



Alliance Against Intoxicated Motorists

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FOR IMMEDIATE RELEASE

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Motion for Remedy of Victim Rights Violation Denied

Schaumburg, IL, Friday, May 27, 2022– Winnebago County Judge Brendan Maher conceded that it is likely, if not almost certain, that several of Elizabeth Alvarado's rights as a victim were violated by the Winnebago State's Attorney's Office on November 24, 2020.

Elizabeth Alvarado, the mother of a victim of a fatal DUI crash in 2016, requested a Winnebago County Circuit Court order a "re-do" of a hearing to address the violation of her rights as a victim. The prosecution failed to discuss with Alvarado a plea deal that reduced the charges against the defendant. They also failed to notify Alvarado of the plea and sentencing hearings without her, depriving her of the opportunity to appear and be heard in the matter. According to the court filing, the omissions violate the Illinois Constitution and several statutory provisions.

As of December 24, 2020, the plea and sentence had been entered. According to the law, the defendant has **30 days from the date that final judgment is issued to file a Notice of Appeal**. He noted that Ms. Alvarado, through no fault of her own, did not file for remedies until the 37th day after the plea. As a result, the final judgment was entered, and the court lost the authority to oversee anything else pertaining to the matter. He also found that there are no meaningful or legal remedies that can be provided for Ms. Alvarado without violating the defendant's rights.

Judge Maher apologized for not inquiring about Ms. Alvarado's knowledge at the time of the plea and stated that because of this case, he has been more proactive in questioning state's attorneys about victim contact and reading probable cause statements more carefully. He apologized directly to Ms. Alvarado at the end of the hearing stating he owed her an apology on behalf of himself and the court.

"Ms. Alvarado was grateful for the apology. However, one simple remedy in this case would have been, at the very least, allowing her to read her victim impact statement, which the defense denied" said Kelly Krenzer, AAIM Victim Advocate. "We have to do better to protect victims' rights, and AAIM will continue to advocate and educate the judicial system about this case."

To learn more about the Alliance Against Intoxicated Motorists, visit www.aaim1.org For more information on the rights guaranteed to victims in Illinois through Marsy's Law, learn more [here](#).