



STATE'S ATTORNEY COUNTY OF KANKAKEE

189 E. COURT ST., 6th FLOOR • KANKAKEE, ILLINOIS 60901
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JAMES ROWE
State's Attorney

725 ILCS 5/123

PROSECUTOR INITIATED RESENTENCING REQUEST FOR REVIEW

Pursuant to 725 ILCS 5/123, a State's Attorney may file a Petition with the sentencing court to resentence an offender if the original sentence no longer advances the interests of justice. If the Court grants the State's Attorney's Petition, it shall hold a new sentencing hearing. The Court may resentence the offender to an equivalent or lesser sentence, but not to a longer sentence. Only the Court has the ultimate authority to grant a re-sentencing. At a re-sentencing hearing victims are entitled to all of the rights and protections as outlined in the *Rights of Crime Victims and Witnesses Act*. A resentencing hearing does not reopen the Defendant's conviction to any challenges that are otherwise barred. A resentencing hearing does not address guilt/innocence – those issues are more appropriately addressed with the Conviction Integrity Unit's Review Panel (for more info related to claims of innocence please [CLICK HERE](#)).

A review for resentencing can only be initiated by the State's Attorney. The State's Attorney will only accept requests for review of re-sentencing from the offender or an attorney on their behalf. It is the policy of the Kankakee County State's Attorney to fairly consider all requests but to only seek re-sentencing in those rarest of instances where no reasonable person could justify the original sentence, i.e., where the sentence is so grossly unjust that justice demands a second look.

Requests for review should be sent via:

Regular Mail to:

Kankakee County State's Attorney's Office

K3SAOCIU@K3County.net

ATTN: Conviction Integrity Unit

189 East Court Street, 6th Floor

Kankakee, IL 60901

or via

E-Mail to:

Required documents and order of submission:

- Name and inmate ID number
- Date of birth
- Date and type of offense (write a narrative on what occurred)
- Criminal history (list prior convictions, approximate date and county/state of conviction)
- Correctional facility address (if currently incarcerated)
- Personal life (Write a detailed narrative biography that includes date and place of birth, educational and employment history, marital status, names and ages of children, substance abuse and mental health information, military record, charitable and community activities. You may also include information on degrees or diplomas earned or anticipated, awards of commendations at school or work, counseling or rehabilitation programs you have attended or completed, military awards, civil or occupational licenses or certifications, and life changing events. You may attach any documents that demonstrate or reflect your achievements.)
- Reason for seeking a resentencing (why your sentence no longer advances the interests of justice)
- Current and all correctional facilities discipline reports (with explanations for any reported incident)
- Supporting Documentation (Attach materials that support the claims made in this request. These may include DD 214, rap sheet, resume, letters of recommendation, diplomas, certifications, etc....)
- Re-entry plan (this section should include but not limited to a plan on housing, employment, re-offend prevention plan, any available area services the inmate intends on using, or taking part in, any educational programs, new coping mechanisms to prevent re-offense, etc...)
- Letter of recommendation/ letters of support

Upon receipt of these documents, we will review your submission. Please note that we will confirm receipt of your request; however, we do not inform requestors of the status of review unless it is decided to petition on behalf of the inmate - only then will the inmate be contacted. We will not provide status updates via phone or email; a review may take a considerable amount of work and time to undertake, so there is no time limit within which a review will be concluded. Requests for review remain pending and open and may be re-visited at any time.

Factors that the Court may consider include but are not limited to: “the inmate's disciplinary record and record of rehabilitation while incarcerated; evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence; and evidence that reflects changed circumstances since the inmate's original sentencing such that the inmate's continued incarceration no longer serves the interests of justice.” 725 ILCS 5/123(d).

To read the resentencing statute in its entirety, [CLICK HERE](#).

Kankakee County State’s Attorney’s Office
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