

## 1 HOUSE RESOLUTION

2 WHEREAS, The Capital Litigation Trust Fund was created by  
3 the Capital Crimes Litigation Act, which was developed to  
4 promote fairness in the prosecution and defense of capital  
5 crimes within the State of Illinois; and

6 WHEREAS, The Capital Litigation Trust Fund is a special  
7 fund in the State Treasury, administered by the Treasurer, to  
8 provide moneys for compensation and expenses to be paid for  
9 the prosecution and defense of capital crimes throughout the  
10 State of Illinois beginning on January 1, 2000; and

11 WHEREAS, Illinois' criminal justice system is founded on  
12 fairness in procedural safeguards for both the prosecution  
13 and defense, which is dependent on respect and adherence of  
14 procedures established since August 26, 1818; and

15 WHEREAS, The defendant, Cecil Sutherland, was tried and  
16 convicted by jury in 1989 for aggravated kidnapping,  
17 aggravated criminal sexual assault, and three counts of  
18 murder; and

19 WHEREAS, On November 16, 2001, the Illinois Supreme Court  
20 rendered the decision to allow Sutherland a new trial because  
21 of inadequate defense and because the prosecution oversold  
22 its case to the jury; and

23 WHEREAS, The original retrial date of Cecil Sutherland  
24 was May 22, 2001 and has been delayed so many months with the  
25 defense counsel, John Paul Carroll of Connecticut and Sharon  
26 Costa of Illinois, raising numerous procedural objections  
27 with little merit; and

28 WHEREAS, Defense counsel may have caused improper and  
29 unwarranted delays thereby causing the improper expenditures  
30 of moneys from the Capital Litigation Trust Fund during the  
31 retrial proceedings of Cecil Sutherland totaling

1 approximately \$430,310 to date; and

2 WHEREAS, Defense counsel initially offered to represent  
3 the defendant on a pro bono basis; therefore, be it

4 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
5 NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that  
6 pursuant to the Illinois State Auditing Act, the Illinois  
7 House of Representatives directs the Auditor General to  
8 conduct an audit of expenditures of the Capital Litigation  
9 Trust Fund regarding the People v. Sutherland capital crimes  
10 retrial; and be it further

11 RESOLVED, That the Auditor General shall report his  
12 findings to the Illinois General Assembly by May 31, 2003;  
13 and be it further

14 RESOLVED, That a suitable copy of this preamble and  
15 resolution be presented to the Auditor General and the  
16 Treasurer.