on the grounds that she was not consulted on the scheduling of the hearing, and was not able to be present to represent her client’s interests at the time scheduled. SR 73.

Notwithstanding Ms. Bezner’s unavailability, the Circuit Court scheduled a hearing on both of the State’s motions. SR 85. The State’s Attorney announced at the beginning of the hearing that she was withdrawing her motion as to Case 748, and only pursuing the motion in Case 293. SR86 – SR87. Kaylan Huber, an attorney appearing on Ms. Bezner’s behalf due to Ms. Bezner’s unavailability, attempted to offer argument against the State’s request for “Re-Admonishment,” and to provide the Circuit Court with relevant case law underscoring Ms. Luster-Hoskins’s right to control her own medical treatment without State interference. SR90. However, the State’s Attorney objected to Ms. Huber offering any argument or authority because the State’s Attorney had just orally withdrawn her motion in Case 748. *Id.* The Circuit Court sustained the State’s objection and refused to allow Ms. Huber to offer any argument or authority. *Id.*

The Circuit Court began questioning Ms. Luster-Hoskins, but she informed the Circuit Court that she wished to speak when her attorney, Ms. Bezner, could be present. SR90 – SR91. The Circuit Court pressed forward with the hearing without Ms. Bezner and without any further

examination of Ms. Luster-Hoskins at all. SR91. The Circuit Court asked the Public Defender assigned to Case 293 whether he had any questions for Ms. Luster Hoskins, and he indicated he did not. *Id.*

Based on the State’s Attorney’s representations that Ms. Luster-Hoskins was being “uncooperative” regarding her medical care, the Circuit Court proceeded to castigate Ms. Luster-Hoskins for several minutes about her supposed lack of concern for her “unborn child.” SR91 – SR94. The Circuit Court stated that “it’s clear with that attitude, she doesn’t care about her unborn child, but the Court does.” SR93. The Circuit Court continued, stating “I don’t agree with the fact that she has the right to endanger an unborn child who is at term. That’s just not the way the law is, as far as I’m concerned, nor should be.” SR92. The Circuit Court went on to state: “Now this honey-cocky attitude from the Defendant about she’s all that counts, that doesn’t impress me, young lady. You’ve got another life at stake. You don’t seem to recognize that fact.” SR93. He concluded the hearing by stating “Young lady, I hope you recognize there are things in this world beyond your own narcissistic lack of care and concern.” SR94.

C. The Circuit Court’s November 17, 2022 Order Compelling “Cooperation” With Medical Care, and Order Appointing a Guardian Ad Litem For A Fetus

The Circuit Court also issued two *sua sponte* orders during the hearing. The first order was for the State to take Ms. Luster-Hoskins to the hospital without delay. SR93. The Circuit Court stated: “You can take her tonight. She’ll have to remain under guard, and she’ll have to stay there until the baby is born, and the baby is out of danger. But I’m just not going to be toyed with with an attitude that could jeopardize another life.” *Id.* The State’s Attorney asked if she could supply an order requiring Ms. Luster-Hoskins to cooperate with the jail’s existing appointment to have her labor induced as scheduled on Monday. SR93 – 94. The Circuit Court agreed. SR94.

The Circuit Court also *sua sponte* ordered a guardian ad litem for Ms. Luster Hoskins's fetus: "Now one more thing. I'm also going to appoint a guardian ad litem for the unborn child, and I'm going to appoint Liya Hussmann-Rogers." *Id.*

The docket entry recorded after conclusion of the hearing states: "Court orders defendant to be transported to the hospital until delivery of the unborn child. State to prepare order. Liya Hussmann-Rogers is appointed by the Court as Guardian in Litem for unborn child." SR96.

In his written order, issued in Case 293 only, the Circuit Court ordered (1) "That the defendant is ordered to cooperate with the Vermilion County Jail Staff regarding transport to and from medical appointments," and (2) "That the defendant is ordered to cooperate with the Vermilion County Jail and advise staff if she should go into labor prior to and up until she is transported to be induced as previously arranged by jail staff with the hospital." SR99.

D. Confusion and Threats Following Issuance of the Circuit Court's November 17, 2022 Orders

Although the guardian ad litem appointment was not included in the written order, the Circuit Court apparently reached out to Ms. Hussmann-Rogers to inform her of her appointment shortly after the hearing, and to ask her to arrange to gain access Ms. Luster-Hoskins's medical records. SR at ii. As of the filing of this document no such order had yet been entered.

In the days following the November 17 hearing, jail staff repeatedly threatened Ms. Luster-Hoskins that if she did not agree to have her labor induced at her November 21 appointment, she would be held in contempt. SR at ii. As a result of the confusion surrounding the Circuit Court's Order requiring Ms. Luster-Hoskins "to cooperate with the Vermilion County Jail and advise staff if she should go into labor prior to and up until she is transported to be induced...", Ms. Bezner and the ACLU of Illinois filed appearances in Case 293 and filed a Motion for Emergency Clarification of the Court's November 17 Order, specifically requesting

that the Circuit Court clarify that its order should not be read to compel Ms. Luster-Hoskins to undergo a specific medical procedure (induction) as jail staff apparently interpreted. SR100 – 107. This was a matter of particular concern because Ms. Luster-Hoskins wants to give birth without medical intervention, and only wants an induction if a physician advises her that it is medically necessary. SR at ii.

On the morning of November 21, 2022, Ms. Luster-Hoskins’s physician contacted her by telephone to discuss her upcoming scheduled appointment, and to inquire about her consent to an induction. SR at iv. After discussing medical issues surrounding her pregnancy Ms. Luster-Hoskins informed her physician that she did not want to medically induce labor at this time, but would be amenable to induction after her November 29 due date if necessary, or prior to her due date if it becomes medically necessary. SR at v. Her physician suggested changing the purpose of her appointment from “induction” to a general pregnancy screening. *Id.* However, jail staff apparently attempted to intervene in the call, placing the doctor on “speaker phone” and claiming a right to hear the contents of the call between Ms. Luster-Hoskins and her doctor. *Id.* Ms. Luster-Hoskins ended the call because of frustration with the interference. *Id.* Jail staff later informed Ms. Luster-Hoskins that her transportation to the hospital had been canceled, and a new appointment had been scheduled for later in the week. *Id.* The Circuit Court ultimately did file a clarified Order that narrowed its scope to cover only Ms. Luster-Hoskins’s transportation to the hospital, and her communication of her labor to jail officials. SR124. But this occurred only after the significant confusion and uncertainty described above regarding her on-again, off-again “appointment to induce.”

Ms. Luster-Hoskins’s current situation at the Vermilion County Jail remains precarious and uncertain, with multiple State and State-appointed actors purporting to dictate her private

medical care. The State repeatedly has sought to “admonish” Ms. Luster-Hoskins to cooperate with medical treatment, and contacted her attorney to emphasize the “admonishments.” The Circuit Court has twice ordered Ms. Luster-Hoskins to “cooperate” with the medical care the jail arranges for her, (though it recently altered its second admonishment order), and has repeatedly chastised Ms. Luster-Hoskins in open court about her medical situation. Ms. Luster-Hoskins – and jail officials – have been confused about the extent of the “cooperation” she was required to provide, including to what extent she was required to submit to medical treatment. Indeed, jail staff have told Ms. Luster-Hoskins they believe she has been court-ordered to induce under penalty of sanction, have attempted to listen in on discussions with her physician, and ultimately appeared to cancel her latest appointment without explanation.

It is in the context of the escalating State interference described above that the Circuit Court’s Order now subjects Ms. Luster-Hoskins to intervention from yet another outside party – a guardian ad litem – who has been directed by the Circuit Court to access Ms. Luster-Hoskins’s medical records, and who can have no other purpose other than to try to direct Ms. Luster-Hoskins’s medical care purportedly on behalf of an “unborn child.”

ARGUMENT

A writ of mandamus will be awarded if the petitioner establishes a clear right to the relief sought, a clear duty of the public official to act, and clear authority in the public official to comply with the writ. *People ex rel. Birkett v. Konetski*, 233 Ill. 2d 185, 193 (2009). Mandamus is an appropriate remedy to compel compliance with mandatory legal standards. *See People ex rel. Birkett v. Jorgensen*, 216 Ill. 2d 358, 363 (2005); *People ex rel. Waller v. McKoski*, 195 Ill. 2d 393, 402 (2001). “Although mandamus generally provides affirmative rather than prohibitory relief, the writ can be used to compel the undoing of an act,” such as rescission or withdrawal of

a court order. *Konetski*, 233 Ill. 2d 185, 193 (2009). The Supreme Court may issue a writ when “matters involved are of a compelling and general importance.” *People ex rel. Rice v. Cunningham*, 61 Ill. 2d 353, 356 (1975). Indeed, for cases of considerable import to the administration of justice “mandamus may be issued even in the absence of all the normal criteria.” *Owen v. Mann*, 105 Ill. 2d 525, 531 (1985) (citing *People ex rel. Daley v. Schreier*, 92 Ill. 2d 271, 275 (1982)).

A writ of prohibition is used to “prevent a judge from acting where he has no jurisdiction to act or prevent a judicial act which is beyond the scope of a judge’s legitimate authority.” *People ex rel. Foreman v. Nash*, 118 Ill. 2d 90, 97 (1987). Petitioners seeking a writ of prohibition must meet four requirements: “(1) the action to be prohibited must be judicial or quasi-judicial in nature, (2) the jurisdiction of the tribunal against which the writ issues must be inferior to that of the issuing court; (3) the action prohibited must be outside the tribunal’s jurisdiction or, if within its jurisdiction, beyond its legitimate authority; and (4) the petitioner must be without any other adequate remedy.” *People ex rel. Devine v. Stralka*, 226 Ill. 2d 445, 450 (2007). Ms. Luster-Hoskins seeks a writ of prohibition if this Court deems it more appropriate relief than a writ of mandamus.

Moreover, it is well established that if the issuance of mandamus is not warranted, this court may exercise its supervisory power and grant the requested relief. *See, e.g., Balciunas v. Duff*, 94 Ill. 2d 176, 189 (1983); *Marshall v. Elward*, 78 Ill. 2d 366, 375 (1980). Ms. Luster-Hoskins has contemporaneously filed a Motion for Supervisory Order in the alternative to its request for a writ here.

I. A Writ is Appropriate Because the Circuit Court Exceeded Its Authority in Appointing a Guardian ad Litem for a Fetus.

The Circuit Court’s order appointing a guardian ad litem to Ms. Luster-Hoskins’s fetus is

a gross violation of Illinois law, and an improper reach of the Circuit Court's authority.

A. A Fetus Does Not Have Independent Rights Under Illinois Law.

A guardian ad litem cannot represent a fetus. It is that simple. "A fertilized egg, embryo, or fetus does not have independent rights under the laws of this state." 775 Ill. Comp. Stat. Ann. 55/1-15(c). Thus, there are no interests for the guardian ad litem to represent in this case.

Even before the General Assembly codified this basic proposition, this Court made clear in *Stallman v. Youngquist*, 125 Ill. 2d 267, 277 (1988), that "the law will not treat a fetus as an entity which is entirely separate from its mother." In that case, the Court considered whether a cause of action could be brought by or on behalf of a fetus against its mother for unintentional infliction of prenatal injuries. *Id.* The Court held that no such claim could exist under Illinois law, writing:

It would be a legal fiction to treat the fetus as a separate legal person with rights hostile to and assertable against its mother. The relationship between a pregnant woman and her fetus is unlike the relationship between any other plaintiff and defendant. No other plaintiff depends exclusively on any other defendant for everything necessary for life itself. No other defendant must go through biological changes of the most profound type, possibly at the risk of her own life, in order to bring forth an adversary into the world. It is, after all, the whole life of the pregnant woman which impacts on the development of the fetus.

Id. at 278-79.

Applying *Stallman*, the court in *In re Brown*, reversed the appointment of a temporary custodian for a fetus to consent to medical procedures against the pregnant woman's wishes and the appointment of the public guardian as a guardian ad litem for the fetus. 294 Ill. App. 3d 159 (1st Dist. 1997). In reaching its decision, the court recognized that it "cannot separate the mother's valid treatment refusal from the potential adverse consequences to the viable fetus." *Id.* at 171. See *In re Baby Boy Doe*, 260 Ill. App. 3d 392, 401 (1st Dist. 1994) (holding that a cesarean section cannot be compelled because "[t]he potential impact upon the fetus is not

legally relevant; to the contrary, the *Stallman* court explicitly rejected the view that the woman's rights can be subordinated to fetal rights”).² *Stallman* and the cases that follow lead to the inescapable conclusion that no “guardian” can be appointed to protect the rights of an entity with no legal rights to protect.

B. Appointing a Guardian ad Litem For a Fetus Violates A Pregnant Person’s Fundamental Right to Autonomous Health Care Decision-Making.

There can be no purpose of a guardian ad litem in this case other than for that guardian ad litem to second-guess or attempt to assert interests at odds with what Ms. Luster-Hoskins wants, trampling on her fundamental right to make independent medical decisions regardless of the effect of those decisions on her pregnancy. The Illinois Reproductive Health Act provides, in relevant part, that “[e]very individual has a fundamental right to make autonomous decisions about the individual’s own reproductive health, including the fundamental right to use *or refuse* reproductive health care.” 775 Ill. Comp. Stat. Ann. 55/1-15(a) (emphasis added). “Reproductive health care” includes healthcare related to labor and childbirth, and all such care “shall be subject to the informed and voluntary consent of the patient.” 775 Ill. Comp. Stat. Ann. 55/1-10. The government may not interfere with the fundamental rights set forth in the Reproductive Health Act, *including as to individuals in government custody*. 775 Ill. Comp. Stat. Ann. 55/1-20(a)(1) (emphasis added).

The Reproductive Health Act codified rights already well-established in Illinois case law for pregnant people to exercise independent judgment in their medical care, regardless of the impact on the fetus. *In re Baby Boy Doe*, 260 Ill. App. 3d at 393 (holding that “a woman’s competent choice to refuse medical treatment as invasive as a cesarean section during pregnancy

² When Ms. Haber attempted to bring this case to the Court’s attention at the November 17 hearing, she was not permitted to do so. SR90.

must be honored, even in circumstances where the choice may be harmful to her fetus”); *In Re Brown*, 294 Ill. App.3d at 170 (holding that “the State may not override a pregnant woman’s competent treatment decision, including refusal of recommended invasive medical procedures, to potentially save the life of the viable fetus”).

Federally, the 14th Amendment’s due process clause confers a right to refuse medical treatment that extends to people who are incarcerated. *See Knight v. Grossman*, 942 F.3d 336, 342 (7th Cir. 2019) (citing *Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261 (1990), and *Washington v. Harper*, 494 U.S. 210, 221 (1990)). In interpreting this right, federal courts have recognized that it must be equally honored with respect to pregnant women. *See In re A.C.*, 573 A.2d 1235, 1243 (D.C. Ct. App. 1990) (“It has been suggested that fetal cases are different because a woman who has chosen to lend her body to bring [a] child into the world has an enhanced duty to assure the welfare of the fetus, sufficient even to require her to undergo caesarean surgery. Surely, however, a fetus cannot have rights in this respect superior to those of a person who has already been born.”) (internal quotations and citations omitted.).

The Order’s contravention of this well-established body of law justifies awarding of a writ. It is well-established that mandamus is appropriate where courts exceed their authority by entering orders that conflict with constitutional rights and schemes deeply rooted in Illinois public policy. For example, in *Owen v. Mann* the Supreme Court awarded a writ of mandamus where the lower court entered an order compelling a litigant to disclose documents reported to the Illinois Judicial Inquiry Board, holding that those documents were protected by a confidentiality guarantee enshrined in Article VI of the Illinois Constitution, and animated by long-established considerations encouraging the “free flow of information” relating to complaints of judicial misconduct. 105 Ill. 2d 525, 532-33 (1986). *See also People ex rel. Illinois*

Judicial Inquiry Board v. Hartel, 72 Ill. 2d 225 (1978) (awarding writ of mandamus compelling judge to vacate overly broad discovery order directed to the Illinois Judicial Inquiry Board.)

Mandamus is also an appropriate remedy to compel compliance with mandatory legal standards (*see, e.g., Jorgensen*, 216 Ill. 2d at 362), and the Supreme Court has awarded writs where lower courts exceed their authority by issuing orders in brazen defiance of established statutory law. For example, in *People ex rel. Birkett v. Konetski*, the Supreme Court awarded a writ of mandamus where the lower court entered an order exempting a minor from registering as a sex offender, where registration was a clear requirement of the Sex Offender Registry Act. 233 Ill. 2d 185, 192-93 (2009). Because the lower court's order was in clear defiance of the clear dictates of the statute, the Supreme Court ruled that a writ of mandamus was appropriate to compel the lower court both to rescind his unlawful order and advise the relevant party of his obligation to register. *Id.*

A writ is likewise justified here, where the Circuit Court's appointment of a guardian ad litem for a fetus violates both statutory law *and* fundamental rights enshrined in statute, common law, and the United States Constitution.

C. The Circuit Court Lacked Jurisdiction to Appoint a Guardian Ad Litem *Sua Sponte* in the Criminal Cases Before It.

In addition to its prohibition by settled law, the Circuit Court's *sua sponte* appointment exceeded its authority because the appointment lacks any independent legal basis. First, the Juvenile Court Act, the Illinois law governing guardian ad litem appointments, applies only to persons already born. It allows a court to appoint a guardian ad litem when it finds a conflict between a "minor" and their parents. 705 Ill. Comp. Stat. Ann. 405/2-17(3). "Minors," for the purposes of the statute, are referred to either as minors under 18 years of age, minors 18 years of age or older, or newborn infants. 705 Ill. Comp. Stat. Ann. 405/2-3. Nowhere in the Juvenile

Court Act is there language indicating that a guardian ad litem can be appointed for an entity that has not yet been born. Indeed, the statute requires that an appointed guardian ad litem “have a minimum of one in-person contact with the minor.” As it is impossible to schedule an in-person meeting with a fetus, the statute simply does not allow for the Circuit Court’s guardian ad litem appointment.

Further, the Circuit Court did not have jurisdiction to appoint a guardian ad litem for a “minor” that had nothing to do with the cases in front of him—Ms. Luster-Hoskins’s criminal cases. In *City of Chicago v. Chicago Board of Education*, the court held that the trial court exceeded its subject matter jurisdiction by making a *sua sponte* appointment of a guardian ad litem for the students of a school who were exposed to lead poisoning in an action for a municipal ordinance violation. 277 Ill. App. 3d 250, 260 (1st Dist. 1995). In making this determination, the court observed that Illinois courts have recognized that judges’ authority to appoint a guardian ad litem is not absolute:

Absent some statutory provision to the contrary, a court treats a minor as its ward only when some suit is instituted relative to the person or property of the minor, and the minor is served with process. The appointment of a guardian ad litem for a minor who has not been joined as a party and who has not been served with a summons does not vest a court with jurisdiction over the person of the minor.

City of Chicago v. Chicago Bd. of Educ., 277 Ill. App. 3d at 261.

The Supreme Court awarded a writ of mandamus preventing a similar situation, where a judge attempted to appoint an Illinois Appellate Defender to represent a juvenile in a civil action arising out of his criminal action. *See Kirwan v. Karns*, 119 Ill. 2d 431, 435-36 (1988). Because the appointment lacked any basis in law, and indeed contravened the Public Defender Act’s mandate for appointment of Appellate Defenders to represent indigent persons on appeal in criminal cases, the Court awarded a writ of mandamus directing the lower court to grant the

Appellate Defendant's motion to withdraw. The Court's *sua sponte* order here appointing a guardian ad litem in a criminal case to protect non-existent rights of an entity with no independent legal existence, and in a manner with no basis in law, was an even more egregious overreach of authority.

II. A Writ is Appropriate Because This Case Presents Matters of Compelling and General Importance

A writ should also issue here because of the serious issues implicated by the Circuit Court's overreach. First, the Circuit Court's order thwarts the clear public policy of this State as codified in the Reproductive Health Act to promote autonomous decision-making in matters of reproductive healthcare without government interference. The fact that Ms. Luster-Hoskins is incarcerated makes it even more important – not less so – that her autonomy be respected. *See* Am. College of Obs. and Gyn. Committee Opinion No. 830, Reproductive Health Care for Incarcerated Pregnant, Postpartum, and Nonpregnant Individuals (July 21, 2021) (“[I]ncarceration is inherently coercive in nature and restricts people’s sense of autonomy, and [clinicians must] work to ensure that they respect and actively promote patients’ autonomy in health care decision making.”).

Moreover, the Circuit Court's order and the hearing that led to it contravene this State's clear public policy of protecting medical privacy. “The confidentiality of personal medical information is, without question, at the core of what society regards as a fundamental component of individual privacy.” *Kunkel v. Walton*, 179 Ill. 2d 519, 537 (1997) (holding that Illinois constitutional right to privacy protects medical information). Yet, at 38-weeks pregnant, Ms. Luster-Hoskins was called to the stand to account for her medical choices before a judge handling her criminal cases. The guardian ad litem (and potentially the judge) also may gain access to Ms. Luster-Hoskins's private and confidential medical records. If the guardian ad litem

appointment stands, her only purpose would be to opine on and exert influence over Ms. Luster-Hoskins's reproductive health care, including potentially whether she should be induced for labor.

The Circuit Court's order also impermissibly intrudes into the physician-patient relationship. Is Ms. Luster-Hoskins's physician expected to reveal confidential communications to the guardian ad litem, even though the law governing patient-physician privilege contains no exception that would permit disclosure to a guardian ad litem in this situation? *See* 735 Ill. Comp. Stat. Ann. 5/8-802. Is she required to cooperate with an investigation? Must she allow the guardian ad litem in the exam room? Could Ms. Luster-Hoskins's physician—who is required by both medical ethics and the law to perform procedures only after obtaining informed consent or be at risk for discipline or liable for medical battery—be compelled to comply with the guardian ad litem's recommendations? Conduct that threatens the physician-patient relationship in this way directly contravenes public policy. *Petrillo v. Syntex Lab'ys, Inc.*, 148 Ill. App. 3d 581, 588 (1st Dist. 1986) (“public policy strongly favors both the confidential and fiduciary nature of the physician-patient relationship”).

These concerns are compelling for Ms. Luster-Hoskins to be sure, but her present untenable situation is also a matter of general importance, having the potential to affect a significant number of people if courts are permitted to intrude unchecked on their bodily autonomy. The United States has 30% of the world's female incarcerated population, despite having only 4% of the world's female population overall, with the rate of increase in women incarcerated since the 1980s far outpacing that of men. *See* Carolyn Sufrin, *et al.*, Pregnancy Outcomes in US Prisons, 2016-2017, *Am. J. of Pub. Health* (Apr. 10, 2019). Three quarters of incarcerated women are of childbearing age, and up to 80% of incarcerated women report that

they had been sexually active with men in the three months before their incarceration. *Id.* It is imperative to protect the rights of this vulnerable population.

Finally, given the lack of appellate review of the order appointing the guardian ad litem, mandamus is appropriate in this case. The legal status of the Circuit Court's Order is not clear here, and certainly does not give rise to any clear right to immediate appellate review. The path to immediate resolution is made even less clear by the Court's entry of the order in only one of two companion cases against Ms. Luster-Hoskins, brought about as a result of a dubious procedural maneuver by which Ms. Luster-Hoskins was deprived of representation by her attorney, Ms. Bezner, who already had filed a written objection to any interference in Ms. Luster-Hoskins's ability to control her own medical care.

CONCLUSION

The Circuit Court's Order appointing a guardian ad litem lacks any legal basis and purports to protect rights that do not exist under Illinois law. It also violates settled legal principles and tramples on fundamental rights, causing immediate harm to Ms. Luster-Hoskins while threatening to more broadly undermine the right of pregnant people to control their own medical care. The Order is a gross abuse of the Circuit Court's authority, and this Court should award a writ of mandamus or prohibition on an expedited basis to compel rescission of the Order.

DATED: November 22, 2022

Respectfully submitted,

/s/ Kevin M. Fee
Attorney for Defendant-Petitioner

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Kevin M. Fee

Attorney for Defendant-Petitioner

No. _____

**IN THE
SUPREME COURT OF ILLINOIS**

ANGEL LUSTER-HOSKINS,	)	Original Petition for Writ of Mandamus
	)	or Prohibition
Defendant-Petitioner,)	
	)	Underlying Case No. 2022-CF-293
v.	)	Circuit Court of the Fifth Judicial Circuit,
	)	Vermilion County, Illinois
THE HONORABLE CHARLES C. HALL,)	
Circuit Court Judge of the Fifth Judicial)	
Circuit	)	Honorable Charles C. Hall,
	)	Judge Presiding
Respondent.)	

**AFFIDAVIT OF EMILY HIRSCH AUTHENTICATING THE RECORD
PURSUANT TO IL.S.CT. RULE 328**

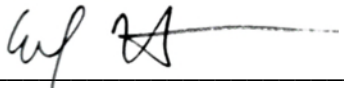
I, Emily Hirsch, state under penalty of perjury as follows:

1. I am the below signed Affiant.
2. I have personal knowledge of the information contained in this Affidavit.
3. If called to testify in this matter, I would competently testify consistent with this Affidavit.
4. I am an attorney, licensed to practice law in the State of Illinois since 2021.
6. I represent Petitioner Angel Luster-Hoskins.
7. I am familiar with and can attest that the documents set forth in the Supporting Record are the documents relevant to the Supreme Court's review of this emergency request.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters

the undersigned certifies as aforesaid that she verily believes the same to be true.

Dated this 21st day of November, 2022.



Emily Hirsch

No. _____

**IN THE
SUPREME COURT OF ILLINOIS**

ANGEL LUSTER-HOSKINS,	)	Original Petition for Writ of <i>Mandamus</i>
	)	or Prohibition
Defendant-Petitioner,)	
)	
v.	)	Underlying Case No. 2022-CF-293
	)	Circuit Court of the Fifth Judicial Circuit,
THE HONORABLE CHARLES C. HALL,	)	Vermilion County, Illinois
Circuit Court Judge of the Fifth Judicial)	
Circuit)	Honorable Charles C. Hall,
)	Judge Presiding
Respondent.)	

SUPPORTING RECORD

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**IN THE
SUPREME COURT OF ILLINOIS**

ANGEL LUSTER-HOSKINS,)	Original Petition for Writ of Mandamus or Prohibition
)	
Defendant-Petitioner,)	
)	
v.	)	Underlying Case No. 2022-CF-293
	)	Circuit Court of the Fifth Judicial Circuit, Vermilion County, Illinois
THE HONORABLE CHARLES C. HALL,)	
Circuit Court Judge of the Fifth Judicial)	
Circuit	)	Honorable Charles C. Hall,
	)	Judge Presiding
Respondent.)	

**AFFIDAVIT OF HALLIE BEZNER
IN SUPPORT OF ORIGINAL PETITION FOR WRIT OF MANDAMUS OR
PROHIBITION**

I, Hallie Bezner, state under penalty of perjury as follows:

1. I submit this affidavit in support of the Original Petition for Mandamus or Prohibition on behalf of Petitioner Angel Luster-Hoskins.

2. I represent Ms. Luster-Hoskins, in a related action captioned Case No. 2021 CF 748 and, after the order that is the subject of this petition was entered, I began to represent Ms. Luster-Hoskins in this case captioned Case No. 2022 CF 293 as well. In the course of my representation of Ms. Luster-Hoskins, I have had numerous conversations with her, and she has kept me apprised of her interactions with her physicians, Vermilion County Jail staff, and other relevant third parties. I have spoken with Ms. Luster-Hoskins several times over the last few days about the subject of the accompanying motion.

3. Based on my conversations with Ms. Luster-Hoskins, I understand that Ms.

Luster-Hoskins met with her obstetrician in late October to discuss her pregnancy and birth plan. At that meeting, the obstetrician informed her that County Jail Staff had requested that an appointment be scheduled for Ms. Luster-Hoskins to induce on November 21, 2022. Her obstetrician advised her that, at the time of her appointment, there was no specific medical indication for her to have her labor induced, and that whether or not to go through with that procedure was her decision. Based on this information and her wish to ensure a healthy and safe delivery for herself and her baby, Ms. Luster-Hoskins has decided that, though she may be amenable to an induction if her physician recommends it in the future, she does not currently want to have her labor induced.

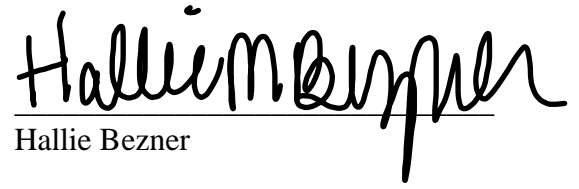
4. Ms. Luster-Hoskins was scheduled to have her labor induced on November 21, 2022.

5. I understand from conversations with Ms. Luster-Hoskins that after the November 17, 2022 hearing, Vermilion County Jail staff told Ms. Luster-Hoskins that the Court's Order required her to cooperate with a medical induction during her November 21, 2022 appointment, and that she could have been held in contempt if she did not submit to this medical procedure.

6. On information and belief, on November 18, the Court reached out to Liya Hussman-Rogers, the guardian ad litem appointed during Ms. Luster-Hoskins' November 17, 2022 hearing, and asked her to arrange to access Ms. Luster-Hoskins' medical records.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Dated this 21st day of November, 2022.


Hallie M. Bezner
Hallie Bezner

**IN THE
SUPREME COURT OF ILLINOIS**

ANGEL LUSTER-HOSKINS,	)	Original Petition for Writ of Mandamus
	)	or Prohibition
Defendant-Petitioner,)	
	)	Underlying Case No. 2022-CF-293
v.	)	Circuit Court of the Fifth Judicial Circuit,
	)	Vermilion County, Illinois
THE HONORABLE CHARLES C. HALL,)	
Circuit Court Judge of the Fifth Judicial)	
Circuit	)	Honorable Charles C. Hall,
	)	Judge Presiding
Respondent.)	

**AFFIDAVIT OF EMILY HIRSCH
IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS OR PROHIBITION**

I, Emily Hirsch, state under penalty of perjury as follows:

1. I submit this affidavit in support of the Original Petition for Mandamus or Prohibition on behalf of Petitioner Angel Luster-Hoskins.
2. I represent Petitioner, Ms. Angel Luster-Hoskins, in case captioned Case No. 2022 CF 293. I have spoken with Ms. Luster-Hoskins several times over the last few days about the subject of the accompanying motion.
3. Based on my conversations with Ms. Luster-Hoskins, it is my understanding that Ms. Luster-Hoskins' obstetrician, Dr. Chanda Reese, contacted her by telephone on November 21, 2022. During that conversation, they discussed Ms. Luster-Hoskins' appointment scheduled for later that day, during which she was scheduled to have her labor induced. Dr. Reese told Ms. Luster-Hoskins again that she did not have to have her labor induced if she did not wish to do so. Ms. Luster-Hoskins said that she would agree to be induced if she does not go into labor by her

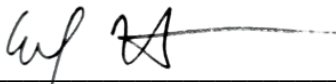
due date, or if there is a health risk necessitating being induced, as determined after consultation with her physician. Dr. Reese informed Ms. Luster-Hoskins that she would change her medical appointment later that day into a routine appointment, and would not plan to induce her labor at that time.

4. Based on my conversations with Ms. Luster-Hoskins, it is my understanding that jail staff in the room with Ms. Luster-Hoskins during her phone call with Dr. Reese attempted to put the doctor on “speaker phone,” and stated that they had a right to hear the phone call. These attempts made it difficult for Ms. Luster-Hoskins to hear Dr. Reese, and she ended the call out of frustration.

5. Based on my conversations with Ms. Luster-Hoskins, it is my understanding that a correctional officer came to speak with Ms. Luster-Hoskins after her phone call with Dr. Reese. The correctional officer informed her that her medical transport, which would have taken her to her doctor’s appointment, had been canceled. Later that day, jail staff informed Ms. Luster-Hoskins that she had been scheduled for an ultrasound later in the week.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Dated this 21st day of November, 2022.



Emily Hirsch

SR1

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
VS.	)	No. 2021-CF-748
)	
ANGEL LUSTER-HOSKINS)	
)	
Defendant)	

MOTION TO RELEASE FROM CUSTODY

COMES NOW, the Defendant, ANGEL LUSTER-HOSKINS, by and through his attorney, HALLIE M. BEZNER, and moves the Court to release her from custody pursuant to 725 ILCS 5/110-5.2. In support of said motion, the Defendant shows the Court as follows:

1. Defendant Angel Luster-Hoskins is charged in the instant case with Aggravated Battery with a Firearm.
2. She is also charged with first degree murder in 2022-CF-293.
3. Any potential sentence in these cases will be served concurrently.
4. The defendant intends to assert a defense of self defense and defense of others in the instant case.
5. Defendant is currently 35 weeks pregnant.
6. According to 725 ILCS 5/110-5.2, a pre-trial detainee shall not be required to give birth while in custody, absent a finding that pre-trial custody is necessary to protect the public or the victim of the offense of which she's charged.

WHEREFORE, the Defendant respectfully requests that she be released from custody pursuant to statute.

Respectfully Submitted,
Angel Luster-Hoskins, Defendant

By: Hallie M Bezner
Hallie M. Bezner
Her Attorney

Hallie M. Bezner
Bezner Law Office
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hallie@beznerlaw.com

1
2 IN THE CIRCUIT COURT FOR THE
3 FIFTH JUDICIAL CIRCUIT
4 VERMILION COUNTY, ILLINOIS

5 THE PEOPLE OF THE STATE)
6 OF ILLINOIS,)
7 VS.)
8) No. 21-CF-748
9 ANGEL LUSTER-HOSKINS,) No. 22-CF-293
10)
11 Defendant.)

12
13 TRANSCRIPT OF PROCEEDINGS

14
15 BE IT REMEMBERED and CERTIFIED that on, to
16 wit: 3rd day of November, 2022, the following
17 proceedings were held in the aforesaid cause before
18 THE HONORABLE CHARLES C. HALL, Circuit Judge.

19
20 **MOTION FOR REDUCTION OF BOND**
21 **MOTION TO RELEASE FROM CUSTODY**

22
23 APPEARANCES:

24 MS. JACQUELINE LACY
STATE'S ATTORNEY
On Behalf of the People

MR. MICHAEL MARA (22-CF-293)
PUBLIC DEFENDER
On Behalf of the Defendant

MS. HALLIE BEZNER (21-CF-748)
ATTORNEY AT LAW
On Behalf of the Defendant

Proceedings reported and transcribed by-
Ms. Amy Buhr, CSR #084-003275
Official Court Reporter
Fifth Judicial Circuit of Illinois

Amy Buhr, CSR

1 THE COURT: The Court will call 21-CF-748
2 and 22-CF-293, Angel Luster-Hoskins. Appearances.

3 MS. LACY: Jacqueline Lacy on behalf of
4 the People.

5 MR. MARA: Mike Mara on behalf of
6 Miss Luster-Hoskins in Case No. 22-CF-293.

7 MS. BEZNER: Good morning, Your Honor.
8 Hallie Bezner for Miss Luster-Hoskins in the 21-CF
9 matter.

10 THE COURT: And we have a motion for
11 reduction of bond.

12 MR. MARA: There's actually a couple
13 motions, Your Honor. I filed a standard bond
14 reduction motion, and then Miss Bezner filed an
15 additional motion. I don't know how the Court
16 wishes to proceed, one at a time or -- I don't know
17 exactly what --

18 THE COURT: When did you file yours,
19 Miss Bezner?

20 MS. BEZNER: Sunday.

21 THE COURT: I didn't have it in the docket
22 when I pulled it up. Do you have a copy that I can
23 look at?

24 MS. LACY: Judge, I have a copy of the

1 defense counsel's motion if Your Honor would like,
2 and I did file a written response.

3 THE COURT: I have your response but I
4 didn't pick up yours.

5 MS. BEZNER: If Miss Lacy --

6 MS. LACY: I am more than happy to
7 accommodate.

8 MS. BEZNER: Your Honor, can my client be
9 brought over?

10 THE COURT: Yes.

11 MS. LACY: Judge, I don't know if we have
12 reflected this on the record, but
13 Miss Luster-Hoskins is appearing in person with the
14 Vermilion County Sheriff's Department.

15 THE COURT: Okay. I'm ready to proceed.
16 Who wants to begin?

17 MR. MARA: Which motion would you like to
18 hear first, Your Honor?

19 THE COURT: Well, let's hear yours.

20 MR. MARA: Okay. Your Honor, I would ask
21 to then call Miss Luster-Hoskins.

22 THE COURT: Okay.

23 MR. MARA: Does she need to be sworn now?

24 THE COURT: Yeah. I want her up here.

1 MR. MARA: She's very pregnant,
2 Your Honor.

3 THE COURT: Okay. Well, we'll leave her
4 there then. But I need to swear you in.

5 **ANGEL LUSTER-HOSKINS,**

6 Called as a witness on her own behalf, being
7 first duly sworn, was examined and testified as
8 follows:

9 **DIRECT EXAMINATION**

10 **BY MR. MARA**

11 THE COURT: Proceed, Counsel.

12 MR. MARA: Thank you, Your Honor.

13 Q. Miss Luster-Hoskins, please keep your voice up
14 so everybody can hear.

15 How old are you?

16 A. 23.

17 Q. And before you were arrested on this case,
18 where were you living?

19 A. 702 Sherman.

20 THE COURT: Speak a little louder.

21 THE DEFENDANT: 702 Sherman.

22 THE COURT: Okay.

23 BY MR. MARA:

24 Q. In Danville, right?

Amy Buhr, CSR

1 A. Yeah.

2 Q. How long have you lived there?

3 A. I lived there for 3 years.

4 Q. Before that have you lived in Danville?

5 A. Yes.

6 Q. How long have you lived in the Danville area?

7 A. 23 years.

8 Q. And were you working at all before you were
9 arrested?

10 A. Yes.

11 Q. Where were you working?

12 A. Master Guard.

13 Q. If you were released from custody, do you
14 believe you could go back to work eventually at
15 Master Guard?

16 A. I believe I can find a job.

17 Q. You're currently being held on a \$5 million
18 bond, right?

19 A. Yes.

20 Q. And that would require you to post \$500,000?

21 A. Yes.

22 Q. And at this point you have been unable to do
23 that?

24 A. Yes.

Amy Buhr, CSR

1 Q. Now, is there an amount of money you believe
2 you could post?

3 A. Ninety.

4 Q. \$90,000?

5 A. (Nods head.)

6 Q. Actual dollars? Okay.

7 THE REPORTER: I'm sorry. Was that a yes?

8 THE DEFENDANT: Yes.

9 BY MR. MARA:

10 Q. Now, specifically related to this case, it's a
11 '22 case because it was charged in '22, but the
12 allegations of what happened are from 2021, right?

13 A. Yes.

14 Q. And in the time between October of 2021, and
15 when you were arrested for this case, were you aware
16 that the police were looking into this case?

17 A. Excuse me? Repeat that.

18 Q. From the time of October 31st where -- where
19 they're saying this happened, to the time you were
20 arrested, were you aware that the police were
21 investigating this case?

22 A. Yes.

23 Q. And did you actually go to the police station
24 voluntarily and give DNA?

Amy Buhr, CSR

1 A. Yes.

2 Q. And did you speak with the police?

3 A. Yes.

4 Q. Okay. And at no time during that time did you
5 leave the Danville area?

6 A. No.

7 MR. MARA: Your Honor, I don't have any
8 additional questions regarding my motion right now.

9 THE COURT: Okay. Let's give the State an
10 opportunity to inquire before we go to Bezner's
11 motion.

12 MS. LACY: I don't have any questions.

13 THE COURT: Okay. Why don't we take
14 Miss Bezner's motion before we have argument on
15 both?

16 MR. MARA: Okay.

17 MS. BEZNER: Your Honor, I just have a few
18 questions for my client. I will kind of piggyback
19 off Mr. Mara.

20 **EXAMINATION**

21 **BY MS. BEZNER**

22 Q. Angel, you are currently pregnant?

23 A. Yes.

24 Q. What is your due date?

1 A. My due date is October 29th.

2 Q. Okay. So you are currently how many weeks
3 pregnant?

4 A. I am 36 weeks.

5 Q. Okay. And is this your first baby?

6 A. No.

7 Q. Your first baby was born when?

8 A. September 30th of 2021.

9 Q. And how -- at what point in your pregnancy did
10 you give birth to your first baby?

11 A. 38 weeks.

12 THE COURT: How many?

13 THE DEFENDANT: 38.

14 MS. BEZNER: 38 weeks, Judge.

15 BY MS. BEZNER:

16 Q. When is the last time you went to the doctor?

17 A. Last Thursday.

18 Q. Okay. So one week ago?

19 A. Yes.

20 Q. And what did the doctor inform you about your
21 pregnancy at that time?

22 A. I am due any day. I'm one centimeter. I am
23 high risk because my placenta wrapped around the
24 front and back.

1 Q. Let's take that one at a time. You are
2 one centimeter, you mean one centimeter dilated?

3 A. Yes.

4 Q. So your understanding as to when you could give
5 birth is what?

6 A. Any day.

7 Q. Any day now. Okay. And the doctor did
8 indicate that there are -- you have some high risk
9 factors in your pregnancy?

10 A. Yes.

11 Q. The house at 702 Sherman, who lives there?

12 A. No one currently.

13 Q. So just you?

14 A. Yes.

15 Q. And if you were released, that's where you
16 would go?

17 A. Yes.

18 Q. Okay. You understand you are not to have
19 contact with James Brigham?

20 A. Yes.

21 Q. And you understand that if you are released you
22 cannot have contact with James Brigham?

23 A. Yes.

24 Q. You understand that you will not have contact

Amy Buhr, CSR

1 with James Brigham?

2 A. Yes.

3 Q. He cannot come to the hospital.

4 A. Yes.

5 Q. He cannot come over afterwards.

6 A. Yes.

7 Q. Okay. You are willing to abide by a curfew --

8 A. Yes.

9 Q. -- GPS and any type of restrictions that
10 the Court would place on you?

11 A. Yes.

12 Q. Okay.

13 MS. BEZNER: I have no further questions,
14 Judge, just argument.

15 THE COURT: State?

16 MS. LACY: I don't have any questions for
17 the defendant, Judge, but I do have a proffer and I
18 do have argument.

19 THE COURT: Okay. Well, we are ready for
20 proffer then. Proceed.

21 MS. LACY: Thank you, Judge.

22 Your Honor, as I set forth in my motion
23 with regards to the facts and circumstances of this
24 case, I think it's appropriate for the Court to

1 determine and to consider the facts. While I think
2 Mr. Mara was pointing out during his examination of
3 the defendant that she was actually being
4 investigated for first-degree murder in the stabbing
5 of the victim, Ms. Williams, in 22-CF-293 that
6 occurred on Halloween night of actually 2021, when
7 she was arrested and charged with the aggravated
8 battery - firearm of James Brigham.

9 And, Your Honor, I think it's important
10 for the Court to consider the facts and
11 circumstances under which she was arrested in the
12 James Brigham aggravated battery case because that
13 case was a situation where -- and I can proffer
14 based upon the facts -- James Brigham was shot as he
15 was leaving the apartment by the defendant. He fled
16 from the apartment just north here on
17 North Vermilion Street, called 911 and was telling
18 911 communications that he had been shot by the
19 defendant. There was a short stand-off with police
20 and at the time she was armed, she came out with her
21 first child in her arms and had a firearm in her
22 waistband.

23 Subsequent to being arrested for that,
24 which is a Class X felony, punishable by

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1 6 to 30 years in the Illinois Department of
2 Corrections at 85 percent, she was indicted for the
3 first-degree murder of Ms. Williams, which occurred
4 on October 31st of 2021. And those allegations are,
5 Your Honor, that she in fact stabbed Ms. Williams
6 multiple times, two in total, and caused her death.

7 There was an ongoing investigation based
8 upon DNA that was subsequently determined from the
9 knife that her DNA was actually located on the
10 murder weapon. So through the course of
11 investigation of the case, of the murder case,
12 that's why it wasn't indicted immediately,
13 Your Honor, because we were waiting for lab results
14 and information to come back.

15 This defendant also has -- and if I may, I
16 can go into argument or if you want, you know, the
17 defense counsel to go ahead and argue their
18 positions first, I am prepared to provide her
19 criminal history and any other further argument with
20 regard to, I think, the findings the Court needs to
21 make not only with regard to the fact that she's in
22 custody and pregnant, but there's been some other
23 issues with regard to her cooperation with the
24 sheriff's department in attending her doctor's

Amy Buhr, CSR

1 appointments.

2 THE COURT: Go ahead and proceed.

3 MS. LACY: Okay. So she has a prior
4 aggravated battery in juvenile court, which she went
5 to the Illinois Department of Juvenile Justice for.
6 At the time she received that in 2013, she was
7 actually on probation for a retail theft, so she
8 ended up going to the Illinois Department of
9 Juvenile Justice, so this is not her first brush
10 with the law you could say.

11 I think that the facts and circumstances
12 of the case are such that she knew she was under
13 investigation for a first-degree murder case and she
14 found herself with James Brigham, shooting him, and
15 then having a stand-off with the Danville Police
16 Department, Your Honor. This is not an individual
17 who should be released out into the public
18 regardless of what her medical circumstances are.

19 I think that the Court can make a finding
20 based upon the proffer and information provided
21 today that she is a threat. She is a threat not
22 only to the public generally, but she is also a
23 threat to James Brigham, she is also a threat to the
24 victim's family in the Williams case, Your Honor, as

Amy Buhr, CSR

1 they live and reside in the Danville area. And she
2 has a propensity for violence. And I think
3 the Court can make those specific findings.

4 The jail is ready, willing and able to
5 make sure that she is to all of her appointments, as
6 they have done so in the past. They are prepared to
7 take her once she goes into labor. The additional
8 GPS and everything else that Miss Bezner talks about
9 I don't think is an appropriate bond release in this
10 case based upon not only the facts and circumstances
11 of the murder, that she was out with her friends
12 that night. I listed in my motion she pursued the
13 victim, she followed her, she met her to fight her.
14 This was all over James Brigham, they were fighting
15 over a guy, and then she later shoots James Brigham,
16 Judge.

17 So I think it shows her propensity for
18 violence and I certainly don't believe it's
19 appropriate to reduce her bond in this case or to
20 release her on an OR bond under any circumstances.

21 With regard to the situation over at the
22 jail, I had indicated to counsel and the Court
23 yesterday evening that there's been some concerns
24 because Ms. Luster-Hoskins has been refusing to

Amy Buhr, CSR

1 cooperate with the sheriff's department in getting
2 to her appointments. She has indicated to the
3 sheriff's department that she is not going to tell
4 them when she goes into labor and so I would just
5 ask that --

6 MS. BEZNER: Judge, I object.

7 THE COURT: I'm going to let her proceed.
8 This is a proffer.

9 MS. BEZNER: Okay.

10 MS. LACY: I would just ask that in
11 addition to whatever the Court determines with
12 regard to bond, assuming that she's still being
13 housed at the Public Safety Building, that the Court
14 admonish her to cooperate for the safety of the
15 child to ensure that she makes her appointments and
16 follows all of the doctor's orders and make sure
17 that she indicates to the jail when she does go into
18 labor so that they can ensure that she is taken care
19 of and is taken to the hospital in an appropriate
20 manner.

21 Thank you, Judge.

22 THE COURT: Response?

23 MR. MARA: Your Honor, I can address
24 specifically just the financial part of the motion.

1 I would be for the record joining in Miss Bezner's
2 motion, but I will let Miss Bezner argue that part.

3 THE COURT: Okay.

4 MR. MARA: But regarding the bond
5 reduction, bond is currently set at \$5 million. The
6 defendant has been unable to post that. You have
7 evidence that -- well, rather than evidence of
8 potential flight, you have a situation where six --
9 at least six, about nine months go on between the
10 offense and the charging of the offense.

11 Miss Hoskins stayed in Danville. No evidence that
12 she's any threat to leave the jurisdiction.

13 The State certainly made a proffer about
14 what they believe happened. That doesn't mean that
15 is in fact what happened. It doesn't mean that
16 there aren't defenses Miss Luster-Hoskins intends to
17 put forth on those charges. She does not concede
18 that that is what happened, Your Honor.

19 She's indicated she can post a significant
20 amount of money. This isn't a situation where we're
21 walking in here and asking for a low bond. A bond
22 of -- that would require her to post \$90,000 would
23 be a \$900,000 bond. That is a significant bond.
24 There are plenty of cases involving murder where a

1 one million dollar bond is set. I think due to the
2 circumstances, a bond of \$900,000 would be
3 appropriate. I would be asking to reduce the bond
4 on 22-CF-293 from \$5 million to \$900,000.

5 THE COURT: Miss Bezner?

6 MS. BEZNER: Yes, Your Honor. I guess I'm
7 going to -- I understand that Miss Luster-Hoskins
8 may think that there is \$90,000 to post, but I -- I
9 don't know that that's the case because I think that
10 if they had that kind of money they would have hired
11 me to represent her on the murder case by now and
12 they have not because of finances.

13 So I -- I hesitate to agree with Mr. Mara
14 that that high of a bond could be posted because
15 after I have spoken with her sister, her mother, her
16 grandmother, I don't believe that they can come up
17 with that much money. I do believe there is some
18 amount of cash that they could come up with, but
19 \$90,000 is an extraordinary amount of money and I'm
20 not sure that that's it.

21 Your Honor, I also agree with what
22 Mr. Mara said. I think it's hugely important that
23 Ms. Luster-Hoskins be -- the incident with the
24 murder case happened on Halloween of last year.

Amy Buhr, CSR

1 Ms. Luster-Hoskins cooperated immediately with
2 Danville police. Like Mr. Mara said, she knew she
3 was under investigation. She turned herself into
4 the police, she gave DNA. I know because I went
5 with her. We met with DPD on multiple occasions.
6 And actually when the incident with -- with
7 James Brigham happened in December of 2021, DPD
8 actually called me asking me to help out with
9 tracking her down and finding everyone.

10 So I think that Mr. Mara's point should be
11 well taken that she has consistently demonstrated
12 that she is not going anywhere. She is a lifelong
13 resident of Vermilion County, her home is here. She
14 doesn't have anywhere to go. But if there ever was
15 a time that she was going to leave, it would have
16 been when she knew the police were looking at her
17 for a murder. And she didn't, she stayed.

18 So, Your Honor, I do definitely agree with
19 that. I understand the allegations are, of course,
20 very serious. She's looking at very serious amounts
21 of time. I do not represent her in the murder, but
22 like I said, I was present when she turned herself
23 in to the police. I understand that the situation
24 that evening was a melee involving many people. It

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1 was a large fight. It is not a situation that I
2 think is likely to recur.

3 And I do represent her on the Class X
4 aggravated battery with a firearm and I can tell
5 the Court, as I did in my motion, that I do believe
6 she has a valid self-defense claim that we do intend
7 to assert. And as Ms. Luster-Hoskins said on her
8 examination, she understands that she cannot, shall
9 not have contact with James Brigham. I do not
10 believe that that will be an issue.

11 And, Your Honor, I understand the State's
12 point, these are -- these are the most serious
13 charges and it's not just one case, I get that. I
14 understand the Court's concern. But my client is
15 36 weeks pregnant and the statute is clear that a
16 pregnant person shall not be ordered to give birth
17 in custody. And I do believe that there are ways
18 that we can safely release her so that she does not
19 have to give --

20 THE COURT: What are those ways?

21 MS. BEZNER: Your Honor, I think a GPS
22 monitor. Put her on home confinement with an ankle
23 monitor. We give people charged with domestic
24 battery all the time ankle monitors, to tell them to

1 stay away from their alleged victims.

2 I think allowing her to go to the
3 hospital, to the doctor, to the pediatrician, I
4 think -- and stay at home with her infant, I think
5 that is a way to ensure that. I'm not personally
6 aware of how the technology works, but in other
7 cases I understand that if the person goes where
8 they are not supposed to go, an alert is off and the
9 police are there and, you know, there are ways.

10 So that is what I am asking for. And,
11 Your Honor, I would just note that my client's
12 position is that she -- she has been -- she did go
13 to the doctor last week, I understand she did have a
14 doctor's appointment today that she was told she was
15 not going to because she had court obviously. But
16 other than that, I believe she wants to receive
17 proper medical care for both herself and her baby.
18 So I'm not sure that admonishing her about that is
19 necessary or appropriate.

20 But, Your Honor, I am asking that she
21 be -- either the bond significantly reduced to an
22 amount that her family can post, but I do think the
23 statute requires release.

24 THE COURT: Any further reply?

Amy Buhr, CSR

1 MS. LACY: Your Honor, only that I would
2 just ask that you deny their motion to reduce bond.
3 I mean by Miss Bezner's own admissions she's caught
4 her client essentially not telling the truth under
5 oath when she testified to Your Honor that she could
6 post \$90,000. So I think that goes to the
7 credibility of the defendant and certainly what
8 she's advised her attorneys of in this fact and
9 circumstance.

10 And I think based upon the totality of the
11 circumstances, she is charged with first-degree
12 murder, as well as the aggravated battery - firearm
13 to James Brigham, I think she is a danger to the
14 public and I think that -- I think keeping the
15 public safe and keeping the people of Vermilion
16 County safe is also an important consideration that
17 the Court can determine when keeping an individual
18 in custody, even someone who is 36 weeks pregnant,
19 Your Honor.

20 THE COURT: The Court would note that
21 725 ILCS 5/110-5.2 applies to this matter and
22 the Court's reviewed the current version,
23 the Court's also reviewed the version that will
24 become effective in January. Basically the only

Amy Buhr, CSR

1 difference is the term "bail" and "pretrial
2 detention," they are in substance actually the same.
3 So from an intention standpoint the substance of the
4 current version is what the Court is going to rely
5 on and must under the law.

6 And it's pretty clear, Miss Bezner, your
7 motion talks about how not -- the statute says you
8 shouldn't detain a pregnant person. It does. But
9 it goes on to say, "unless, after a hearing,
10 the Court determines," and what it provides for then
11 and what I think covers this matter is
12 110-5.2(b)(2), "that the release of the pregnant
13 pretrial detainee would pose a real and present
14 threat to the physical safety of any person, persons
15 or the general public."

16 Now, there's extremely serious charges.
17 The proffer indicates that in the past the defendant
18 hasn't been able to comply with rules and a good
19 part of the defense motions today talked about
20 flight. Well, the part that gravely concerns
21 the Court and the Court's duty to protect the public
22 and other people is danger to other people. And it
23 appears that although defendant may sit here calmly
24 in court here today that there's certainly times

Amy Buhr, CSR

1 that she hasn't been calm under the allegations in
2 the indictment where she's tracked someone down,
3 initiated a fight and stabbed them repeatedly, and
4 then shot another person.

5 So it would be totally irresponsible of
6 the Court to overlook those facts in making a
7 determination under the statute.

8 The statute also says unless the Court
9 could order other conditions or a combination of the
10 conditions the Court reasonably determines are in
11 the best interests of the detainee and, in the
12 conjunctive, the public.

13 Now the suggestion of electronic
14 monitoring and home confinement I think would not
15 protect the public, would not protect the victim in
16 the one case, who is still alive. There are
17 limitations on how effective that can be on
18 immediate control, and more times than not it's
19 better utilized after the fact to show there wasn't
20 compliance on rules and orders for contempt.

21 I don't think that the defendant or
22 defendant's counsel have suggested other conditions
23 or a combination of other conditions that might
24 reasonably be determined to be in the best interest

Amy Buhr, CSR

1 of the detainee and the public and so for these
2 reasons I'm going to deny both motions.

3 And I am going to admonish defendant, you
4 have a duty to your child, as well as to yourself
5 and to society, to protect that child and protect
6 yourself to the full extent of your ability. There
7 are measures in place to provide the assistance you
8 need, but you have to cooperate and you have to
9 treat the correctional people with respect, as well
10 as treat yourself with respect, and your unborn
11 child with respect.

12 So that will be the ruling of the Court.

13 MS. LACY: Thank you, Your Honor.

14 WHICH WERE ALL THE PROCEEDINGS MADE
15 OF RECORD IN THIS CAUSE ON SAID DAY.
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Amy Buhr, CSR

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF VERMILION)

3
4
5 I, AMY BUHR, the Certified Shorthand
6 Reporter who reported the proceedings had on said
7 day in this cause, do hereby certify that the
8 foregoing Report of Proceedings is a true, complete,
9 and correct transcript of the proceedings had on
10 said day as reported by this reporter in this cause
11 as herein contained.

12 Dated November 9, 2022.

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21 

22 AMY BUHR, CSR
23 IL CSR NO. 084-003275
24

Amy Buhr, CSR

From: Hallie Bezner <hallie@beznerlaw.com>
Sent: Thursday, November 17, 2022 9:29 AM
To: Emily Hirsch
Subject: FW: Angel Luster Hoskins
Attachments: doc18023920221110105608.pdf

From: Jacqueline M. Lacy <salacy@vercounty.org>
Date: Thursday, November 10, 2022 at 11:05 AM
To: Hallie Bezner <hallie@beznerlaw.com>, Michael Mara <michael.mara@vercounty.org>
Subject: Angel Luster Hoskins

Counsel,

Attached is the transcript I ordered regarding the defendant being admonished by the Court. If there is anything you can do to please encourage your client to cooperate with medical treatment and with jail staff that would be helpful. The defendant is advising staff that she will not cooperate and will not attend appointments. The defendant is advising that she will not cooperate with certain female jail staff. This was not the court's order.

Sincerely,

Jacqueline M. Lacy
State's Attorney
Vermilion County, IL
7 North Vermilion - Suite 201
Danville, IL 61832
P(217) 554-7750
F(217) 554-7775

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From: copier@vercounty.org <copier@vercounty.org>
Sent: Thursday, November 10, 2022 10:57 AM
To: Jacqueline M. Lacy <salacy@vercounty.org>
Subject:

From: Hallie Bezner <hallie@beznerlaw.com>
Sent: Thursday, November 17, 2022 9:28 AM
To: Emily Hirsch
Subject: FW: Angel Luster Hoskins

From: Hallie Bezner <hallie@beznerlaw.com>
Date: Thursday, November 10, 2022 at 1:21 PM
To: Jacqueline M. Lacy <salacy@vercounty.org>
Cc: Michael Mara <michael.mara@vercounty.org>
Subject: Re: Angel Luster Hoskins

Jacqueline,

The court admonished her, at the State's request, to protect her baby for the good of society. It was highly inappropriate for the State to make such a request and it was inappropriate for the Court to do it.

The court has absolutely no authority to order someone to attend a doctor's appointment or cooperate with jail staff.

The State and Court have no place "ordering" a pregnant woman regarding what she can or should do with her body. That is a private health matter between her and her doctor.

If the Sheriff is unable to handle her care then perhaps you should not have objected to her release.

Hallie M. Bezner
Bezner Law Office
121 N. Marion St., Suite 200
Oak Park, IL 60301
(312) 967-6000
hallie@beznerlaw.com

On Nov 10, 2022 at 11:05 AM, <Jacqueline M. Lacy> wrote:

Counsel,

Attached is the transcript I ordered regarding the defendant being admonished by the Court. If there is anything you can do to please encourage your client to cooperate with medical treatment and with jail staff that would be helpful. The defendant is advising staff that she will not cooperate and will not attend appointments. The defendant is advising that she will not cooperate with certain female jail staff. This was not the court's order.

Sincerely,

Jacqueline M. Lacy
State's Attorney
Vermilion County, IL

7 North Vermilion - Suite 201
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From: copier@vercounty.org <copier@vercounty.org>
Sent: Thursday, November 10, 2022 10:57 AM
To: Jacqueline M. Lacy <salacy@vercounty.org>
Subject:

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
VERMILION COUNTY, DANVILLE, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
v.	)	Case No: 2022 CF 293
	)	2021 CF 748
ANGEL LUSTER-HOSKINS,)	
)	
Defendant.)	

**EMERGENCY MOTION RESPONSE TO REQUEST THE COURT TO RE-ADMONISH
THE DEFENDANT TO COOPERATE WITH JAIL STAFF FOR
MEDICAL TREATMENT**

NOW COME the People of the State of Illinois, by Jacqueline M. Lacy, State's Attorney for the County of Vermilion, State of Illinois, People's Emergency Motion to Re-Admonish the defendant, and in support thereof states as follows:

1. The defendant is charged with First-Degree Murder of Deavyon T. Williams in 2022 CF 293. The murder occurred on or about October 31, 2021. The defendant was charged on June 1, 2022 and subsequently indicted by a Vermilion County Grand Jury. The defendant's bond is Five Million Dollars, ten percent to apply.
2. The facts as proffered by the People in 2022 CF 293 are as follows: in summary the defendant saw the victim, Deavyon Williams, at a Halloween Party. After the victim left the party on October 31, 2021, the defendant pursued to the victim and messaged her on her telephone. The defendant followed the victim in her vehicle and eventually met up with the victim to fight her. Defendant accused the victim of dating her boyfriend, James Brigham. Defendant stabbed the victim two times after a fight in the street, killing Deavyon Williams. The defendant then fled the scene.
3. The defendant is charged in 2021 CF 748 with Aggravated Battery-Firearm, a Class X Felony, that occurred on December 22, 2021. The defendant was charged on December 23, 2021 and subsequently indicted by a Vermilion County Grand Jury. The defendant's bond is \$500,000.00, ten percent to apply.
4. The facts as proffered by the People in 2021 CF 748 are as follows: in summary the defendant and the victim, James Brigham, were arguing

at the victim's apartment and their infant child in common was present. The domestic argument became physical and the defendant shot the victim as he was fleeing the apartment. Law enforcement was called to the apartment complex. There was a brief standoff that occurred between defendant and law enforcement. Eventually, defendant exited the apartment with her infant child in her arms and a firearm in her waist band.

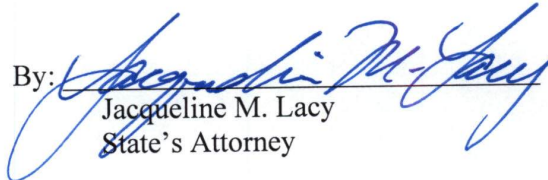
5. Pursuant to 725 ILCS 5/110-5.2, 725 ILCS 5/110-2, and 5/110-6 the Court shall consider many factors including the nature and circumstances of the offense, the weight of the evidence, and history and character of the defendant.
6. Additionally, the defendant is pregnant and the court must consider alternatives to jail, unless after a hearing, the court makes specific findings. 725 ILCS 5/110-5.2 states:
 - (a) It is the policy of this State that a pre-trial detainee shall not be required to deliver a child while in custody absent a finding by the court that continued pre-trial custody is necessary to protect the public or the victim of the offense on which the charge is based.
 - (b) If the court reasonably believes that a pre-trial detainee will give birth while in custody, the court shall order an alternative to custody unless, after a hearing, the court determines:
 - (1) that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of the alleged victim of the offense and continuing custody is necessary to prevent the fulfillment of the threat upon which the charge is based; or
 - (2) that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of any person or persons or the general public.
 - (c) The court may order a pregnant or post-partum detainee to be subject to electronic monitoring as a condition of pre-trial release or order other condition or combination of conditions the court reasonably determines are in the best interest of the detainee and the public.
 - (d) This Section shall be applicable to a pregnant pre-trial detainee in custody on or after the effective date of this amendatory Act of the 100th General Assembly.
7. Based upon the facts and circumstances of both cases and the defendant's propensity for violence it is the position of the People that the defendant poses a real and present threat to the family Deavyon Williams' the victim in 2022 CF 293 and the victim in 2021 CF 748, James Brigham.
8. The defendant, also has a prior history of violence. The defendant was adjudicated for Aggravated Battery in 2013 JD 42 and sentenced to the Illinois Department of Juvenile Justice.

9. On November 3, 2022, this Court determined that the defendant shall be detained and was a physical threat to the physical safety of any person or persons or the general public. Group Exhibit A, 25 pages.
10. This Court admonished the defendant to cooperate with jail staff and to cooperate with all healthcare for her pregnancy and her child.
11. The Vermilion County Jail has notified the State's Attorney's Office that the defendant is continuing to refuse treatment and threatening to have her child at the Jail and not inform staff when she goes into labor. Group Exhibit B, 11 pages.
12. Defendant is currently scheduled at the end of this week for a co-vid test and to be induced on Monday, November 21, 2022. Additionally, the defendant is making demands at the Jail that she will only cooperate with certain staff members.

WHEREFORE, the Plaintiff, the People of the State of Illinois, respectfully request this Court to re-admonish the defendant to cooperate with jail staff for the safety of the defendant and the safety of her unborn child.

Respectfully submitted:
PEOPLE OF THE STATE OF ILLINOIS

By:


Jacqueline M. Lacy
State's Attorney

VERIFICATION BY CERTIFICATION

The undersigned hereby certifies, as authorized by 735 ILCS 5/1-109, that she has read the contents of the foregoing document, has knowledge of the matters recited and such matters are true in substance and in fact.

Respectfully submitted,
PEOPLE OF THE STATE OF ILLINOIS, Plaintiff

By: 

THE PEOPLE OF THE STATE OF ILLINOIS
Jacqueline M. Lacy, State's Attorney
Rita B. Garman Vermilion County Courthouse
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IN THE CIRCUIT COURT FOR THE
FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
VS.) No. 21-CF-748
ANGEL LUSTER-HOSKINS,) No. 22-CF-293
Defendant.)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED and CERTIFIED that on, to
wit: 3rd day of November, 2022, the following
proceedings were held in the aforesaid cause before
THE HONORABLE CHARLES C. HALL, Circuit Judge.

**MOTION FOR REDUCTION OF BOND
MOTION TO RELEASE FROM CUSTODY**

APPEARANCES:

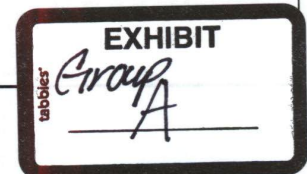
MS. JACQUELINE LACY
STATE'S ATTORNEY
On Behalf of the People

MR. MICHAEL MARA (22-CF-293)
PUBLIC DEFENDER
On Behalf of the Defendant

MS. HALLIE BEZNER (21-CF-748)
ATTORNEY AT LAW
On Behalf of the Defendant

Proceedings reported and transcribed by-
Ms. Amy Buhr, CSR #084-003275
Official Court Reporter
Fifth Judicial Circuit of Illinois

Amy Buhr, CSR



1 THE COURT: The Court will call 21-CF-748
2 and 22-CF-293, Angel Luster-Hoskins. Appearances.

3 MS. LACY: Jacqueline Lacy on behalf of
4 the People.

5 MR. MARA: Mike Mara on behalf of
6 Miss Luster-Hoskins in Case No. 22-CF-293.

7 MS. BEZNER: Good morning, Your Honor.
8 Hallie Bezner for Miss Luster-Hoskins in the 21-CF
9 matter.

10 THE COURT: And we have a motion for
11 reduction of bond.

12 MR. MARA: There's actually a couple
13 motions, Your Honor. I filed a standard bond
14 reduction motion, and then Miss Bezner filed an
15 additional motion. I don't know how the Court
16 wishes to proceed, one at a time or -- I don't know
17 exactly what --

18 THE COURT: When did you file yours,
19 Miss Bezner?

20 MS. BEZNER: Sunday.

21 THE COURT: I didn't have it in the docket
22 when I pulled it up. Do you have a copy that I can
23 look at?

24 MS. LACY: Judge, I have a copy of the

1 defense counsel's motion if Your Honor would like,
2 and I did file a written response.

3 THE COURT: I have your response but I
4 didn't pick up yours.

5 MS. BEZNER: If Miss Lacy --

6 MS. LACY: I am more than happy to
7 accommodate.

8 MS. BEZNER: Your Honor, can my client be
9 brought over?

10 THE COURT: Yes.

11 MS. LACY: Judge, I don't know if we have
12 reflected this on the record, but
13 Miss Luster-Hoskins is appearing in person with the
14 Vermilion County Sheriff's Department.

15 THE COURT: Okay. I'm ready to proceed.
16 Who wants to begin?

17 MR. MARA: Which motion would you like to
18 hear first, Your Honor?

19 THE COURT: Well, let's hear yours.

20 MR. MARA: Okay. Your Honor, I would ask
21 to then call Miss Luster-Hoskins.

22 THE COURT: Okay.

23 MR. MARA: Does she need to be sworn now?

24 THE COURT: Yeah. I want her up here.

1 MR. MARA: She's very pregnant,
2 Your Honor.

3 THE COURT: Okay. Well, we'll leave her
4 there then. But I need to swear you in.

5 **ANGEL LUSTER-HOSKINS,**

6 Called as a witness on her own behalf, being
7 first duly sworn, was examined and testified as
8 follows:

9 **DIRECT EXAMINATION**

10 **BY MR. MARA**

11 THE COURT: Proceed, Counsel.

12 MR. MARA: Thank you, Your Honor.

13 Q. Miss Luster-Hoskins, please keep your voice up
14 so everybody can hear.

15 How old are you?

16 A. 23.

17 Q. And before you were arrested on this case,
18 where were you living?

19 A. 702 Sherman.

20 THE COURT: Speak a little louder.

21 THE DEFENDANT: 702 Sherman.

22 THE COURT: Okay.

23 BY MR. MARA:

24 Q. In Danville, right?

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1 A. Yeah.

2 Q. How long have you lived there?

3 A. I lived there for 3 years.

4 Q. Before that have you lived in Danville?

5 A. Yes.

6 Q. How long have you lived in the Danville area?

7 A. 23 years.

8 Q. And were you working at all before you were
9 arrested?

10 A. Yes.

11 Q. Where were you working?

12 A. Master Guard.

13 Q. If you were released from custody, do you
14 believe you could go back to work eventually at
15 Master Guard?

16 A. I believe I can find a job.

17 Q. You're currently being held on a \$5 million
18 bond, right?

19 A. Yes.

20 Q. And that would require you to post \$500,000?

21 A. Yes.

22 Q. And at this point you have been unable to do
23 that?

24 A. Yes.

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1 Q. Now, is there an amount of money you believe
2 you could post?

3 A. Ninety.

4 Q. \$90,000?

5 A. (Nods head.)

6 Q. Actual dollars? Okay.

7 THE REPORTER: I'm sorry. Was that a yes?

8 THE DEFENDANT: Yes.

9 BY MR. MARA:

10 Q. Now, specifically related to this case, it's a
11 '22 case because it was charged in '22, but the
12 allegations of what happened are from 2021, right?

13 A. Yes.

14 Q. And in the time between October of 2021, and
15 when you were arrested for this case, were you aware
16 that the police were looking into this case?

17 A. Excuse me? Repeat that.

18 Q. From the time of October 31st where -- where
19 they're saying this happened, to the time you were
20 arrested, were you aware that the police were
21 investigating this case?

22 A. Yes.

23 Q. And did you actually go to the police station
24 voluntarily and give DNA?

1 A. Yes.

2 Q. And did you speak with the police?

3 A. Yes.

4 Q. Okay. And at no time during that time did you
5 leave the Danville area?

6 A. No.

7 MR. MARA: Your Honor, I don't have any
8 additional questions regarding my motion right now.

9 THE COURT: Okay. Let's give the State an
10 opportunity to inquire before we go to Bezner's
11 motion.

12 MS. LACY: I don't have any questions.

13 THE COURT: Okay. Why don't we take
14 Miss Bezner's motion before we have argument on
15 both?

16 MR. MARA: Okay.

17 MS. BEZNER: Your Honor, I just have a few
18 questions for my client. I will kind of piggyback
19 off Mr. Mara.

20 **EXAMINATION**

21 **BY MS. BEZNER**

22 Q. Angel, you are currently pregnant?

23 A. Yes.

24 Q. What is your due date?

1 A. My due date is October 29th.

2 Q. Okay. So you are currently how many weeks
3 pregnant?

4 A. I am 36 weeks.

5 Q. Okay. And is this your first baby?

6 A. No.

7 Q. Your first baby was born when?

8 A. September 30th of 2021.

9 Q. And how -- at what point in your pregnancy did
10 you give birth to your first baby?

11 A. 38 weeks.

12 THE COURT: How many?

13 THE DEFENDANT: 38.

14 MS. BEZNER: 38 weeks, Judge.

15 BY MS. BEZNER:

16 Q. When is the last time you went to the doctor?

17 A. Last Thursday.

18 Q. Okay. So one week ago?

19 A. Yes.

20 Q. And what did the doctor inform you about your
21 pregnancy at that time?

22 A. I am due any day. I'm one centimeter. I am
23 high risk because my placenta wrapped around the
24 front and back.

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1 Q. Let's take that one at a time. You are
2 one centimeter, you mean one centimeter dilated?

3 A. Yes.

4 Q. So your understanding as to when you could give
5 birth is what?

6 A. Any day.

7 Q. Any day now. Okay. And the doctor did
8 indicate that there are -- you have some high risk
9 factors in your pregnancy?

10 A. Yes.

11 Q. The house at 702 Sherman, who lives there?

12 A. No one currently.

13 Q. So just you?

14 A. Yes.

15 Q. And if you were released, that's where you
16 would go?

17 A. Yes.

18 Q. Okay. You understand you are not to have
19 contact with James Brigham?

20 A. Yes.

21 Q. And you understand that if you are released you
22 cannot have contact with James Brigham?

23 A. Yes.

24 Q. You understand that you will not have contact

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1 with James Brigham?

2 A. Yes.

3 Q. He cannot come to the hospital.

4 A. Yes.

5 Q. He cannot come over afterwards.

6 A. Yes.

7 Q. Okay. You are willing to abide by a curfew --

8 A. Yes.

9 Q. -- GPS and any type of restrictions that
10 the Court would place on you?

11 A. Yes.

12 Q. Okay.

13 MS. BEZNER: I have no further questions,
14 Judge, just argument.

15 THE COURT: State?

16 MS. LACY: I don't have any questions for
17 the defendant, Judge, but I do have a proffer and I
18 do have argument.

19 THE COURT: Okay. Well, we are ready for
20 proffer then. Proceed.

21 MS. LACY: Thank you, Judge.

22 Your Honor, as I set forth in my motion
23 with regards to the facts and circumstances of this
24 case, I think it's appropriate for the Court to

1 determine and to consider the facts. While I think
2 Mr. Mara was pointing out during his examination of
3 the defendant that she was actually being
4 investigated for first-degree murder in the stabbing
5 of the victim, Ms. Williams, in 22-CF-293 that
6 occurred on Halloween night of actually 2021, when
7 she was arrested and charged with the aggravated
8 battery - firearm of James Brigham.

9 And, Your Honor, I think it's important
10 for the Court to consider the facts and
11 circumstances under which she was arrested in the
12 James Brigham aggravated battery case because that
13 case was a situation where -- and I can proffer
14 based upon the facts -- James Brigham was shot as he
15 was leaving the apartment by the defendant. He fled
16 from the apartment just north here on
17 North Vermilion Street, called 911 and was telling
18 911 communications that he had been shot by the
19 defendant. There was a short stand-off with police
20 and at the time she was armed, she came out with her
21 first child in her arms and had a firearm in her
22 waistband.

23 Subsequent to being arrested for that,
24 which is a Class X felony, punishable by

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1 6 to 30 years in the Illinois Department of
2 Corrections at 85 percent, she was indicted for the
3 first-degree murder of Ms. Williams, which occurred
4 on October 31st of 2021. And those allegations are,
5 Your Honor, that she in fact stabbed Ms. Williams
6 multiple times, two in total, and caused her death.

7 There was an ongoing investigation based
8 upon DNA that was subsequently determined from the
9 knife that her DNA was actually located on the
10 murder weapon. So through the course of
11 investigation of the case, of the murder case,
12 that's why it wasn't indicted immediately,
13 Your Honor, because we were waiting for lab results
14 and information to come back.

15 This defendant also has -- and if I may, I
16 can go into argument or if you want, you know, the
17 defense counsel to go ahead and argue their
18 positions first, I am prepared to provide her
19 criminal history and any other further argument with
20 regard to, I think, the findings the Court needs to
21 make not only with regard to the fact that she's in
22 custody and pregnant, but there's been some other
23 issues with regard to her cooperation with the
24 sheriff's department in attending her doctor's

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1 appointments.

2 THE COURT: Go ahead and proceed.

3 MS. LACY: Okay. So she has a prior
4 aggravated battery in juvenile court, which she went
5 to the Illinois Department of Juvenile Justice for.
6 At the time she received that in 2013, she was
7 actually on probation for a retail theft, so she
8 ended up going to the Illinois Department of
9 Juvenile Justice, so this is not her first brush
10 with the law you could say.

11 I think that the facts and circumstances
12 of the case are such that she knew she was under
13 investigation for a first-degree murder case and she
14 found herself with James Brigham, shooting him, and
15 then having a stand-off with the Danville Police
16 Department, Your Honor. This is not an individual
17 who should be released out into the public
18 regardless of what her medical circumstances are.

19 I think that the Court can make a finding
20 based upon the proffer and information provided
21 today that she is a threat. She is a threat not
22 only to the public generally, but she is also a
23 threat to James Brigham, she is also a threat to the
24 victim's family in the Williams case, Your Honor, as

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1 they live and reside in the Danville area. And she
2 has a propensity for violence. And I think
3 the Court can make those specific findings.

4 The jail is ready, willing and able to
5 make sure that she is to all of her appointments, as
6 they have done so in the past. They are prepared to
7 take her once she goes into labor. The additional
8 GPS and everything else that Miss Bezner talks about
9 I don't think is an appropriate bond release in this
10 case based upon not only the facts and circumstances
11 of the murder, that she was out with her friends
12 that night. I listed in my motion she pursued the
13 victim, she followed her, she met her to fight her.
14 This was all over James Brigham, they were fighting
15 over a guy, and then she later shoots James Brigham,
16 Judge.

17 So I think it shows her propensity for
18 violence and I certainly don't believe it's
19 appropriate to reduce her bond in this case or to
20 release her on an OR bond under any circumstances.

21 With regard to the situation over at the
22 jail, I had indicated to counsel and the Court
23 yesterday evening that there's been some concerns
24 because Ms. Luster-Hoskins has been refusing to

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1 cooperate with the sheriff's department in getting
2 to her appointments. She has indicated to the
3 sheriff's department that she is not going to tell
4 them when she goes into labor and so I would just
5 ask that --

6 MS. BEZNER: Judge, I object.

7 THE COURT: I'm going to let her proceed.
8 This is a proffer.

9 MS. BEZNER: Okay.

10 MS. LACY: I would just ask that in
11 addition to whatever the Court determines with
12 regard to bond, assuming that she's still being
13 housed at the Public Safety Building, that the Court
14 admonish her to cooperate for the safety of the
15 child to ensure that she makes her appointments and
16 follows all of the doctor's orders and make sure
17 that she indicates to the jail when she does go into
18 labor so that they can ensure that she is taken care
19 of and is taken to the hospital in an appropriate
20 manner.

21 Thank you, Judge.

22 THE COURT: Response?

23 MR. MARA: Your Honor, I can address
24 specifically just the financial part of the motion.

1 I would be for the record joining in Miss Bezner's
2 motion, but I will let Miss Bezner argue that part.

3 THE COURT: Okay.

4 MR. MARA: But regarding the bond
5 reduction, bond is currently set at \$5 million. The
6 defendant has been unable to post that. You have
7 evidence that -- well, rather than evidence of
8 potential flight, you have a situation where six --
9 at least six, about nine months go on between the
10 offense and the charging of the offense.
11 Miss Hoskins stayed in Danville. No evidence that
12 she's any threat to leave the jurisdiction.

13 The State certainly made a proffer about
14 what they believe happened. That doesn't mean that
15 is in fact what happened. It doesn't mean that
16 there aren't defenses Miss Luster-Hoskins intends to
17 put forth on those charges. She does not concede
18 that that is what happened, Your Honor.

19 She's indicated she can post a significant
20 amount of money. This isn't a situation where we're
21 walking in here and asking for a low bond. A bond
22 of -- that would require her to post \$90,000 would
23 be a \$900,000 bond. That is a significant bond.
24 There are plenty of cases involving murder where a

1 one million dollar bond is set. I think due to the
2 circumstances, a bond of \$900,000 would be
3 appropriate. I would be asking to reduce the bond
4 on 22-CF-293 from \$5 million to \$900,000.

5 THE COURT: Miss Bezner?

6 MS. BEZNER: Yes, Your Honor. I guess I'm
7 going to -- I understand that Miss Luster-Hoskins
8 may think that there is \$90,000 to post, but I -- I
9 don't know that that's the case because I think that
10 if they had that kind of money they would have hired
11 me to represent her on the murder case by now and
12 they have not because of finances.

13 So I -- I hesitate to agree with Mr. Mara
14 that that high of a bond could be posted because
15 after I have spoken with her sister, her mother, her
16 grandmother, I don't believe that they can come up
17 with that much money. I do believe there is some
18 amount of cash that they could come up with, but
19 \$90,000 is an extraordinary amount of money and I'm
20 not sure that that's it.

21 Your Honor, I also agree with what
22 Mr. Mara said. I think it's hugely important that
23 Ms. Luster-Hoskins be -- the incident with the
24 murder case happened on Halloween of last year.

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1 Ms. Luster-Hoskins cooperated immediately with
2 Danville police. Like Mr. Mara said, she knew she
3 was under investigation. She turned herself into
4 the police, she gave DNA. I know because I went
5 with her. We met with DPD on multiple occasions.
6 And actually when the incident with -- with
7 James Brigham happened in December of 2021, DPD
8 actually called me asking me to help out with
9 tracking her down and finding everyone.

10 So I think that Mr. Mara's point should be
11 well taken that she has consistently demonstrated
12 that she is not going anywhere. She is a lifelong
13 resident of Vermilion County, her home is here. She
14 doesn't have anywhere to go. But if there ever was
15 a time that she was going to leave, it would have
16 been when she knew the police were looking at her
17 for a murder. And she didn't, she stayed.

18 So, Your Honor, I do definitely agree with
19 that. I understand the allegations are, of course,
20 very serious. She's looking at very serious amounts
21 of time. I do not represent her in the murder, but
22 like I said, I was present when she turned herself
23 in to the police. I understand that the situation
24 that evening was a melee involving many people. It

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1 was a large fight. It is not a situation that I
2 think is likely to recur.

3 And I do represent her on the Class X
4 aggravated battery with a firearm and I can tell
5 the Court, as I did in my motion, that I do believe
6 she has a valid self-defense claim that we do intend
7 to assert. And as Ms. Luster-Hoskins said on her
8 examination, she understands that she cannot, shall
9 not have contact with James Brigham. I do not
10 believe that that will be an issue.

11 And, Your Honor, I understand the State's
12 point, these are -- these are the most serious
13 charges and it's not just one case, I get that. I
14 understand the Court's concern. But my client is
15 36 weeks pregnant and the statute is clear that a
16 pregnant person shall not be ordered to give birth
17 in custody. And I do believe that there are ways
18 that we can safely release her so that she does not
19 have to give --

20 THE COURT: What are those ways?

21 MS. BEZNER: Your Honor, I think a GPS
22 monitor. Put her on home confinement with an ankle
23 monitor. We give people charged with domestic
24 battery all the time ankle monitors, to tell them to

1 stay away from their alleged victims.

2 I think allowing her to go to the
3 hospital, to the doctor, to the pediatrician, I
4 think -- and stay at home with her infant, I think
5 that is a way to ensure that. I'm not personally
6 aware of how the technology works, but in other
7 cases I understand that if the person goes where
8 they are not supposed to go, an alert is off and the
9 police are there and, you know, there are ways.

10 So that is what I am asking for. And,
11 Your Honor, I would just note that my client's
12 position is that she -- she has been -- she did go
13 to the doctor last week, I understand she did have a
14 doctor's appointment today that she was told she was
15 not going to because she had court obviously. But
16 other than that, I believe she wants to receive
17 proper medical care for both herself and her baby.
18 So I'm not sure that admonishing her about that is
19 necessary or appropriate.

20 But, Your Honor, I am asking that she
21 be -- either the bond significantly reduced to an
22 amount that her family can post, but I do think the
23 statute requires release.

24 THE COURT: Any further reply?

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1 MS. LACY: Your Honor, only that I would
2 just ask that you deny their motion to reduce bond.
3 I mean by Miss Bezner's own admissions she's caught
4 her client essentially not telling the truth under
5 oath when she testified to Your Honor that she could
6 post \$90,000. So I think that goes to the
7 credibility of the defendant and certainly what
8 she's advised her attorneys of in this fact and
9 circumstance.

10 And I think based upon the totality of the
11 circumstances, she is charged with first-degree
12 murder, as well as the aggravated battery - firearm
13 to James Brigham, I think she is a danger to the
14 public and I think that -- I think keeping the
15 public safe and keeping the people of Vermilion
16 County safe is also an important consideration that
17 the Court can determine when keeping an individual
18 in custody, even someone who is 36 weeks pregnant,
19 Your Honor.

20 THE COURT: The Court would note that
21 725 ILCS 5/110-5.2 applies to this matter and
22 the Court's reviewed the current version,
23 the Court's also reviewed the version that will
24 become effective in January. Basically the only

1 difference is the term "bail" and "pretrial
2 detention," they are in substance actually the same.
3 So from an intention standpoint the substance of the
4 current version is what the Court is going to rely
5 on and must under the law.

6 And it's pretty clear, Miss Bezner, your
7 motion talks about how not -- the statute says you
8 shouldn't detain a pregnant person. It does. But
9 it goes on to say, "unless, after a hearing,
10 the Court determines," and what it provides for then
11 and what I think covers this matter is
12 110-5.2(b)(2), "that the release of the pregnant
13 pretrial detainee would pose a real and present
14 threat to the physical safety of any person, persons
15 or the general public."

16 Now, there's extremely serious charges.
17 The proffer indicates that in the past the defendant
18 hasn't been able to comply with rules and a good
19 part of the defense motions today talked about
20 flight. Well, the part that gravely concerns
21 the Court and the Court's duty to protect the public
22 and other people is danger to other people. And it
23 appears that although defendant may sit here calmly
24 in court here today that there's certainly times

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1 that she hasn't been calm under the allegations in
2 the indictment where she's tracked someone down,
3 initiated a fight and stabbed them repeatedly, and
4 then shot another person.

5 So it would be totally irresponsible of
6 the Court to overlook those facts in making a
7 determination under the statute.

8 The statute also says unless the Court
9 could order other conditions or a combination of the
10 conditions the Court reasonably determines are in
11 the best interests of the detainee and, in the
12 conjunctive, the public.

13 Now the suggestion of electronic
14 monitoring and home confinement I think would not
15 protect the public, would not protect the victim in
16 the one case, who is still alive. There are
17 limitations on how effective that can be on
18 immediate control, and more times than not it's
19 better utilized after the fact to show there wasn't
20 compliance on rules and orders for contempt.

21 I don't think that the defendant or
22 defendant's counsel have suggested other conditions
23 or a combination of other conditions that might
24 reasonably be determined to be in the best interest

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1 of the detainee and the public and so for these
2 reasons I'm going to deny both motions.

3 And I am going to admonish defendant, you
4 have a duty to your child, as well as to yourself
5 and to society, to protect that child and protect
6 yourself to the full extent of your ability. There
7 are measures in place to provide the assistance you
8 need, but you have to cooperate and you have to
9 treat the correctional people with respect, as well
10 as treat yourself with respect, and your unborn
11 child with respect.

12 So that will be the ruling of the Court.

13 MS. LACY: Thank you, Your Honor.

14 WHICH WERE ALL THE PROCEEDINGS MADE
15 OF RECORD IN THIS CAUSE ON SAID DAY.
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Amy Buhr, CSR

Dated November 9, 2022.

AMY BUHR, CSR
IL CSR NO. 084-003275

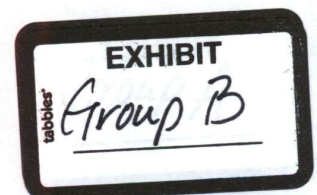
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Jacqueline M. Lacy

From: Kevin Maskel
Sent: Wednesday, November 16, 2022 10:04 AM
To: Jacqueline M. Lacy
Subject: Angel L. Luster-Hoskins
Attachments: Hoskins-Luster.pdf

I am enclosing the medical forms and refusals from Luster-Hoskins. She refused to go to her Doctor Appointment again this morning. This would have been her last doctor appointment that she will have before they induce on Monday 11/21/2022. Please let me know if there is anything we can do if Angel refuses to go to her appointment on Monday. Also if she refuses to go to the hospital if she has her baby (like she says she is going to do) inside the jail.

Capt. Kevin Maskel
Jail Administrator
Vermilion County Sheriff's Dept
Corrections Division
(217)442-4080
2 E. South Street
Danville, IL 61832



**Inmate Medical Request Form
Vermilion County Jail. IL**

Inmate Name: Angel L Luster-
Hoskins

Cell Assignment: E 43

Date: 10/29/2022

Allergies: _____

Current Medications: _____

Current Doctor: _____

I respectfully request an interview with the medical staff due to the following reason(s):

10/29/2022 13:28:57

And i just wanted to let you know im not getting induce unless nacole and turner gonna be there I'll have my baby in E43 cell before
i go uncomfortable having my baby im just saying

I understand by checking the box on this medical request form, the medical staff will see me within a reasonable amount of time and
there MAY be a charge for these services, supplies and/or medications.: ☒

Recieved by: _____ Date: 10/29/2022

:

Action Taken:

10/31/2022 8:21:34

You are in jail, you don't get to dictate how things are done.

By: _____

Date/Time: _____
Copy Given to Command - (92)

**Inmate Medical Request Form
Vermilion County Jail. IL**

Inmate Name: Angel L Luster-
Hoskins

Cell Assignment: E 43

Date: 10/31/2022

Allergies: _____

Current Medications: _____

Current Doctor: _____

I respectfully request an interview with the medical staff due to the following reason(s):

10/31/2022 11:13:24

and im be jail having this baby how bout that

I understand by checking the box on this medical request form, the medical staff will see me within a reasonable amount of time and there MAY be a charge for these services, supplies and/or medications.: ☒

Recieved by: _____ Date: 10/31/2022

:

Action Taken:

11/01/2022 9:55:46

stop the nonsense. i don't know why you think medical has any say in who transports you to your appointments and so forth.

By: _____

Date/Time: _____

11-1-22 - copy given to sgt. Ward — S. Rusek

**Inmate Medical Request Form
Vermilion County Jail. IL**

Inmate Name: Angel L Luster-
Hoskins

Cell Assignment: E 43
-

Date: 11/01/2022

Allergies: _____

Current Medications: _____

Current Doctor: _____

I respectfully request an interview with the medical staff due to the following reason(s):

11/01/2022 10:57:55

well tell the Srgt Stop telling me to let you know stuff you claim you cant control and you can mark me off for my next dr apt not goin

I understand by checking the box on this medical request form, the medical staff will see me within a reasonable amount of time and there MAY be a charge for these services, supplies and/or medications.: ☒

Recieved by: _____ Date: 11/01/2022

:
Action Taken: 11-1-22: copy provided to command (-SR2) _____

By: _____

Date/Time: _____

REFUSAL OF MEDICAL TREATMENT

INMATE NAME Angel Luster-Hoskins DOB 3/3/99

I, THE ABOVE NAMED INMATE, DO HEREBY REFUSE THE MEDICAL AND/OR SURGICAL TREATMENT OFFERED TO ME BY THE OFFICERS OR HEALTH CARE STAFF OF THE VERMILION COUNTY JAIL.

I HEREBY RELEASE ALL OFFICERS, HEALTH CARE STAFF AND THE VERMILION COUNTY SHERIFF'S DEPARTMENT FROM ANY AND ALL LIABILITY AND CLAIMS ARISING FROM THE SAID REFUSAL.

INMATE SIGNATURE X Refused 9:38 AM DATE 11/02/22

WITNESS SIGNATURE Tracy Cord DATE 11/02/22

REFUSAL OF MEDICAL TREATMENT

INMATE NAME Ruster-Haskins, Angel DOB 3/3/1999

I, THE ABOVE NAMED INMATE, DO HEREBY REFUSE THE MEDICAL AND/OR SURGICAL TREATMENT OFFERED TO ME BY THE OFFICERS OR HEALTH CARE STAFF OF THE VERMILION COUNTY JAIL.

I HEREBY RELEASE ALL OFFICERS, HEALTH CARE STAFF AND THE VERMILION COUNTY SHERIFF'S DEPARTMENT FROM ANY AND ALL LIABILITY AND CLAIMS ARISING FROM THE SAID REFUSAL.

OB/GYN appt tomrw - @ 11:30

INMATE SIGNATURE Refused Signature DATE 11/8/22

WITNESS SIGNATURE Shelly Hefner DATE 11.8.22
Sgt. White #175

11.8.22

"I aint going" per inmate.
"my baby is fine & moving." (initials)

Emailed

VERMILION COUNTY SHERIFF'S DEPARTMENT
CONSULTATION/EMERGENCY ROOM REFERRAL

Date: 9.21.22 @ 1:15

Patient Name: Luster-Hoskins, Angel

Referring Physician: Dr. Rajoub

Hospital or Physician Used: USF Polyclinic

446-6410
#2

Date of Birth: 8.3.99

Description of Incident or Chief Complaint: 4 wk E/u Routine prenatal visit

Pertinent History/Current Medications:

Prenatal vit. Buspar 7.5 BID, stool soft 100m BID. (SA)
Benadryl 50mg - nightly - PRN, Zofran 4mg q 8h prn,

Medical Insurance Provider: IPA

Allergies: ☒ Banana, Fish - Hives

Sgt. Whelan #15
Transporting Officer

PHYSICIAN'S REPORT

Significant Findings, Including Tests Performed:

urine dipstick - positive for leukocytes - urine culture sent
Tdap - vaccine given - left deltoid
Transabdominal ultrasound performed

Diagnosis:

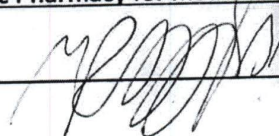
Supervision high risk pregnancy ^{third trimester} second trimester,
constipation during pregnancy antepartum
cervical shortening in pregnancy ^{second trimester} second trimester
nausea/vomiting pregnancy ^{Third}

Orders/Medications/Recommendations:

Cefdinir 300mg BID X 7D - Disp #14
Return to office in 2 weeks - call 217-477-4718
to schedule appointment.

*****We use Polyclinic Pharmacy for medications/refills.*****

Physician's Signature



Date

09/21/22 9/22/22

noted
meds sent
SH.

4/17/411

10-0
Pregnant

VERMILION COUNTY SHERIFF'S DEPARTMENT
CONSULTATION/EMERGENCY ROOM REFERRAL

Date: 6/29/22 @ 11:15
Patient Name: HOSKINS, Luster, Angel
Referring Physician: Dr. Rajoub OB/GYN
Hospital or Physician Used: Polyclinic DSF Ste. 102
Date of Birth: 3/3/99

Wear me

Description of Incident or Chief Complaint: pregnant Flu

Pertinent History/Current Medications:

Bupropion 7.5mg PO BID (started on 6.3.22)
Prenatal Vit 1 po daily.

Medical Insurance Provider: UPA

Allergies: ESh.

Deputy E. Hamner / Deputy Shoultz
Transporting Officer

PHYSICIAN'S REPORT

Significant Findings, Including Tests Performed:

Suspected UTI, reasuring prenatal bloodwork from previous prenatal visit. Referral to behavioral health for anxiety/depression. Chlamydia/Gonorrhea, Vaginitis panel swabs collected.

Diagnosis:

Supervision high risk pregnancy, second trimester, Depression, Anxiety, possible UTI, Insufficient weight gain during pregnancy, size and date discrepancy, pelvic pressure during pregnancy.

Orders/Medications/Recommendations: Macrobid 100mg BID x 7 days, Done 8th
Please provide the patient with an extra mat to sleep on for her low back pain.
Patient needs to drink six to eight glasses of water daily
and may be provided with cold water/ice water to drink.

*****We use Polyclinic Pharmacy for medications/refills.*****

Physician's Signature

Date 6-29-22

NO the
need for
water
6/29/22
cc

6/29/22
1mo F/u made SH

order for anatomy scan
placed - scheduling
will to schedule. To
4.11.2022

REFUSAL OF MEDICAL TREATMENT

INMATE NAME Luster-Hoskins, Angel L. DOB 3/3/1999

I, THE ABOVE NAMED INMATE, DO HEREBY REFUSE THE MEDICAL AND/OR SURGICAL TREATMENT OFFERED TO ME BY THE OFFICERS OR HEALTH CARE STAFF OF THE VERMILION COUNTY JAIL.

I HEREBY RELEASE ALL OFFICERS, HEALTH CARE STAFF AND THE VERMILION COUNTY SHERIFF'S DEPARTMENT FROM ANY AND ALL LIABILITY AND CLAIMS ARISING FROM THE SAID REFUSAL.

INMATE SIGNATURE

(X) Refused to sign. [Signature] #15

DATE

8/3/2022

WITNESS SIGNATURE

Tracy A. [Signature]

DATE

8/3/22

Tracy A. [Signature]

Shelly Harding

From: Barbara Harbacek
Sent: Tuesday, August 2, 2022 11:07 PM
To: Shelly Harding; Shannon Rush
Subject: Angel Luster

This evening Inmate Luster refused her dinner and medication and that was noted under her inmate activity log. She did advise to me that she would NOT be going to her Dr. Appt tomorrow. Just wanted to let you all know.

Thanks,

Barbara Harbacek
Correctional Officer
Vermilion County Sheriff's Dept
2 E South St
Danville, IL 61832

*Noted SHZ
8/3/22*

REFUSAL OF MEDICAL TREATMENT

INMATE NAME Angel Luster Hoskins DOB _____

I, THE ABOVE NAMED INMATE, DO HEREBY REFUSE THE MEDICAL AND/OR SURGICAL TREATMENT OFFERED TO ME BY THE OFFICERS OR HEALTH CARE STAFF OF THE VERMILION COUNTY JAIL.

I HEREBY RELEASE ALL OFFICERS, HEALTH CARE STAFF AND THE VERMILION COUNTY SHERIFF'S DEPARTMENT FROM ANY AND ALL LIABILITY AND CLAIMS ARISING FROM THE SAID REFUSAL.

OB/CYN Doctors Appt. 1045

INMATE SIGNATURE *Refused to Sign DATE 11-16-22

WITNESS SIGNATURE

Shelly Hester DATE 11-16-22
Capt. Kevin Hall

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
VS.	)	No. 2021-CF-748
)	
ANGEL LUSTER-HOSKINS)	
)	
Defendant)	

OBJECTION TO STATES EMERGENCY MOTION

COMES NOW, the Defendant, ANGEL LUSTER-HOSKINS, by and through his attorney, HALLIE M. BEZNER, objects to any hearing being held on the State's Emergency "Motion". In support thereof, Defendant states as follows:

1. Defendant Angel-Luster Hoskins is in custody on two cases, 22-CF-293 and 21-CF-748.
2. Defendant is represented by the Public Defender in 22-CF-293 and Attorney Hallie Bezner in 21-CF-748.
3. Defendant is currently incarcerated in the Vermilion County Public Safety Building.
4. Defendant is currently 37 weeks pregnant.
5. On November 3, 2022, a hearing was held where the defense jointly requested that the Defendant's bond be reduced and/or that she be released to give birth to her child, pursuant to 725 ILCS 5/110-5.2.
6. The Court denied the motion and ordered the Defendant's bond to stand.

**RE: “EMERGENCY” SETTING OF HEARING WITHOUT
COORDINATION OF COUNSEL:**


7. On November 16, 2022, Attorney Bezner received communication from Court Administration at 3:45 PM that an Emergency Motion was being set for less than 24 hours later. See Exhibit A.
8. At 4:17 PM on November 17, 2022, Attorney Bezner received communication from the State’s Attorney’s Office with a copy of the motion. See Exhibit B.
9. At the time of Court Administration’s email, Ms. Bezner had not been contacted by anyone from the State’s Attorney or Court Administration regarding coordination of a hearing, as is required by the Rules of Practice for the Fifth Judicial Circuit of Illinois.
10. Attorney Bezner promptly informed Court Administration that she is unavailable at 3:30 PM on November 17, 2022, due to an appointment, but could be available by Zoom at any time earlier in the day. See Exhibit C.
11. Court Administration responded by informing Attorney Bezner that Judge Hall requested that she send someone in her place. See Exhibit D.
12. State’s Attorney Lacy admits in her November 17, 2022, email that she made no attempt to coordinate with Attorney Bezner, as is required by local rules. See Exhibit E.

**RE: ADMONISHMENT OF DEFENDANT REGARDING HER MEDICAL
CARE**

13. The Court's November 3, 2022, admonishment of the defendant was inappropriate and in violation of her civil rights.
14. The State's request that the Court continue to insert itself into the Defendant's medical care is inappropriate and in violation of her civil rights.
15. The Defendant objects to any hearing taking place without counsel.
16. At the State's request, the Court admonished the Defendant on November 3, 2022, that she was to cooperate with jail staff and that she owed a "duty to society" to "protect her child" and that she was being ordered to "treat her unborn child with respect."
17. Just as the court has no authority to order a defendant to receive chemotherapy or take medication for heart disease, the Court has NO JURISDICTION to order a pregnant woman to do anything with her body.
18. The Defense VEHEMENTLY AND STRENUOUSLY objects to the Court taking ANY position in regard to a woman's medical care.
19. Any admonishment of the Defendant regarding her pregnancy or medical care is outside of the jurisdiction of the Court.
20. Admonishing the Defendant without the presence of counsel would further violate her rights.
21. The State's Motion contains no stated emergency and the Court should refuse to entertain it.

WHEREFORE, the Defendant requests that the November 17, 2022, 3:30 PM be stricken from the court calendar for lack of emergency and lack of legal grounds.

So moved,
Angel Luster-Hoskins, Defendant

By: 
Hallie M. Bezner
Her Attorney

Hallie M. Bezner
Bezner Law Office
121 N. Marion St, Ste. 200
Oak Park, IL 60301
Phone: (312) 967-6000 / (217) 814-0050
Fax: (312) 878-7935
hallie@beznerlaw.com

Subject: FW: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Date: Wednesday, November 16, 2022 at 3:45:38 PM Central Standard Time

From: Cindy Savalick

To: Hallie Bezner

This emergency motion was just set.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

From: Michael Mara <michael.mara@vercounty.org>
Sent: Wednesday, November 16, 2022 3:43 PM
To: Cindy Savalick <savalick@vercounty.org>
Subject: RE: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Hallie Bezner represents the defendant on 21 CF 748 and I didn't see her name on the email.

Mike

Michael T. Mara,
Vermilion County Public Defender
7 N Vermilion
Danville, IL 61832
Phone: (217) 554-7870
Fax: (217) 554-7878

From: Cindy Savalick <savalick@vercounty.org>
Sent: Wednesday, November 16, 2022 3:38 PM
To: Tamra Curley <tcurlay@vercounty.org>
Cc: Charles Hall <charles.hall@vercounty.org>; Kristina Dixon <kdixon@vercounty.org>; Jacqueline M. Lacy <salacy@vercounty.org>; Michael Mara <michael.mara@vercounty.org>; Amy Buhr <abuhr@vercounty.org>; Connie Maring <cmaring@vercounty.org>; Courtney Goodner <cbeck@vercounty.org>; Farrah Smith <fsmith@vercounty.org>; Jamie Atkinson <jatkinson@vercounty.org>; Jessica Maro <jmaro@vercounty.org>
Subject: 21CF748 / 22CF293 - Luster-Hoskins, Angel

There has been an Emergency hearing scheduled in the above tomorrow (11/17/22) at 3:30 p.m. in 4A.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

Exhibit A

Subject: Emergency Motion - Luster Hoskins
Date: Wednesday, November 16, 2022 at 4:17:21 PM Central Standard Time
From: Megan Wernigk
To: Hallie Bezner
Attachments: NOM.pdf, Response.pdf

Hallie,

Attached is a copy of the emergency motion that is set for tomorrow Thursday, November 16, 2022 at 3:30 in 4A. I've also placed a hard copy in your mailbox outside the clerk's office.

Thank you,

Megan

Megan Wernigk

Office Training Manager
Vermilion County State's Attorney
7 N. Vermilion St., Suite 201
Danville, IL 61832
P: 217-554-7760
F: 217-554-7775

Exhibit B

Subject: Re: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Date: Wednesday, November 16, 2022 at 4:32:10 PM Central Standard Time

From: Hallie Bezner

To: Cindy Savalick, Michael Mara, Derek Girton, Charles Hall, Jacqueline M. Lacy

I am unavailable tomorrow at 3:30 due to a previously scheduled appointment.

If the court would consider allowing me to appear via zoom, given the late notice, I can be available at any time earlier in the day.

I would also ask that the State provide any legal authority that they think exists for requesting that a judge get involved in a woman's medical care as part of a criminal case, as I am unaware of the existence of any and don't see any cited in the motion.

Thank you,
Hallie

Hallie M. Bezner
Bezner Law Office
121 N. Marion St., Suite 200
Oak Park, IL 60301
(312) 967-6000

From: Hallie Bezner

Sent: Wednesday, November 16, 2022 3:56:16 PM

To: Cindy Savalick <savalick@vercounty.org>

Subject: Re: FW: 21CF748 / 22CF293 - Luster-Hoskins, Angel

I can be available by zoom earlier in the day but I have an appointment at 3:30.
And

Hallie M. Bezner
Bezner Law Office
121 N. Marion St., Suite 200
Oak Park, IL 60301
(312) 967-6000
hallie@beznerlaw.com

On Nov 16, 2022 at 3:45 PM, <[Cindy Savalick](#)> wrote:

Exhibit C

This emergency motion was just set.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

From: Michael Mara <michael.mara@vercounty.org>
Sent: Wednesday, November 16, 2022 3:43 PM
To: Cindy Savalick <savalick@vercounty.org>
Subject: RE: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Hallie Bezner represents the defendant on 21 CF 748 and I didn't see her name on the email.

Mike

Michael T. Mara,
Vermilion County Public Defender
7 N Vermilion
Danville, IL 61832
Phone: (217) 554-7870
Fax: (217) 554-7878

From: Cindy Savalick <savalick@vercounty.org>
Sent: Wednesday, November 16, 2022 3:38 PM
To: Tamra Curley <tcurley@vercounty.org>
Cc: Charles Hall <charles.hall@vercounty.org>; Kristina Dixon <kdixon@vercounty.org>; Jacqueline M. Lacy <salacy@vercounty.org>; Michael Mara <michael.mara@vercounty.org>; Amy Buhr <abuhr@vercounty.org>; Connie Maring <cmaring@vercounty.org>; Courtney Goodner <cbeck@vercounty.org>; Farrah Smith <fsmith@vercounty.org>; Jamie Atkinson <jatkinson@vercounty.org>; Jessica Maro <jmaro@vercounty.org>
Subject: 21CF748 / 22CF293 - Luster-Hoskins, Angel

There has been an Emergency hearing scheduled in the above tomorrow (11/17/22) at 3:30 p.m. in 4A.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

Subject: Re: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Date: Wednesday, November 16, 2022 at 4:37:24 PM Central Standard Time

From: Cindy Savalick

To: Hallie Bezner, Michael Mara, Derek Girton, Charles Hall, Jacqueline M. Lacy

Hallie:

If you are unable to be present at 3:30 p.m., Judge Hall requests that you have somebody cover this emergency hearing for you.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

From: Hallie Bezner <hallie@beznerlaw.com>

Sent: Wednesday, November 16, 2022 4:32 PM

To: Cindy Savalick <savalick@vercounty.org>; Michael Mara <michael.mara@vercounty.org>; Derek Girton <girton@vercounty.org>; Charles Hall <charles.hall@vercounty.org>; Jacqueline M. Lacy <salacy@vercounty.org>

Subject: **EXTERNAL** Re: 21CF748 / 22CF293 - Luster-Hoskins, Angel

I am unavailable tomorrow at 3:30 due to a previously scheduled appointment.

If the court would consider allowing me to appear via zoom, given the late notice, I can be available at any time earlier in the day.

I would also ask that the State provide any legal authority that they think exists for requesting that a judge get involved in a woman's medical care as part of a criminal case, as I am unaware of the existence of any and don't see any cited in the motion.

Thank you,
Hallie

Hallie M. Bezner
Bezner Law Office
121 N. Marion St., Suite 200
Oak Park, IL 60301
(312) 967-6000

Exhibit D

From: Hallie Bezner
Sent: Wednesday, November 16, 2022 3:56:16 PM
To: Cindy Savalick <savalick@vercounty.org>
Subject: Re: FW: 21CF748 / 22CF293 - Luster-Hoskins, Angel

I can be available by zoom earlier in the day but I have an appointment at 3:30.
And

Hallie M. Bezner
Bezner Law Office
121 N. Marion St., Suite 200
Oak Park, IL 60301
(312) 967-6000
hallie@beznerlaw.com

On Nov 16, 2022 at 3:45 PM, <[Cindy Savalick](mailto:Cindy.Savalick)> wrote:

This emergency motion was just set.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

From: Michael Mara <michael.mara@vercounty.org>
Sent: Wednesday, November 16, 2022 3:43 PM
To: Cindy Savalick <savalick@vercounty.org>
Subject: RE: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Hallie Bezner represents the defendant on 21 CF 748 and I didn't see her name on the email.

Mike

Michael T. Mara,
Vermilion County Public Defender
7 N Vermilion
Danville, IL 61832
Phone: (217) 554-7870
Fax: (217) 554-7878

Subject: RE: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Date: Thursday, November 17, 2022 at 8:22:24 AM Central Standard Time

From: Jacqueline M. Lacy

To: Cindy Savalick, Michael Mara

CC: Charles Hall, Hallie Bezner

Judge and Counsel,

I was able to coordinate last minute late yesterday with Mr. Mara. We set the time based upon what we knew we could appear for today. If Ms. Bezner would like to communicate in writing or via Mr. Mara as to her position or whatever record she would like to make the People have no objection. Based upon the Court schedule, Mr. Mara's schedule and my schedule I would request to keep the time of 3:30 p.m. The other alternative is the People could withdraw the motion as to Ms. Bezner's case and only proceed as to the murder case that Mr. Mara represents the defendant in 2022 CF 293.

Sincerely,

Jacqueline M. Lacy

State's Attorney

Vermilion County, IL

7 North Vermilion – Suite 201

Danville, IL 61832

P(217) 554-7750

F(217) 554-7775

Notice: This e-mail message, including any attachments, contains information that is confidential, may be protected by the attorney/client or other applicable privileges, and may constitute non-public information. This message is intended to be conveyed only to the designated recipients. If you are not the intended recipient of this message, do not read it; please immediately notify the sender that you have received this message in error and delete this message. Unauthorized use, disclosure, dissemination, distribution or reproduction of this message or the information contained in this message or the taking of any action in reliance on it is strictly prohibited and may be unlawful. Thank you for your cooperation.

From: Cindy Savalick <savalick@vercounty.org>

Sent: Wednesday, November 16, 2022 4:05 PM

To: Jacqueline M. Lacy <salacy@vercounty.org>; Michael Mara <michael.mara@vercounty.org>

Cc: Charles Hall <charles.hall@vercounty.org>

Subject: 21CF748 / 22CF293 - Luster-Hoskins, Angel

FYI

Cindy Savalick

Court Administrator, Vermilion County Illinois

Vermilion County Courthouse

7 North Vermilion Street, Suite 413

Danville, IL 61832

(217) 554-7830

Exhibit E

From: Hallie Bezner <hallie@beznerlaw.com>
Sent: Wednesday, November 16, 2022 3:56 PM
To: Cindy Savalick <savalick@vercounty.org>
Subject: **EXTERNAL** Re: FW: 21CF748 / 22CF293 - Luster-Hoskins, Angel

I can be available by zoom earlier in the day but I have an appointment at 3:30.
And

Hallie M. Bezner
Bezner Law Office
121 N. Marion St., Suite 200
Oak Park, IL 60301
(312) 967-6000
hallie@beznerlaw.com

On Nov 16, 2022 at 3:45 PM, <[Cindy Savalick](mailto:Cindy.Savalick)> wrote:

This emergency motion was just set.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

From: Michael Mara <michael.mara@vercounty.org>
Sent: Wednesday, November 16, 2022 3:43 PM
To: Cindy Savalick <savalick@vercounty.org>
Subject: RE: 21CF748 / 22CF293 - Luster-Hoskins, Angel

Hallie Bezner represents the defendant on 21 CF 748 and I didn't see her name on the email.

Mike

Michael T. Mara,
Vermilion County Public Defender
7 N Vermilion
Danville, IL 61832
Phone: (217) 554-7870
Fax: (217) 554-7878

From: Cindy Savalick <savalick@vercounty.org>
Sent: Wednesday, November 16, 2022 3:38 PM
To: Tamra Curley <tcurley@vercounty.org>
Cc: Charles Hall <charles.hall@vercounty.org>; Kristina Dixon <kdixon@vercounty.org>; Jacqueline M. Lacy

<salacy@vercounty.org>; Michael Mara <michael.mara@vercounty.org>; Amy Buhr <abuhr@vercounty.org>;
Connie Maring <cmaring@vercounty.org>; Courtney Goodner <cbeck@vercounty.org>; Farrah Smith
<fsmith@vercounty.org>; Jamie Atkinson <jatkinson@vercounty.org>; Jessica Maro <jmaro@vercounty.org>
Subject: 21CF748 / 22CF293 - Luster-Hoskins, Angel

There has been an Emergency hearing scheduled in the above tomorrow (11/17/22) at 3:30 p.m. in 4A.

Cindy Savalick
Court Administrator, Vermilion County Illinois
Vermilion County Courthouse
7 North Vermilion Street, Suite 413
Danville, IL 61832
(217) 554-7830

IN THE CIRCUIT COURT FOR THE

FIFTH JUDICIAL CIRCUIT

VERMILION COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

)

VS.)

)

No. 22 CF 293

)

ANGEL LUSTER-HOSKINS)

)

)

Defendant.)

)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED and CERTIFIED that on, to wit:

November 17, 2022, the following proceedings were held in

the aforesaid cause before The Honorable CHARLES C. HALL,

Circuit Judge.

EMERGENCY MOTION TO READMONISH

APPEARANCES:

MS. JACQUELINE LACY
STATE'S ATTORNEY
On Behalf of the People

MR. MICHAEL MARA
PUBLIC DEFENDER
On Behalf of the Defendant

MS. KAYLAN HUBER
ATTORNEY AT LAW
On Behalf of the Defendant

Proceedings reported and transcribed by-
Ms. Courtney Goodner, CSR, RPR, 084-004621
Official Court Reporter
Fifth Judicial Circuit of Illinois

Courtney Goodner, RPR
Registered Professional Reporter

1 THE COURT: 21 CF 748 and 22 CF 293, Angel
2 Luster-Hoskins. Appearances.

3 MS. LACY: Jacqueline Lacy on behalf of the
4 People.

5 MS. HUBER: Your Honor, Kaylan Huber, here on
6 behalf of Hallie Bezner today, and Ms. Luster, who is
7 present.

8 MR. MARA: Mike Mara on behalf of the Defendant
9 in case number 22 CF 293.

10 THE COURT: And you're here in 21 CF 748?

11 MS. HUBER: Correct, Your Honor.

12 THE COURT: Okay. We have a motion by the
13 State. Are we ready to proceed?

14 MS. LACY: Yes, Your Honor. Judge, first and
15 foremost -- I assume the Court is ready to proceed, true?

16 THE COURT: You what?

17 MS. LACY: Do you want me to go ahead?

18 THE COURT: Yeah.

19 MS. LACY: Okay. Sorry. Before we get started,
20 I'm going to withdraw my motion as it applies to
21 21 CF 748, so I believe the only thing that we're going
22 to address today is the murder case, and the motion that
23 I have filed as applied to the murder case. So I'm no
24 longer asking that the motion, the emergency motion that

1 I filed, apply to 2021 CF 748, which is the agg batt
2 firearm case.

3 With that being said, the reason why I filed the
4 emergency motion is the information that I received from
5 the jail, in no way, shape, or form is the State's
6 Attorney's Office trying to control any medical care, per
7 se, as it applies to the Defendant or her unborn child,
8 however, I do think it's necessary, based upon the
9 certain circumstance that she does find herself in at the
10 jail, that she does cooperate with jail staff, that she
11 does make her appointments and not fight officers when
12 being asked to make appointments and going to the
13 appointments, that she does go to her inducement on
14 Monday. I think it's important for the Court to
15 encourage her, since we also do have a JA case that's
16 pending, Judge, as to her first child, I do think it's
17 important for the Court to admonish her as to cooperating
18 with jail staff, as to making sure she assists and aids
19 in everything that she can possibly do to make sure that
20 her unborn child is safe and is brought into this world
21 in a safe environment, which they have made arrangements
22 for all of that to happen.

23 This Court previously admonished her after there
24 were findings that were made by this Court, appropriately

1 so, based upon statute, based upon the facts and
2 circumstances of this case. So I was notified by jail
3 staff about what was happening, and so I felt as though
4 there was a duty in order to bring that to the Court's
5 attention, since the Court had already admonished her to
6 cooperate, and she is failing to do so at this time.

7 THE COURT: So if I understand your argument
8 correctly, she has not been willing to cooperate or go to
9 recent appointments?

10 MS. LACY: Correct. She's refusing to go to
11 appointments, and as I attached a group exhibit from
12 notes from the jail, not only from the nurses, as well as
13 from jail staff, she's refusing to go to her appointment,
14 which is Monday, for her to be induced, and she has made,
15 through the kiosk, she's made comments that she intends
16 to have the baby inside the jail. She's also told others
17 that she intends to not tell staff when she goes into
18 labor, if she does before her scheduled inducement on
19 Monday.

20 And so I don't think it's appropriate for any
21 inmate -- no inmate is allowed inside the jail to fight
22 staff. They don't get to decide when they eat. They
23 don't get to decide a lot things when they are inside of
24 the jail. They have to follow the jail rules. This is

1 no different when making appointments, and I think it's
2 appropriate, and I would just ask the Court to readmonish
3 her to cooperate with jail staff, and to make sure that
4 she cooperates with them so that everything can be taken
5 care of with regard to her unborn child.

6 THE COURT: Mr. Mara?

7 MR. MARA: Your Honor, I think certainly,
8 Ms. Luster-Hoskins has the right to decide her medical
9 treatment. I understand the jail's position that they
10 are not equipped for someone to have a baby in the jail.
11 So if the jail decides to bring Ms. Luster-Hoskins to the
12 hospital, I don't think that's inappropriate. I don't
13 think the Court can order Ms. Luster-Hoskins to make any
14 sort of medical decisions or to cooperate with doctors at
15 the hospital. I believe the Court could definitely order
16 Ms. Luster-Hoskins to cooperate with jail staff and
17 follow the rules of the jail. There's two different
18 things. And I certainly understand the jail's position.
19 They are not able to allow somebody to give birth at the
20 jail. That is reasonable.

21 And so certainly, like I said, they can take her
22 to the hospital, and she's in their custody right now.
23 If they take her to the hospital, she has to go to the
24 hospital. What she does at the hospital is something

1 separate, and I don't think the Court should get into
2 that as part of her criminal case.

3 THE COURT: Ms. Huber, the motion you're here on
4 has been withdrawn.

5 MS. HUBER: Your Honor, I understand that. I
6 think that that is fairly irrelevant as it relates to her
7 care and her --

8 MS. LACY: I'm objecting at this point to
9 Ms. Huber making any arguments at all, Your Honor.

10 MS. HUBER: That's fine, Your Honor. I do think
11 believe there is an Illinois Supreme Court case on point,
12 In Re Baby Boy Doe. I can give the Court the citation.

13 MS. LACY: Judge, I'm going to continue to
14 object.

15 THE COURT: I agree. The objection is
16 sustained.

17 MS. HUBER: That's fine, Judge.

18 THE COURT: Ms. Luster-Hoskins, would you raise
19 your right hand? Do you solemnly swear that the
20 testimony you are about to give in this cause will be the
21 truth, the whole truth and nothing but the truth?

22 (NO RESPONSE TO THE OATH GIVEN BY THE DEFENDANT)

23 THE DEFENDANT: I would like my attorney, Hallie
24 Bezner, to be present.

1 THE COURT: I can't hear you.

2 THE DEFENDANT: I said I would like my attorney,
3 Hallie Bezner, to be present.

4 THE COURT: Do you want to ask any questions
5 before I talk to her?

6 MS. LACY: No.

7 THE COURT: Mr. Mara, do you want to ask any
8 questions?

9 MR. MARA: I have no questions, Your Honor, no.

10 THE COURT: Okay. It's my understanding that
11 you have not been cooperative with the jail staff
12 regarding going to your medical appointments for the care
13 of your unborn child and yourself. Is that correct? You
14 don't wish to answer?

15 THE DEFENDANT: No.

16 THE COURT: Okay. Well --

17 THE DEFENDANT: I want my attorney.

18 THE COURT: -- we have a situation here where
19 number one, the last time we were in court, which if I
20 recall, was, I think, November 3, 2022. And I admonished
21 the Defendant about her need, and in my opinion, duty,
22 since she's dealing with not just her life and her
23 medical care, but the medical care of an unborn child,
24 who is basically, according to what she said last time,

1 is at term, as far as her prior experience with her prior
2 child.

3 She said before, two weeks ago, that she was
4 36 weeks along, and approximately one centimeter dilated,
5 and that when she gave birth to her first child, as I
6 recall, it was at 38 weeks. So we would be at 38 weeks
7 now. Now the argument that she has the right to decide
8 her own medical treatment and all, I can understand that
9 argument, but I don't agree with the fact that she has
10 the right to endanger an unborn child who is at term.
11 That's just not the way the law is, as far as I'm
12 concerned, nor should be. Also, last time we were here,
13 we went into great length about the statute, about not
14 having a baby in confinement, and I took great pains to
15 go over the details of the statute and made a recitation
16 about the statute, and agree that that was the intent of
17 the legislature, but after a hearing, if there was
18 serious grounds, then bond could be -- reduction and
19 release could be denied, and I did that, based on serious
20 grounds; the murder, first degree murder charge, the
21 aggravated weapons charge, and the history of the
22 Defendant, and the propensity for violence, and the
23 danger to the public and individuals, specific
24 individuals.

1 So now we're back, and it appears to the Court
2 that Defendant's playing games, because it's clear with
3 that attitude, she doesn't care about her unborn child,
4 but the Court does. So I'm going to order the jail and
5 the staff to take her to the hospital, and if she won't
6 cooperate, if she's at term now and dilated, if she's
7 trying to not tell them whether she's in labor or not,
8 then I'm going to say take her to the hospital. That
9 child is not going to wait forever, and she's not going
10 to be able to say oh, don't come. It's going to happen.
11 And the jail is no place to have the baby, if there is an
12 emergency or something that goes wrong.

13 Now this honey-cocky attitude from the Defendant
14 about she's all that counts, that doesn't impress me,
15 young lady. You've got another life at stake. You don't
16 seem to recognize that fact.

17 So it's the order of the Court that the jail
18 take her. You can take her tonight. She'll have to
19 remain under guard, and she'll have to stay there until
20 the baby is born, and the baby is out of danger. But I'm
21 just not going to be toyed with with an attitude that
22 could jeopardize another life. Any questions?

23 MS. LACY: No, Your Honor. Your Honor, I would
24 just ask with regard to transporting the Defendant as

1 early as tonight, would it please the Court, and I can
2 also certainly speak with Mr. Mara about any scheduling
3 that the jail may have, and then I can provide an order
4 to the Court with whatever appointments they've already
5 made regarding inducement, or would the Court like me to
6 do an order regarding transporting her tonight?

7 THE COURT: Right. I think that's appropriate.

8 MS. LACY: Okay.

9 THE COURT: Now one more thing. I'm also going
10 to appoint a guardian ad litem for the unborn child, and
11 I'm going to appoint Liya Hussmann-Rogers. Mr. Mara, do
12 you have anything further?

13 MR. MARA: No, Your Honor.

14 THE COURT: Ms. Lacy, do you have anything
15 further?

16 MS. LACY: No, Your Honor.

17 THE COURT: Young lady, I hope you recognize
18 there are things in this world beyond your own
19 narcissistic lack of care and concern. We'll be
20 adjourned.

21 (END OF PROCEEDINGS)

22

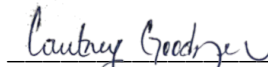
23

24

1 STATE OF ILLINOIS)
2)
3 COUNTY OF VERMILION)

4 I, COURTNEY GOODNER, the Certified Shorthand Reporter
5 who reported the proceedings had on said day in this
6 cause, do hereby certify that the foregoing Report of
7 Proceedings is a true, complete, and correct transcript
8 of the proceedings had on said day as reported by this
9 reporter in this cause as herein contained.

10 Dated this 18th day of November, 2022.

11
12
13 

14 COURTNEY GOODNER, CSR, RPR
15 IL CSR NO. 084-004621
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Courtney Goodner, RPR
Registered Professional Reporter

COURT DOCKET - VERMILION COUNTY CIRCUIT CLERK
Case: 2022CF000293 vs LUSTER-HOSKINS ANGEL
Type: Criminal Felony Judge: HALL CHARLES Jury Trial:
From: 00/00/0000 To: 99/99/9999 All Case Entries Last Date First View
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CASE PARTICIPANTS NAMES

ATTORNEYS

Def LUSTER-HOSKINS ANGEL
AGY DANVILLE PD PUBLIC DEFENDER

DATE

11/21/2022 ORDER OF CLARIFICATION
11/21/2022 DEFENDANT'S EMERGENCY MOTION FOR CLARIFICATION filed by
Defendant LUSTER-HOSKINS ANGEL
11/21/2022 APPEARANCE BY EMILY HIRSCH FOR ANGEL LUSTER-HOSKINS filed by
Defendant LUSTER-HOSKINS ANGEL
11/21/2022 APPEARANCE BY KEVIN FEE FOR ANGEL LUSTER-HOSKINS filed by
Defendant LUSTER-HOSKINS ANGEL
11/21/2022 HALLIE BEZNER'S APPEARANCE filed by Defendant LUSTER-HOSKINS ANGEL
11/17/2022 ORDER
11/17/2022 Case called for Emergency Motion to Re-Admonish Defendant to Cooperate
with Jail Staff for Medical Treatment. State present by State's
Attorney Jacqueline Lacy. Defendant is present in the custody of the
Vermilion County Sheriff's Department with Public Defender Mike Mara.
Arguments Heard. Defendant sworn. Court orders defendant to be
transported to the hospital until delivery of the unborn child. State
to prepare order. Liya Hussman-Rogers is appointed by the Court as
Guardian in Litem for unborn child.
Judge:HALL CHARLES Rep:GOODNER COURTNEY Clerk:AAB M
11/16/2022 EMERGENCY MOTION RESPONSE TO REQUEST THE COURT TO RE-ADMONISH THE DEFE
NDANT TO COOPERATE WITH JAIL STAFF FOR MEDICAL TREATMENT
11/16/2022 NOTICE OF MOTION
11/03/2022 Case called for Motion to Reduce Bond. State present by State's
Attorney Jacqueline Lacy. Defendant is present in the custody of the
Vermilion County Sheriff's Department with Public Defender Mike Mara.
Defendant sworn. Testimony presented. Arguments heard. Defense motion
to reduce bond is denied. Current Bond to Stand.
Judge:HALL CHARLES Rep:BUHR AMY Clerk:AAB M
10/31/2022 In Court Notice filed.
Pre-Trial Dec 19,2022 09:00AM Rm4A Judge HALL
10/31/2022 Case called for
Pre-trial. State is present by State's Attorney Lacy. Defendant is
currently incarcerated in the Vermilion County Public Safety Building
via video and present with Assistant Public Defender Brakke in 22CF293
and Attorney Patel who appears for Attorney Bezner in 21CF748.
Defense motion to continue is allowed. Case is set for a pre-trial on
12/19/2022 at 9:00 am in courtroom 4A. Attorney Brakke accepts in
court notice on behalf of his client.
Judge:HALL CHARLES Rep:BUHR AMY Clerk:TLC M
10/31/2022 PEOPLE'S RESPONSE TO DEFENSE'S MOTION FOR BOND REDUCTION AND/OR RELEAS
E
10/31/2022 NOTICE OF MOTION
10/24/2022 Notice
Motion/Reduce Bail Nov 03,2022 11:00AM Rm4A Judge HALL
10/04/2022 In Court Notice on file.
Pre-Trial Oct 31,2022 09:00AM Rm4A Judge HALL
10/04/2022 Case called for
Pre-trial. State is present by State's Attorney Jacqueline Lacy.
Defendant is currently incarcerated in the Vermilion County Public
Safety Building via video and present with Assistant Public Defender
Aaron Brakke. Defense motion to continue is allowed. Case is set for

COURT DOCKET - VERMILION COUNTY CIRCUIT CLERK
Case: 2022CF000293 vs LUSTER-HOSKINS ANGEL
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a pre-trial on 10/31/22 at 9:00 in courtroom 4A. In court notice given to Sheriff's Deputy. Any Delay Attributable to the defendant. Motion to Reduce Bail date of 10/06/22 at 11:00 in court room 4A is continued generally.
Judge:HALL CHARLES Rep:ATKINSON JAMIE Clerk:AAB M
09/27/2022 Notice of Hearing filed.
Motion/Reduce Bail Oct 06,2022 11:00AM Rm4A Judge HALL Canceled
09/27/2022 MOTION BOND REDUCTION
09/07/2022 In Court Notice on file.
Pre-Trial Oct 04,2022 09:00AM Rm4A Judge HALL
09/07/2022 Case called for
Pre-trial. State is present by Assistant State's Attorney Tom O'Connor. Defendant is currently incarcerated in the Vermilion County Public Safety Building via video and present with Assistant Public Defender Aaron Brakke and Attorney Hallie Bezner who does not appear. Defense motion to continue is allowed. Case is set for a pre-trial on 10/04/22 at 9:00 in courtroom 4A. Assistant Public Defender Aaron Brakke accepts in court notice on behalf of his client. Any Delay Attributable to the defendant.
Judge:HALL CHARLES Rep:MARO JESSICA Clerk:AAB M
08/03/2022 ORDER FOR DETENTION, EXAMINATION, DIAGNOSTIC EVALUATION
08/03/2022 OTHER DOCUMENT NOT LISTED WRIT FOR DETENTION, EXAMINATION, AND APPEARANCE BEFORE COURT
08/01/2022 In Court Notice filed.
08/01/2022 Case called for
Pre-trial. State is present by Assistant State's Attorney O'Connor. Defendant is currently incarcerated in the Vermilion County Public Safety Building via video and present with Assistant Public Defender Brakke. Defense motion to continue is allowed. Case is set for a pre-trial on 9/7/2022 at 9:00 am in courtroom 4B. Attorney Brakke accepts in court notice on behalf of his client.
Pre-Trial Sep 07,2022 09:00AM Rm4B Judge HALL
Judge:HALL CHARLES Clerk:TLC M
07/06/2022 Notice on file.
Document NOTICE.DOC Was Printed
Pre-Trial Aug 01,2022 09:00AM Rm4B Judge HALL
07/05/2022 In Court Notice on file.
Pre-Trial Aug 09,2022 09:00AM Rm3B Judge GIRTON Canceled
07/05/2022 Case called for Felony Arraignment. State is present by Assistant State's Attorney Mike Pawl. Defendant is in the custody of the Vermilion County Sheriff and with Assistant Public Defender Richard Baranowski, via video. Defendant waives formal reading of charges, possible penalties, and rights in the proceeding. Defendant pleads not guilty. Case is set for Pre-trial and defendant is given in court notice. Defendant given absentia warning. State tenders discovery response to defense in open court. Defendant is given 30 days to respond to any State motion for discovery. Each side is given 30 days to file any additional pretrial motions. Delay is attributable to the defendant.
Judge:WALL KAREN Rep:MARO JESSICA Clerk:AC M
06/24/2022 MOTION FOR PRE-TRIAL DISCOVERY PURSUANT TO ILLINOIS SUPREME COURT RULE 413
06/24/2022 DISCOVERY INITIAL DISCLOSURE
06/24/2022 PROOF OF SERVICE/CERTIFICATE OF SERVICE PROOF OF SERVICE
06/22/2022 In Court Notice on file.
Pre-Trial Aug 01,2022 09:00AM Rm4B Judge HALL

COURT DOCKET - VERMILION COUNTY CIRCUIT CLERK
Case: 2022CF000293 vs LUSTER-HOSKINS ANGEL
Type: Criminal Felony Judge: HALL CHARLES Jury Trial:
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06/21/2022 Case called for
Pre-trial in 21CF748 and 22CF293. State is present by Assistant
State's Attorney O'Connor. Defendant is currently incarcerated in the
Vermilion County Public Safety Building via video and present with
Attorney Bezner. Defense motion to continue is allowed. Defense
Motion to Surrender Bond is allowed in 21CF748 with no position from
the state. Case is set for a pre-trial on 08/01/22 at 9:00 in
courtroom 4B. Bezner accepts in court notice on behalf of her client.
Any Delay Attributable to the defendant.
Judge:HALL CHARLES Rep:MARO JESSICA Clerk:AAB M
06/16/2022 INDICTMENT
06/09/2022 ORDER FOR DISSEMINATION OF DISCOVERY
06/06/2022 MOTION FOR DISSEMINATION OF DISCOVERY
06/06/2022 MOTION FOR DISCOVERY BEFORE TRIAL
06/06/2022 DEFENDANT'S ANSWER TO STATE'S MOTION FOR DISCLOSURE
06/03/2022 In Court Notice filed.
Arraignment Jul 05,2022 02:30PM Rm3B Judge GIRTON
06/03/2022 Bond Order on file.
06/03/2022 Order for Appointment of Public Defender on file.
06/03/2022
Defendant present in custody via video after service of warrant.
State present by Assistant State's Attorney Kugelberg.
Case reset for hearing.
Defendant sent notice of appearance.
Defendant remanded to the Sheriff, current bond to stand.
Defendant advised of in absentia rights.
Public Defender appointed with possible reimbursement.
Defendant ordered to report to the Public Defender's Office upon
release. (djf/fs)
Judge:WALL KAREN Clerk:DJC M
06/03/2022
Bond Return Jun 03,2022 01:00PM Rm107 Judge WALL
06/01/2022 Charge 03 Count 003 MURDER/INTENT TO KILL/INJURE Oct 31,2021
Defendant LUSTER-HOSKINS ANGEL
Statute 720 5/9-1(a)(1) Class M Orig.
Agency: DANVILLE PD Charge Instr: Information
06/01/2022 Charge 02 Count 002 MURDER/STRONG PROB KILL/INJURE Oct 31,2021
Defendant LUSTER-HOSKINS ANGEL
Statute 720 5/9-1(a)(2) Class M Orig.
Agency: DANVILLE PD Charge Instr: Information
06/01/2022 Charge 01 Count 001 MURDER/INTENT TO KILL/INJURE Oct 31,2021
Defendant LUSTER-HOSKINS ANGEL
Statute 720 5/9-1(a)(1) Class M Orig.
Agency: DANVILLE PD Charge Instr: Information

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
vs.)
)
Angel Luster-Hoskins)
Defendant.)

2022 CF 293

ORDER

This cause coming on by agreement of the parties, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED THAT:

1. That the defendant is ^{ordered} ~~order~~ to cooperate with the Vermilion County Jail staff regarding transport to and from medical appointments.
2. That the defendant is ^{ordered} ~~order~~ to cooperate with the Vermilion County Jail and advise staff if she should go into labor prior to and up until she is transported to be induced as previously arranged by jail staff with the hospital.

DATE: November 17, 2022

JUDGE: _____

Judge C. Hall

Prepared by:
Office of Vermilion County State's Attorney
7 N. Vermilion St., Suite 201
Danville, IL 61832
P: (217) 554-7750
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statesattorney@vercounty.org

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
VERMILION COUNTY, DANVILLE, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,	)	Case No. 2022 CF 293
)	
v.)	
)	
ANGEL LUSTER-HOSKINS,)	
)	
Defendant.)	

EMERGENCY MOTION FOR CLARIFICATION

COMES NOW the Defendant, ANGEL LUSTER-HOSKINS, by and through her attorneys, Hallie Bezner, Kevin Fee, and Emily Hirsch, requesting that this Court clarify that its November 17, 2022 Order does not require Ms. Luster-Hoskins to undergo an induction of labor procedure (or any other medical treatment) without her consent, and that the Court provide such clarification prior to her “induction appointment” on Monday, November 21, 2022. Ms. Luster-Hoskins states the following in support of her emergency request for expedited relief:

I. Expedited Emergency Relief is Justified Here

1. The relief requested, expedited clarification of this Court’s Order prior to November 21, 2022, is warranted in the unique circumstances presented here.
2. Ms. Luster-Hoskins, who is incarcerated, has an “appointment to induce” labor scheduled for Monday, November 21. As explained below, Ms. Luster-Hoskins has learned that jail officials believe that this Court’s November 17, 2022 order (“Order”) compels her to submit to a medical procedure – an induction – whether she wants it or not, and that any refusal to medically induce labor will be punishable by contempt sanctions. *See* affidavit of Hallie Bezner (“Bezner Aff.”), attached hereto as Exhibit 1, at ¶ 4.

3. Ms. Luster-Hoskins does not want to have her labor induced at this time, and will only be amenable to an induction if it is recommended by her doctor for medical reasons. *Id.* at ¶ 5.

4. Therefore, Ms. Luster-Hoskins justifiably fears this Court's Order may be interpreted to compel her to undergo a medical procedure against her will in gross violation of her rights under the Illinois Reproductive Health Act, the right to refuse medical treatment under Illinois law, and her right to bodily autonomy under the Fourteenth Amendment to the U.S. Constitution. *Id.* at ¶ 6.

5. Absent clarification from this Court prior to her November 21, 2022 medical appointment Ms. Luster-Hoskins will remain at risk of an unconstitutional forced medical procedure.

6. Although all parties have received notice of this motion, Local Rules allow this Court to enter an order on this request for emergency relief without hearing, or even without notice. *See* Local Rule IV(B)(2). The only pending request is that the Court clarify a narrow aspect of its own Order. This action is squarely within this Court's competence and authority, and does not require input from the parties at a live hearing.

7. However, if the Court believes a hearing is necessary to resolution of this motion, Ms. Luster-Hoskins requests that the Court schedule the hearing for November 20, 2022 to allow the Court time to provide the requested emergency relief prior to her scheduled appointment.

II. Background

8. Ms. Angel Luster-Hoskins is in custody at the Vermilion County Jail awaiting trial.

9. Ms. Luster-Hoskins is currently 38 weeks pregnant.

10. In early November, Ms. Luster-Hoskins met with her obstetrician, who informed her that Vermilion County Jail staff had asked OSF Sacred Heart Medical Center to schedule an “induction” appointment for Ms. Luster-Hoskins on November 21, 2022. *See* Bezner Aff. at ¶ 5.

11. An “induction” is a medical procedure that refers to the use of medications or other methods to stimulate contractions of the uterus to bring on (induce) labor. *See* <https://www.acog.org/womens-health/faqs/labor-induction>. The procedure may be recommended for a number of medical reasons. *Id.* However, Ms. Luster-Hoskins’s obstetrician indicated an induction was not medically recommended at the time of her most recent appointment. *See* Bezner Aff. at ¶ 5.

12. Ms. Luster-Hoskins is willing to attend an appointment with her obstetrician to discuss the impending birth of her child. *See* Bezner Aff. at ¶ 6.

13. Because she would prefer to give birth naturally and without medical intervention, and because she believes it is important to make decisions regarding her healthcare in consultation with her physician, Ms. Luster-Hoskins does not want to have her labor induced unless her physician tells her that it is medically recommended. *See* Bezner Aff. at ¶ 5.

14. However, although the record repeatedly refers to an “induction” appointment, it remains unclear what medical care will be provided at this appointment. What is clear, however, is the absence of any evidence in the record that Ms. Luster-Hoskins actually consents to an induction procedure.

15. On November 16, 2022, the State filed an Emergency Motion to Re-Admonish the Defendant, alleging that Ms. Luster-Hoskins was not cooperating with jail staff in administration of her medical care. The motion referenced, without description or discussion,

Ms. Luster-Hoskins's November 21, 2022 appointment "to be induced" that the Vermilion County Jail officials scheduled without her consent.

16. The Court heard the State's motion the next day, on November 17, 2022. At the hearing on the State's motion, the State conceded that "in no way, shape, or form is the State's Attorney's Office trying to control any medical care, per se, as it applies to the Defendant or her unborn child." *See* Transcript of November 17, 2022 Hearing, attached hereto as Exhibit 2 ("Transcript") p. 3 ln. 5. The State went on to argue, however, that "it's necessary, based upon the certain circumstance that she does find herself in at the jail...that she does go to her inducement on Monday." *Id.* at p. 3 ln. 14.

17. The Court then ordered that jail staff take Ms. Luster-Hoskins to the hospital, to "remain under guard, and she'll have to stay there until the baby is born, and the baby is out of danger." *Id.* at p. 9, ln. 20. The Court requested, among other things, that the State "provide an order to the Court with whatever appointments they've already made regarding inducement." *See id.* At p. 10, ln. 5.

18. After the hearing, the Court issued an order stating, among other things: "the Defendant is ordered to cooperate with the Vermilion County Jail and advise staff if she should go into labor prior to and up until she is transported to be induced as previously arranged by jail staff with the hospital." *See* Order.

19. As noted above, Ms. Luster-Hoskins is willing to attend an appointment with her obstetrician, but does not wish to have her labor induced unless a physician recommends it based on medical considerations. *See* Bezner Aff. at ¶ 5.

20. However, since the hearing on November 17, Vermilion County Jail staff have told Ms. Luster-Hoskins that the Order requires induction, and have threatened that she will be

held in contempt if she does not submit to an induction procedure during her November 21 appointment. *See Bezner Aff.* at ¶ 4.

III. The Court Should Clarify Its Order to Address Actual and Potential Confusion, and to Protect Defendant's Fundamental Rights

21. The Court should clarify its Order because the Order's language has been the subject of genuine and potentially harmful confusion. Jail officials in particular have interpreted the Order that differs from Ms. Luster-Hoskins's interpretation, and apparently believe the Court has ordered the Defendant to submit to a medical procedure against her will.

22. The jail officials' interpretation places Ms. Luster-Hoskins in genuine danger, as the Order requires Ms. Luster-Hoskins to "cooperate" with the very jail staff who have told her they believe the Court has ordered her to submit to an induction. *See Order.*

23. Moreover, the Order is ambiguous on its face, and its language thus creates the potential for more conflicting interpretations by other third parties, including but not limited to medical professionals treating Ms. Luster-Hoskins at her November 21 appointment.

24. In particular, the Order compels Ms. Luster-Hoskins to "cooperate with the Vermilion County Jail and advise staff if she should go into labor prior to and up until she is transported *to be induced* as previously arranged by jail staff with the hospital." *See Order* (emphasis supplied). But it is unclear whether the Court's use of the phrase "to be induced" is a mere passive reference to the appointment repeating terms the State used to describe it, or is instead ordering Ms. Luster-Hoskins "to be induced." It is unclear whether the "cooperation" the Court ordered extends to an agreement "to be induced" when arriving at the hospital. Moreover, the reference to the induction as "previously arranged by jail staff with the hospital" makes an induction appear both mandatory and out of Ms. Luster-Hoskins's hands, leaving little or no room for Ms. Luster-Hoskins herself to consent to the appointment's apparent purpose.

25. Because the question of whether Ms. Luster-Hoskins must submit to induction is the subject of genuine confusion, and because the text of the Order is subject to other conflicting interpretations, this Court should clarify the Order’s meaning on this narrow question. *See, e.g., Anderson v. Rush-Copley Med. Ctr., Inc.*, 385 Ill. App. 3d 167, 170, 894 N.E.2d 827, 831 (2008) (finding clarification appropriate where language of Court’s order was subject to genuine dispute.)

26. Clarification of these questions is particularly important given the high stakes involved here, where Ms. Luster-Hoskins’s fundamental rights are at issue. Incorrect interpretation of the Order could lead to a forced medical procedure, which is a profound violation of bodily autonomy.

27. The Illinois Reproductive Health Act provides, in relevant part, that “[e]very individual has a fundamental right to make autonomous decisions about the individual’s own reproductive health, including the fundamental right to use *or refuse* reproductive health care.” 775 ILCS 55/1-15(a) (emphasis added). “Reproductive health care” includes “maternity care”—“health care provided in relation to . . . childbirth” among other things. 775 ILCS 55/1-10. All maternity care “shall be subject to the informed and voluntary consent of the patient.” *Id.* Pursuant to the Reproductive Health Act, “[t]he State shall not: (i) Deny, restrict, interfere with, or discriminate against an individual’s fundamental rights set forth in this Act, *including individuals under State custody, control, or supervision.*” 775 ILCS 55/1-20(a)(1) (emphasis supplied).

28. Moreover, Illinois courts have long held that individuals maintain a right to make their own medical decisions throughout their pregnancy. *In re Baby Boy Doe*, 632 N.E.2d 326, 326 (Ill. 1994) (holding that “a woman’s competent choice to refuse medical treatment as

invasive as a cesarean section during pregnancy must be honored, even in circumstances where the choice may be harmful to her fetus”); *In Re Brown*, 294 Ill.App.3d 159, 170 (1st Dist. 1997) (holding that “the State may not override a pregnant woman’s competent treatment decision, including refusal of recommended invasive medical procedures, to potentially save the life of the viable fetus”). *See also Stallman v. Youngquist*, 125 Ill.2d 267, 277 (1988) (“the law will not treat a fetus as an entity which is entirely separate from its mother”); 775 Ill. Comp. Stat. Ann. 55/1-15(c) (“A fertilized egg, embryo, or fetus does not have independent rights under the laws of this state.”)

29. The Supreme Court of the United States has likewise recognized that the 14th Amendment to the U.S. Constitution establishes the fundamental right to refuse medical treatment, including for people who are incarcerated. *Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261 (1990); *Knight v. Grossman*, 942 F.3d 336, 342 (7th Cir. 2019).

30. The State itself has recognized in this case that it cannot compel specific medical treatment for people who are incarcerated. *See* Transcript p. 3 ln. 5.

31. Given this well-established authority, if jail staff or medical professionals force Ms. Luster-Hoskins to submit to an unwanted medical procedure because they interpret this Court’s Order to require it, it would be a gross and extreme violation of Ms. Luster-Hoskins’s bodily integrity, and a violation of her rights as codified in Illinois statute, Illinois common law, and the U.S. Constitution.

WHEREFORE, Ms. Luster-Hoskins respectfully requests this Court clarify that its November 17, 2022 Order does not require her to submit to an induction procedure (or any other medical treatment) without her consent, and that it provide such clarification prior to November 21, 2022.

DATED: November 20, 2022

Respectfully submitted,

/s/ Kevin M. Fee

Attorney for Defendant

Kevin M. Fee

Emily Hirsch

Roger Baldwin Foundation of ACLU, Inc.

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CERTIFICATE OF SERVICE

I, Kevin M. Fee, an attorney, hereby certify that on November 20, 2022, I caused a copy of the foregoing EMERGENCY MOTION FOR CLARIFICATION to be served via email upon the following counsel of record:

Jacqueline M. Lacy, State's Attorney
Rita B. Garman Vermilion County Courthouse
7 N Vermilion St
Danville IL 61832
statesattorney@vercounty.org

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Kevin M. Fee
Attorney for Defendant

Exhibit 1

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
VERMILION COUNTY, DANVILLE, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS	,)	
)	
Plaintiff,		)	Case No. 2022 CF 293
)	
v.)	
)	
ANGEL LUSTER-HOSKINS,)	
)	
Defendant)	
)	

**AFFIDAVIT OF HALLIE BEZNER IN SUPPORT OF EMERGENCY MOTION FOR
CLARIFICATION**

I, Hallie Bezner, state under penalty of perjury as follows:

1. I submit this affidavit in support of the Emergency Motion for Clarification filed by myself and by the Roger Baldwin Foundation of ACLU, Inc.

2. I represent defendant, Ms. Angel Luster-Hoskins, in this action and the related action captioned Case No. 2021 CF 748. In the course of my representation of Ms. Luster-Hoskins I have had numerous conversations with her, and she has kept me apprised of her interactions with her physicians, Vermilion County Jail staff, and other relevant third parties. I have spoken with Ms. Luster-Hoskins several times over the last few days about the subject of the accompanying motion.

3. Defendant, Ms. Luster-Hoskins, has been scheduled to have her labor induced on November 21, 2022.

4. I understand from conversations with Ms. Luster-Hoskins that Vermilion County Jail staff have told Ms. Luster-Hoskins that the Court's November 17, 2022 Order orders her to cooperate with a medical induction during her November 21, 2022 appointment, and that she

may be held in contempt if she does not submit to this medical procedure.

5. Based on my conversations with Ms. Luster-Hoskins, I understand that Ms. Luster Hoskins met with her obstetrician in early November. At that meeting, her obstetrician informed her that jail staff had requested that the induction be scheduled. However, her obstetrician told her that induction is not medically indicated for her pregnancy, and that whether or not to go through with that procedure was her decision. Based on this information and her wish to ensure a healthy and safe delivery for herself and her baby, Ms. Luster-Hoskins has decided not to have her labor induced. She may be amenable to an induction if her physician recommends it in the future, but she has not been informed that any such circumstances currently exist.

6. Ms. Luster-Hoskins is willing to attend an appointment with her obstetrician, but based on her reading of the Order and the statements of jail staff, she fears that she will be forced to have her labor induced against her will on November 21, 2022.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Dated this 20th day of November, 2022.

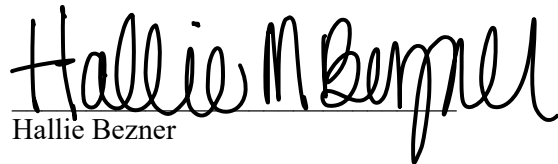

Hallie Bezner

Exhibit 2

IN THE CIRCUIT COURT FOR THE

FIFTH JUDICIAL CIRCUIT

VERMILION COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

)

VS.)

)

No. 22 CF 293

)

ANGEL LUSTER-HOSKINS)

)

)

Defendant.)

)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED and CERTIFIED that on, to wit:

November 17, 2022, the following proceedings were held in

the aforesaid cause before The Honorable CHARLES C. HALL,

Circuit Judge.

EMERGENCY MOTION TO READMONISH

APPEARANCES:

MS. JACQUELINE LACY
STATE'S ATTORNEY
On Behalf of the People

MR. MICHAEL MARA
PUBLIC DEFENDER
On Behalf of the Defendant

MS. KAYLAN HUBER
ATTORNEY AT LAW
On Behalf of the Defendant

Proceedings reported and transcribed by-
Ms. Courtney Goodner, CSR, RPR, 084-004621
Official Court Reporter
Fifth Judicial Circuit of Illinois

Courtney Goodner, RPR
Registered Professional Reporter

1 THE COURT: 21 CF 748 and 22 CF 293, Angel
2 Luster-Hoskins. Appearances.

3 MS. LACY: Jacqueline Lacy on behalf of the
4 People.

5 MS. HUBER: Your Honor, Kaylan Huber, here on
6 behalf of Hallie Bezner today, and Ms. Luster, who is
7 present.

8 MR. MARA: Mike Mara on behalf of the Defendant
9 in case number 22 CF 293.

10 THE COURT: And you're here in 21 CF 748?

11 MS. HUBER: Correct, Your Honor.

12 THE COURT: Okay. We have a motion by the
13 State. Are we ready to proceed?

14 MS. LACY: Yes, Your Honor. Judge, first and
15 foremost -- I assume the Court is ready to proceed, true?

16 THE COURT: You what?

17 MS. LACY: Do you want me to go ahead?

18 THE COURT: Yeah.

19 MS. LACY: Okay. Sorry. Before we get started,
20 I'm going to withdraw my motion as it applies to
21 21 CF 748, so I believe the only thing that we're going
22 to address today is the murder case, and the motion that
23 I have filed as applied to the murder case. So I'm no
24 longer asking that the motion, the emergency motion that

1 I filed, apply to 2021 CF 748, which is the agg batt
2 firearm case.

3 With that being said, the reason why I filed the
4 emergency motion is the information that I received from
5 the jail, in no way, shape, or form is the State's
6 Attorney's Office trying to control any medical care, per
7 se, as it applies to the Defendant or her unborn child,
8 however, I do think it's necessary, based upon the
9 certain circumstance that she does find herself in at the
10 jail, that she does cooperate with jail staff, that she
11 does make her appointments and not fight officers when
12 being asked to make appointments and going to the
13 appointments, that she does go to her inducement on
14 Monday. I think it's important for the Court to
15 encourage her, since we also do have a JA case that's
16 pending, Judge, as to her first child, I do think it's
17 important for the Court to admonish her as to cooperating
18 with jail staff, as to making sure she assists and aids
19 in everything that she can possibly do to make sure that
20 her unborn child is safe and is brought into this world
21 in a safe environment, which they have made arrangements
22 for all of that to happen.

23 This Court previously admonished her after there
24 were findings that were made by this Court, appropriately

1 so, based upon statute, based upon the facts and
2 circumstances of this case. So I was notified by jail
3 staff about what was happening, and so I felt as though
4 there was a duty in order to bring that to the Court's
5 attention, since the Court had already admonished her to
6 cooperate, and she is failing to do so at this time.

7 THE COURT: So if I understand your argument
8 correctly, she has not been willing to cooperate or go to
9 recent appointments?

10 MS. LACY: Correct. She's refusing to go to
11 appointments, and as I attached a group exhibit from
12 notes from the jail, not only from the nurses, as well as
13 from jail staff, she's refusing to go to her appointment,
14 which is Monday, for her to be induced, and she has made,
15 through the kiosk, she's made comments that she intends
16 to have the baby inside the jail. She's also told others
17 that she intends to not tell staff when she goes into
18 labor, if she does before her scheduled inducement on
19 Monday.

20 And so I don't think it's appropriate for any
21 inmate -- no inmate is allowed inside the jail to fight
22 staff. They don't get to decide when they eat. They
23 don't get to decide a lot things when they are inside of
24 the jail. They have to follow the jail rules. This is

1 no different when making appointments, and I think it's
2 appropriate, and I would just ask the Court to readmonish
3 her to cooperate with jail staff, and to make sure that
4 she cooperates with them so that everything can be taken
5 care of with regard to her unborn child.

6 THE COURT: Mr. Mara?

7 MR. MARA: Your Honor, I think certainly,
8 Ms. Luster-Hoskins has the right to decide her medical
9 treatment. I understand the jail's position that they
10 are not equipped for someone to have a baby in the jail.
11 So if the jail decides to bring Ms. Luster-Hoskins to the
12 hospital, I don't think that's inappropriate. I don't
13 think the Court can order Ms. Luster-Hoskins to make any
14 sort of medical decisions or to cooperate with doctors at
15 the hospital. I believe the Court could definitely order
16 Ms. Luster-Hoskins to cooperate with jail staff and
17 follow the rules of the jail. There's two different
18 things. And I certainly understand the jail's position.
19 They are not able to allow somebody to give birth at the
20 jail. That is reasonable.

21 And so certainly, like I said, they can take her
22 to the hospital, and she's in their custody right now.
23 If they take her to the hospital, she has to go to the
24 hospital. What she does at the hospital is something

1 separate, and I don't think the Court should get into
2 that as part of her criminal case.

3 THE COURT: Ms. Huber, the motion you're here on
4 has been withdrawn.

5 MS. HUBER: Your Honor, I understand that. I
6 think that that is fairly irrelevant as it relates to her
7 care and her --

8 MS. LACY: I'm objecting at this point to
9 Ms. Huber making any arguments at all, Your Honor.

10 MS. HUBER: That's fine, Your Honor. I do think
11 believe there is an Illinois Supreme Court case on point,
12 In Re Baby Boy Doe. I can give the Court the citation.

13 MS. LACY: Judge, I'm going to continue to
14 object.

15 THE COURT: I agree. The objection is
16 sustained.

17 MS. HUBER: That's fine, Judge.

18 THE COURT: Ms. Luster-Hoskins, would you raise
19 your right hand? Do you solemnly swear that the
20 testimony you are about to give in this cause will be the
21 truth, the whole truth and nothing but the truth?

22 (NO RESPONSE TO THE OATH GIVEN BY THE DEFENDANT)

23 THE DEFENDANT: I would like my attorney, Hallie
24 Bezner, to be present.

1 THE COURT: I can't hear you.

2 THE DEFENDANT: I said I would like my attorney,
3 Hallie Bezner, to be present.

4 THE COURT: Do you want to ask any questions
5 before I talk to her?

6 MS. LACY: No.

7 THE COURT: Mr. Mara, do you want to ask any
8 questions?

9 MR. MARA: I have no questions, Your Honor, no.

10 THE COURT: Okay. It's my understanding that
11 you have not been cooperative with the jail staff
12 regarding going to your medical appointments for the care
13 of your unborn child and yourself. Is that correct? You
14 don't wish to answer?

15 THE DEFENDANT: No.

16 THE COURT: Okay. Well --

17 THE DEFENDANT: I want my attorney.

18 THE COURT: -- we have a situation here where
19 number one, the last time we were in court, which if I
20 recall, was, I think, November 3, 2022. And I admonished
21 the Defendant about her need, and in my opinion, duty,
22 since she's dealing with not just her life and her
23 medical care, but the medical care of an unborn child,
24 who is basically, according to what she said last time,

1 is at term, as far as her prior experience with her prior
2 child.

3 She said before, two weeks ago, that she was
4 36 weeks along, and approximately one centimeter dilated,
5 and that when she gave birth to her first child, as I
6 recall, it was at 38 weeks. So we would be at 38 weeks
7 now. Now the argument that she has the right to decide
8 her own medical treatment and all, I can understand that
9 argument, but I don't agree with the fact that she has
10 the right to endanger an unborn child who is at term.
11 That's just not the way the law is, as far as I'm
12 concerned, nor should be. Also, last time we were here,
13 we went into great length about the statute, about not
14 having a baby in confinement, and I took great pains to
15 go over the details of the statute and made a recitation
16 about the statute, and agree that that was the intent of
17 the legislature, but after a hearing, if there was
18 serious grounds, then bond could be -- reduction and
19 release could be denied, and I did that, based on serious
20 grounds; the murder, first degree murder charge, the
21 aggravated weapons charge, and the history of the
22 Defendant, and the propensity for violence, and the
23 danger to the public and individuals, specific
24 individuals.

1 So now we're back, and it appears to the Court
2 that Defendant's playing games, because it's clear with
3 that attitude, she doesn't care about her unborn child,
4 but the Court does. So I'm going to order the jail and
5 the staff to take her to the hospital, and if she won't
6 cooperate, if she's at term now and dilated, if she's
7 trying to not tell them whether she's in labor or not,
8 then I'm going to say take her to the hospital. That
9 child is not going to wait forever, and she's not going
10 to be able to say oh, don't come. It's going to happen.
11 And the jail is no place to have the baby, if there is an
12 emergency or something that goes wrong.

13 Now this honey-cocky attitude from the Defendant
14 about she's all that counts, that doesn't impress me,
15 young lady. You've got another life at stake. You don't
16 seem to recognize that fact.

17 So it's the order of the Court that the jail
18 take her. You can take her tonight. She'll have to
19 remain under guard, and she'll have to stay there until
20 the baby is born, and the baby is out of danger. But I'm
21 just not going to be toyed with with an attitude that
22 could jeopardize another life. Any questions?

23 MS. LACY: No, Your Honor. Your Honor, I would
24 just ask with regard to transporting the Defendant as

1 early as tonight, would it please the Court, and I can
2 also certainly speak with Mr. Mara about any scheduling
3 that the jail may have, and then I can provide an order
4 to the Court with whatever appointments they've already
5 made regarding inducement, or would the Court like me to
6 do an order regarding transporting her tonight?

7 THE COURT: Right. I think that's appropriate.

8 MS. LACY: Okay.

9 THE COURT: Now one more thing. I'm also going
10 to appoint a guardian ad litem for the unborn child, and
11 I'm going to appoint Liya Hussmann-Rogers. Mr. Mara, do
12 you have anything further?

13 MR. MARA: No, Your Honor.

14 THE COURT: Ms. Lacy, do you have anything
15 further?

16 MS. LACY: No, Your Honor.

17 THE COURT: Young lady, I hope you recognize
18 there are things in this world beyond your own
19 narcissistic lack of care and concern. We'll be
20 adjourned.

21 (END OF PROCEEDINGS)

22

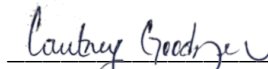
23

24

1 STATE OF ILLINOIS)
2)
3 COUNTY OF VERMILION)

4 I, COURTNEY GOODNER, the Certified Shorthand Reporter
5 who reported the proceedings had on said day in this
6 cause, do hereby certify that the foregoing Report of
7 Proceedings is a true, complete, and correct transcript
8 of the proceedings had on said day as reported by this
9 reporter in this cause as herein contained.

10 Dated this 18th day of November, 2022.

11
12
13 

14 COURTNEY GOODNER, CSR, RPR
15 IL CSR NO. 084-004621
16
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23
24

Courtney Goodner, RPR
Registered Professional Reporter

2022 CF 293

SR124

PROOF OF SERVICE AND NOTICE OF FILING

I, Kevin M. Fee, an attorney, hereby certify that on November 22, 2022, I caused the foregoing EMERGENCY MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS OR PROHIBITION to be electronically filed with the Clerk of the Illinois Supreme Court using the Odyssey eFileIL system and caused a copy of the same to be served upon the following by email:

Honorable Charles C. Hall, Circuit Judge
Rita B. Garman Vermilion County
Courthouse
7 N Vermilion St
Danville IL 61832
charles.hall@vercounty.org

Jacqueline M. Lacy, State's Attorney
Rita B. Garman Vermilion County
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7 N Vermilion St
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Michael T. Mara
Vermilion County Public Defender
7 N Vermilion St
Danville IL 61832
michael.mara@vercounty.org

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Kevin M. Fee

Attorney for Defendant-Petitioner

No. _____

**IN THE
SUPREME COURT OF ILLINOIS**

ANGEL LUSTER-HOSKINS,	)	Original Petition for Writ of Mandamus or
	)	Prohibition
Defendant-Petitioner,)	
	)	Underlying Case No. 2022-CF-293
v.	)	Circuit Court of the Fifth Judicial Circuit,
	)	Vermilion County, Illinois
THE HONORABLE CHARLES C. HALL,)	
Circuit Court Judge of the Fifth Judicial	)	Honorable Charles C. Hall,
Circuit	)	Judge Presiding
)	
Respondent.)	

ORDER

THIS CAUSE COMING TO BE HEARD on Defendant-Petitioner's Emergency Motion for Leave to File Petition for Writ of Mandamus or Prohibition pursuant to Illinois Supreme Court Rule 381 and Article VI, Section 4(a) of the Illinois Constitution, due notice having been given, and the court being fully advised,

IT IS HEREBY ORDERED that the emergency motion for leave to file an Original Petition for Writ of Mandamus or Prohibition is **ALLOWED / DENIED**.

ENTER: _____
JUSTICE

DATED: _____

Ameri Klafeta
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Emily Hirsch
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