

Annual Report Fiscal Year - 2019

The seal of the State Appellate Defender of Illinois is a circular emblem. It features a central eagle with wings spread, perched on a shield with a red and white striped field and a blue field with a white star. Above the eagle is a banner with the word "UNION". Below the eagle are the years "1868" and "1818". The outer ring of the seal contains the text "OFFICE OF THE STATE APPPELLATE DEFENDER" at the top and "AUG. 26TH 1818" at the bottom, separated by two stars.

**OFFICE OF THE
STATE APPELLATE
DEFENDER**

JAMES E. CHADD

STATE APPELLATE DEFENDER

ANNUAL REPORT FISCAL YEAR-2019

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I. FISCAL YEAR-2019 ACTIVITIES

A new division of the agency, the Juvenile Defender Resource Center, commenced operation on September 3, 2018, with Jacqueline L. Bullard as the Director. Ms. Bullard has been with the Agency since September 1997 and had been the Deputy Defender of the Fourth District office from April 2014 until her appointment to the JDRC in September 2018.

The Juvenile Defender Resource Center will:

1. Study, design, develop, and implement model systems for the delivery of trial level defender services for juveniles in the justice system;
2. Provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office of the State Appellate Defender by the Illinois General Assembly specifically for that purpose;
3. Develop and provide training to public defenders on juvenile justice issues utilizing resources including the State and local bar associations, the Illinois Public Defender Association, and pro bono efforts by law firms;
4. Make an annual report to the General Assembly.

With Ms. Bullard's departure, John M. McCarthy, long-time Assistant Appellate Defender in the Fourth District office, was appointed as the new Deputy Defender in the Fourth District.

Board of Commissioners

On September 14, 2018, the Board of Commissioners met in the First District office in Chicago, Illinois. The Board approved the FY2019 operating budget in the amount of \$22,970,800 which allowed for the following:

- Full staffing for the agency;
- Increase pay plan for all titles;
- Continuation of the Contract Attorney Program;
- Continuation of the Expungement Program;
- Continuation of the Public Defender Training Program;
- Implementation of the Juvenile Defender Resource Center;
- Implementation of the Law Student Program.

On February 22, 2019, the OSAD Board of Commissioners met in the First District office. The Board approved the proposed budget for FY2020 in the amount of \$24,460,664 - a 1.490.964 or 6.49% over the FY-2019 operating budget. This budget allows for the following:

- Full staffing for the agency;
- Increase pay plan for all titles;
- Continuation of the Contract Attorney Program;
- Continuation of the Expungement Program;
- Continuation of the Public Defender Training Program;
- Continuation of the Juvenile Defender Resource Center;
- Continuation of the Law Student Program;
- Payment of settlement in Alice Washington vs. OSAD.

On December 14, 2018, the Illinois Supreme Court appointed Carol A. Brook to the OSAD Board of Commissioners for a term to expire on December 14, 2024. Ms. Brook succeeds Rebecca Janowitz as the Illinois Supreme Court representative on the Board.

The term of Kim Campbell, the Fourth District Appellate Court representative to the OSAD Board, expired on June 1, 2019. On May 28, 2019, the Fourth District Appellate Court appointed Michelle L. Sanders to succeed Kim Campbell. Ms. Sanders' term expires on June 1, 2025.

Committees – Meetings

As the State Appellate Defender, Mr. Chadd serves as a member of the Commissions, Boards, and Task Forces for which he is statutorily designated. These include Adult Redeploy Illinois, the Illinois Criminal Justice Information Authority, the Sentencing Policy Advisory Council, and the Illinois Juvenile Justice Leadership Council.

Mr. Chadd conducted Deputy Defender staff meetings on July 31, 2018, and April 17, 2019.

Chief Fiscal Officer Tonya Janecek and Mr. Chadd appeared before the House Appropriations Committee on March 13, 2019, and the Senate Appropriations Committee on March 14, 2019.

On May 13, 2019, Mr. Chadd met with the Illinois Supreme Court in Springfield to discuss OSAD's backlog of cases. Mr. Chadd informed the court that OSAD has made substantial progress in reducing its backlog from 3892 cases on January 1, 2018, to 3108 cases as of May 1, 2019, a reduction of 784 cases, or 20%. The court seemed to appreciate OSAD's progress and supported its continued efforts to reduce the backlog. Mr. Chadd plans to meet with the court again when it is in session in September.

Training Seminars

On August 10, 2018, the Office of the State Appellate Defender and the Illinois Public Defender Association presented a reprise of the June 8, 2018, one-day regional seminar “Self Defense: Witness Prep and Direct Examination.” The August seminar, held at Loyola University Chicago School of Law, was attended by 20 Public Defenders from Cook and the collar counties. It focused on teaching public defenders to listen to their clients and structure the direct examination around segments that will allow clients to be comfortable talking to strangers about their darkest moments. Participants also learned how the use of transitions, pacing, and open-ended questions allows clients to tell their story to the trier of fact persuasively. Participants earned 6.25 Professionalism Credit Hours.

On October 12 & 13, 2018, the Illinois Public Defender Association presented its Fall 2018 Seminar in Springfield, Illinois. The seminar was attended by 152 participants including public defenders and private attorneys from 49 counties, as well as 43 attorneys from the Office of the State Appellate Defender. The IPDA offered 7.75 hours of General MCLE Credit with up to 6.75 hours of Professionalism Credits (including one hour of mental health credit.)

The 2019 Jamie Kunz Trial Advocacy Program for Illinois Public Defenders was held at the IIT-Chicago Kent College of Law from Monday, March 18, through Friday, March 22, 2019. This week-long, statewide public defender trial advocacy training program featuring current and former Illinois Public Defenders as faculty and workshop coaches centers on the defense skills necessary to defend a jury case. The program was attended by 35 participants representing 16 Illinois counties.

In order to continue to make this program accessible to public defenders throughout the State, the Office of the State Appellate Defender, using its Public Defender training budget, once again provided the funding for this program so that no registration fee was required and all public defenders could attend free of charge. The Office of the State Appellate Defender also covered the travel and lodging expenses for 13 participants from distant counties who otherwise would not have been able to attend.

On May 10 & 11, 2019, the Illinois Public Defender Association presented its 2019 Spring Seminar at the Wyndham Springfield City Centre Hotel. The IPDA offered 8 hours of General MCLE credit with up to 6 hours of Professionalism Credits (including 1 hour of diversity credit). The seminar was attended by 195 participants including public defenders and private attorneys from 55 counties and 49 attorneys from the Office of the State Appellate Defender.

On June 21, 2019, the Office of the State Appellate Defender and the Illinois Public Defender Association presented “Object to Win: Get Acquittals by Using the Illinois Rules of Evidence.” This day-long seminar was held at Loyola University Chicago School of Law and was

attended by 24 Public Defenders from 11 counties throughout the State. It focused on teaching public defenders to win crucial motions in limine and contemporaneous objections by conducting small group exercises. The seminar addressed strategy and tactics as well as the law. The Illinois Rules of Evidence were discussed and a copy of the rules was provided with the materials. Participants earned 6.5 General CLE Credit Hours.

The Juvenile Defender Resource Center was also involved in training during FY-2019. Director Jackie Bullard and Assistant Director Catherine Hart participated in a panel at the 2018 IPDA Fall Seminar where Ms. Hart spoke on defender center partnerships with trial attorneys and Ms. Bullard on juvenile probation.

The JDRC offered two training sessions in February. On February 7, 2019, Assistant Director Catherine Hart provided CLE training on representing youth in adult court to new OSAD attorneys. On February 26, 2019, Director Jackie Bullard and Assistant Director Catherine Hart conducted a CLE training in Springfield, Illinois, on the fundamentals of juvenile law to the Central Illinois Women's Bar Association.

Additionally, Ms. Bullard participated as a speaker at the 2019 IPDA Spring Seminar and spoke on the basics of adolescent development.

The JDRC conducted a three-day "train the trainers" Juvenile Training Immersion Program from May 9-11, 2019, in Springfield, Illinois.

On May 14, 2019, both Ms. Bullard and Ms. Hart presented at the First Judicial Circuit Juvenile Justice Symposium on petitioning off the sex offender registry for juveniles and recent changes to expungement law.

Internet Web Site

The agency continues to provide the public with information regarding training programs and publications, including a Criminal Law Handbook, a monthly Criminal Law Digest with updated case information, Summary of Issues Pending in the Illinois Supreme Court and annual reports from prior years. During this fiscal year, a new edition of the Criminal Law Handbook was completed and is available to the public.

The agency also continues to provide extensive, timely information regarding the state's expungement process. The site includes easy to follow questionnaires which allow anyone to determine whether or not he or she is eligible to expunge or seal his or her record.

As part of our commitment to provide public defenders with resources for sharing information, the agency established the "Public Defender Resource Center," a place where public defenders can discuss issues, ask questions and share documents.

Finally, new this year to the OSAD internet site, through its Juvenile Defender Resource Center, OSAD now provides a wide range of information for attorneys who represent juveniles in conflict with the law including publications and organizations by subject matter, legislative updates, case law summaries, and a juvenile defender discussion forum. Sections currently under

construction include a motions and documents bank and a comprehensive Juvenile Practitioner's Guide.

The State Appellate Defender site is located at:
<https://www2.illinois.gov/osad/pages/default.aspx>

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II. THE AGENCY

A. Introduction

The Office of the State Appellate Defender is a State of Illinois agency created by the State Appellate Defender Act (725 ILCS 105). The primary function of the agency is stated in §105/10 of the Act:

"The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State."

The Office of the State Appellate Defender does not initiate or generate the criminal appeals it handles. Criminal appeals are brought by defendants convicted of crimes and the Agency does not appear as counsel on an appeal until appointed to do so by a court, which makes the determination that the defendant is indigent and qualifies for the agency's services.

Pursuant to the State Appellate Defender Act (§105/9), the agency maintains an office in each of the five Judicial, or Appellate Court, Districts in Illinois. There is an Appellate Court and an Appellate Defender District Office in Chicago, Elgin, Ottawa, Springfield and Mt. Vernon. The agency has its Administrative Office in Springfield. Each District Office has a Deputy Defender who is responsible for the administration and supervision of that office.

In 1986, the Office of the State Appellate Defender was nominated to receive the Clara Shortridge Foltz Award. This award is given jointly by the American Bar Association and the National Legal Aid and Defender Association for outstanding achievements in providing criminal defense services by a defender office. The award is named for the founder of the nation's public defender system. In October 1986, the Office of the State Appellate Defender was presented the Clara Shortridge Foltz Award for "dedicated service and outstanding achievements in the delivery of criminal defense services." The Agency received numerous letters in support of its nomination.

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B. Historical Background

In 1956, the United States Supreme Court held that the State of Illinois had the constitutional obligation to provide a trial court transcript, without cost, to indigent defendants for criminal appeals (*Griffin v. Illinois*, 351 U.S. 12). In 1963, the Court held that indigent defendants had the constitutional right to have an attorney appointed to represent them in their

criminal appeals. (*Douglas v. California*, 372 U.S. 353; *Milani v. Illinois*, 386 U.S. 12) In 1985, the Court further held that there is a constitutional right to the effective assistance of counsel in a criminal appeal. (*Evitts v. Lucey*, 469 U.S. 387).

The Illinois Constitution provides for the right to appeal (Art. VI, §6) and this right has been implemented by both legislation (725 ILCS 5/121-13, 725 ILCS 105/1) and Illinois Supreme Court Rules (Rules 607 and 605).

In the late 1960's, a statewide survey funded by the Illinois Law Enforcement Commission was conducted by the Illinois Public Defender Association to ascertain the needs of indigent criminal defendants in Illinois. This study, which included personal interviews with judges, State's Attorneys and defense lawyers, found that there was an urgent need for experienced, qualified lawyers in criminal appeals, including a need to change the manner in which lawyers for indigent criminal appeals were provided. In an attempt to meet some of the needs disclosed by the study, the Illinois Law Enforcement Commission awarded a grant, effective January 1, 1970, to create the Illinois Defender Project. This grant provided for regional appellate defender offices in the Second, Third, Fourth, and Fifth Judicial, or the Appellate Court, Districts. During its three years of existence, the Illinois Defender Project was appointed in about 2,000 criminal appeals and maintained a consistently excellent record of performance.

In an attempt to continue the work of the Illinois Defender Project and meet the need for appellate counsel in criminal appeals, a bill was introduced in the Illinois Legislature to create a state-wide Appellate Defender Office. This bill, the "State Appellate Defender Act," was signed into law by Governor Ogilvie on August 18, 1972, and became effective on October 1, 1972. The Illinois Supreme Court appointed Theodore A. Gottfried as the first State Appellate Defender in December 1972, and he had been reappointed every four years thereafter. He retired after 35 years on December 31, 2007.

The Office of the State Appellate Defender presently represents virtually all indigent criminal appellants in Illinois. If the Office of the State Appellate Defender is not appointed to represent an indigent defendant in a criminal appeal, the respective counties are required to pay the cost for appointed counsel on appeal.

In a criminal appeal, the Office of the State Appellate Defender serves on the defense side of the case, as the counterpart of the Illinois Attorney General's Office (which represents the prosecution in the Illinois Supreme Court), the State's Attorney's Appellate Prosecutor, and the various State's Attorneys.

Capital Cases

From June 21, 1977, to June 30, 2011, a statute allowing the imposition of the death penalty was in effect in Illinois. This statute, as well as the Illinois Constitution and Illinois Supreme Court Rules, required an automatic appeal to the Illinois Supreme Court in all cases in which a person was sentenced to death. The representation of a person sentenced to death was an

awesome responsibility, requiring extraordinary legal knowledge and meticulous preparation. The consequences of less than the highest quality of legal representation were obvious and irreversible.

The United States Supreme Court pointed out that the death penalty is not merely a more severe sentence, but it is an entirely different kind of sentence, requiring special procedures. For example, Chief Justice Burger, in *Lockett v. Ohio*, 438 U.S. 586 (1978), stated: "We are satisfied that this qualitative difference between death and other penalties calls for a greater degree of reliability when the death sentence is imposed."

The Illinois Legislature also recognized the substantial difference between the death penalty and other criminal penalties. The death penalty statutes required unique sentencing procedures, including a hearing before a jury, an eligibility phase at which a statutory aggravating factor must be proved beyond a reasonable doubt, an aggravation-mitigation phase at which the jury is required to weigh all aggravating evidence and all mitigating evidence, and the imposition of the death sentence only by a unanimous jury verdict. Additionally, the Illinois Supreme Court treated death penalty cases differently by providing for automatic perfection of such appeals, allowing appointment of two lawyers giving priority to death penalty cases over all others, and by permitting a death sentence to be carried out only by final order of the Supreme Court.

Appeals in death penalty cases were more difficult and time consuming than non-capital appeals. Capital cases usually consisted of records which were extremely large, frequently containing thousands of pages. Most capital cases involved lengthy jury trials, with many motions, objections and evidentiary disputes. The jury selection procedure in most capital cases was much longer because the prospective jurors were "death penalty qualified," and the parties were entitled to twice as many peremptory challenges.

The sentencing hearing in capital cases was similar to a trial itself. It was usually held before a jury (whereas sentencing hearings in other cases are not) and generally involved the calling of numerous witnesses and lengthy testimony pertaining to the entire background of the defendant. Additionally, capital sentencing hearings contained many motions and arguments concerning the interpretation and application of the death penalty statute, constitutional issues, and questions concerning the type of aggravation and mitigation evidence that may have been introduced.

In non-capital appeals there is rarely an issue pertaining to the selection of the jury and seldom more than a single issue concerning sentencing; however, in capital cases there were numerous issues involving the selection of the jury and the sentencing hearing.

The difference in difficulty between capital and non-capital appeals can be illustrated by the written decisions of the Illinois Supreme Court. In capital cases, unless the Court reversed the case on a single issue or two, the opinions were normally twenty pages or more -- sometimes thirty or forty pages. In non-capital cases, the Supreme Court opinions were usually less than ten pages. For example, in non-capital criminal cases decided by the Court in 1986, only two

opinions were more than ten pages and twelve opinions were six pages or less. Additionally, the Supreme Court generally issues opinions in non-capital cases in the term of court immediately following the term in which the case was orally argued. In capital cases, due to their difficulty, the opinions were usually issued at least three or four terms later.

The Office of the State Appellate Defender recognized and confronted the difficult and unique responsibility of representing individuals sentenced to death. In 1977 the agency initiated a procedure to assure the highest quality of representation for all clients sentenced to death. A group of six experienced agency lawyers was organized to become thoroughly knowledgeable of all aspects of the death penalty. This death penalty group engaged in extensive research, kept abreast of court decisions and legislation dealing with the death penalty, prepared numerous detailed memorandums, and organized a large amount of materials. The materials prepared and assembled by the death penalty group proved to be extremely valuable in assisting lawyers and saving them many hours of research time in the handling of death penalty cases at both the trial and appeal level.

It was originally envisioned that the death penalty group of lawyers would handle, quickly and effectively, all death penalty appeals to which the agency was appointed. However, due to the time and difficulty involved in such appeals and the increase in agency appointments, it became clear that this group of lawyers could not handle all of the death penalty cases. Thus, death penalty appeals were assigned to various experienced lawyers in the agency's district offices, with two lawyers assigned to each case.

Supreme Court Unit

In Fiscal Year-1983, the agency received funding to establish a Supreme Court Unit. This Unit, a separate office similar to a District Office, was located in Springfield and was assigned to and had the primary responsibility for death penalty cases. The lawyers in the Supreme Court Unit handled death penalty appeals and maintained a thorough knowledge of death penalty matters as well as assisted other Agency lawyers who were assigned to death penalty appeals. On March 9, 2011, Governor Pat Quinn signed legislation to abolish the death penalty effective July 1, 2011. As a result of the abolition of the death penalty, the Supreme Court Unit closed its doors on April 15, 2011.

Capital Trial Assistance Unit

The Capital Trial Assistance Unit (formerly known as the Death Penalty Trial Assistance Unit) came into existence on January 1, 2000. It was created by an amendment to the State Appellate Defender Act, providing that the State Appellate Defender may in cases where a death sentence was an authorized disposition, provide trial counsel with the assistance of legal counsel, expert witnesses, investigators and mitigation specialists from funds appropriated to the State

Appellate Defender specifically for that purpose by the General Assembly 725 ILCS 105/10(c)(5). The mission of this office was to ensure that indigent defendants facing the death penalty received the assistance of zealous, dedicated attorneys armed with resources adequate to properly investigate and defend their cases at trial and at sentencing. As a result of the abolition of the death penalty, the Capital Trial Assistance Unit, with offices in Chicago, Springfield, and Belleville, also closed its doors on April 15, 2011.

Capital Post-Conviction Unit

The Supreme Court Committee on Post-Conviction Representation in Death Penalty Cases presented its final report to the Supreme Court in November 1988. The report recommended a new division of the State Appellate Defender to coordinate and provide support to appointed lawyers who provide representation in these cases.

In the Fall Session of 1989, legislation was passed and funds were appropriated by the State of Illinois and the Federal Government to establish the Capital Resource Center. The Capital Resource Center recruited and maintained a panel of private attorneys willing to represent death row inmates in post-conviction proceedings. Illinois attorneys responded enthusiastically to participating on the Panel of Attorneys. Federal funding for the Capital Resource Center ceased in Fiscal Year-1996. As a result, the office was renamed the Capital Litigation Division of the Office of the State Appellate Defender. Effective January 1, 2005, the Capital Litigation Division was renamed the Post Conviction Unit, and on May 1, 2008, the Post Conviction Unit was renamed the Capital Post-Conviction Unit. Although the death penalty was abolished effective July 1, 2011, and the governor commuted the sentences of the 15 individuals sentenced to death, the Office of the State Appellate Defender received state funds for FY-2012 to complete work on what were then non-capital post-conviction cases. On June 30, 2012, at the conclusion of FY-2012, the Capital Post-Conviction Unit was closed.

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C. Work of the Agency

Generally

Any indigent defendant convicted of a felony or a Class A misdemeanor or other offense in which imprisonment is imposed, and any minor adjudicated as delinquent, is entitled to the services of the Office of the State Appellate Defender upon appointment by a court. The appeal process normally commences when the defendant files a notice of appeal in the Circuit Court. The Record on Appeal is then prepared. The Record on Appeal includes a verbatim transcript of the proceedings (such as testimony of witnesses, arguments of counsel, rulings by the judges, etc.) and all documents filed in the case (such as indictments or information, written motions, jury instructions and verdicts, etc.).

After the agency is appointed as appellate counsel, the appeal is assigned to an Assistant Appellate Defender. This lawyer must then read the entire Record on Appeal in order to become totally familiar with all of the proceedings which occurred in the Circuit Court - ranging from pre-trial matters, the trial itself, post-trial motions, and the sentencing stage. Occasionally, certain portions of the record are missing and the lawyer must obtain such missing portions. In order to ensure that no possible legal issue is overlooked, the lawyer interviews the client and communicates with the trial lawyer.

After a complete and careful reading of the Record on Appeal, the lawyer must note and research every potential legal issue which might be raised on appeal. Once the issues, along with the authority in support of the issues, are decided upon, the lawyer begins the preparation of the appellant's opening brief. The brief must include several specific sections, which are required by Ill.Sup.Ct. Rules 341 and 342 - Points and Authorities, Nature of the Case, Issues Presented for Review, Jurisdiction, Statutes Involved, Statement of Facts, Argument, Conclusion and Appendix. The preparation of the brief requires a thorough understanding of the Circuit Court proceedings - pleadings, motions, objections, rulings, testimony, exhibits, and arguments, contained in the Record on Appeal (the transcript is often lengthy because about 200 typewritten pages are required for each day of trial). The appellant's brief is required to contain a complete and accurate description of all facts relevant to the appeal. Additionally, legal arguments in the brief must be supported by the citation and discussion of authority, such as statutes, decisions of the Illinois Supreme and Appellate Courts, decisions of the United States Supreme Court, or decisions of courts in other jurisdictions.

When a draft of the brief is completed, it is reviewed by the Deputy Defender or a Supervisor. The reviewing lawyer reads the draft brief to ensure that it contains all relevant facts and covers every possible legal argument and legal authority accurately and in proper form. The reviewer may suggest that changes be made. Upon final review and approval by the reviewer, the brief is prepared in final form and filed in the reviewing court.

When a conscientious examination of the Record on Appeal and thorough research reveal that any issues that could be raised on appeal are wholly frivolous and without merit, the agency files an *Anders* brief. Such a brief, named after the decision in *Anders v. California*, 386 U.S. 738 (1967), requests permission to withdraw from the appeal and includes a supporting document explaining the facts and legal authorities concerning why there are no arguable appellate issues. Before an *Anders* brief is filed, the appeal is subjected to intensive review to ensure that it is, in fact, meritless. Every year, there are *Anders* briefs filed by the agency.

After the agency's opening appellant brief is filed, the prosecution then prepares an appellee's brief. Following the filing of the appellee's brief, the agency lawyer may file a reply brief, which responds to the arguments and authorities presented by the prosecution in the appellee's brief.

Once the briefs have been filed, an appeal may then be scheduled for oral argument. After oral argument, the appeal is then taken under advisement and a written opinion or order is prepared by the court.

Following the decision of the Appellate Court, either party may file a Petition for Rehearing and may ultimately seek review in the Illinois Supreme Court by filing a Petition for Leave to Appeal. When the Supreme Court grants a Petition for Leave to Appeal, additional briefs are usually required and oral argument is presented. After oral argument, the case is taken under advisement and a written opinion or order is prepared. A Petition for Rehearing may then be filed by either party.

Expungement Unit

Created by statutes 20 ILCS 2630/11 and 725 ILCS 105/10.6, the Expungement Unit provides information on the expungement and sealing process in Illinois. General instructions, all necessary court forms and links to other useful information are all available on the agency web site: <https://www2.illinois.gov/osad/Expungement/Pages/default.aspx>. Every effort is made to ensure the forms and instructions are current with Illinois law. The Expungement Unit also maintains a toll-free hotline, (866) 787-1776, as well as email availability for those seeking information on expungement and sealing. The email address is expungement@osad.state.il.us and the mailing address is 400 W. Monroe Street, Suite 202, Springfield, IL 62704.

Juvenile Defender Resource Center

The Illinois Juvenile Defender Resource Center was created by the Illinois General Assembly to support the work of attorneys representing youth in delinquency and criminal court and to study and implement model systems for the delivery of juvenile defender services in Illinois. (725 ILCS 105/10(c)(6)) The Center is a division of the Illinois Office of the State Appellate Defender and opened in September 2018.

During the Center's first year of existence, staff reviewed the structure of existing juvenile defender centers in other states and created a long term plan to provide defender-driven supports for trial attorneys that include: (1) a website containing information and materials of use to juvenile defenders and an on-line discussion forum; (2) free, comprehensive continuing legal education programs serving attorneys throughout the state, including free on-line, on-demand MCLE programming; (3) advice, research, and drafting assistance for attorneys in individual cases; (4) periodic newsletters; and (5) connections to expert witnesses, social workers, and investigators, including funding when available. The Center has accomplished the following during Fiscal Year 2019 toward those goals:

* Center staff created a website to support the work of juvenile defenders which includes juvenile-specific news and updates, publications and organizations by subject matter, legislative updates, case law summaries, and members-only access to an Illinois juvenile defender discussion forum. Sections currently under construction include a motions and documents bank and a comprehensive Juvenile Practitioner's Guide.

* Center staff provided advice, draft documents, and/or research to dozens of attorneys who have contacted us for help with individual cases, frequently resulting in improved outcomes for youth. One example is the assistance provided to attorneys seeking sentence commutations for six delinquent youth in IYC Harrisburg who were prosecuted in criminal court for minor batteries to staff and sentenced to lengthy terms in adult prisons. Each of these young men had their sentences commuted.

* In response to decisions by the United States and Illinois Supreme Courts on the unconstitutionality of most life and de facto life sentences for youth, Center staff identified and compiled information on the nearly 250 individuals currently serving a sentence of 40 years or more for offenses committed when they were under the age of 18. In collaboration with Northwestern Law's Children and Family Justice Center, this information will be used to connect nearly 50 unrepresented youth to counsel and provide trainings for attorneys throughout the state responsible for litigating new sentencing hearings after Buffer.

* In preparation for our live trainings, the Center hosted a three-day train-the-trainer event in May using the nationally-recognized Juvenile Training Immersion Program. As a result, the Center now has 15 certified JTIP trainers we can call on to assist with providing high-quality, engaging juvenile training throughout the state in the coming years. The Center is in the early stages of creating and implementing our on-line, on-demand MCLE program. Center staff also presented at eight other MCLE programs this year on a variety of juvenile topics. Because racial and ethnic disparities touch every stage of the juvenile justice system, Jackie Bullard attended a Racial and Ethnic Disparities conference to bolster the Center's ability to integrate issues relating to racial bias in our MCLE trainings.

The Center's staff continues to represent the interests of juvenile defenders on the Illinois Juvenile Justice Commission, the Illinois Sex Offender Management Board, and the boards of the Illinois Juvenile Justice Initiative, the Illinois Public Defender Association, and the Midwest Juvenile Defender Center.

III. OFFICES OF THE AGENCY

A. Administrative Office

The Administrative Office of the agency is located at 400 West Monroe, Suite 202, in Springfield. The Administrative Office provides supervision and assistance to the agency's offices and maintains the agency records, such as payroll, purchasing, inventory and employee personnel files. An Employee Manual and detailed case management reports promote the efficient running of the agency. To assist Agency attorneys in providing quality representation to our clients, the Administrative Office provides ongoing Continuing Legal Education and maintains an extensive brief bank to assist with the attorneys' legal research.

In addition, the Administrative Office prepares and distributes a variety of materials designed to assist agency attorneys, public defenders and criminal attorneys throughout the state. Materials include: the *Criminal Law Digest* (a summary of significant court decisions available as they are issued); the *Handbook of Criminal Law Decisions* (a summary of hundreds of court decisions arranged under more than 400 topics, newest edition released in 2019); and the *Handbook on Briefs and Oral Arguments*; as well as other educational and training materials.

B. First District Office

The First District Office of the Agency is located at 203 North LaSalle, 24th Floor in Chicago. Patricia Mysza is the Deputy Defender.

During Fiscal Year-2019, the First District Office received appointment to 923 cases and filed 876 Appellate Court briefs, 232 Petitions for Leave to Appeal to the Illinois Supreme Court, 6 Illinois Supreme Court briefs, 6 Petitions for Writ of Certiorari to the United States Supreme Court, 99 Anders briefs, 248 Finley Motions, 35 Motions to Withdraw, 118 Motions to Dismiss and 100 Summary Motions. Oral argument was held in 133 Appellate Court cases and 11 Illinois Supreme Court cases.

C. Second District Office

The Second District Office is located at One Douglas Avenue, 2nd Floor in Elgin. Thomas A. Lilien is the Deputy Defender.

During Fiscal Year-2019, the Second District Office received appointment to 392 cases and filed 156 Appellate Court briefs, 37 Petitions for Leave to Appeal to the Illinois Supreme Court, one Petition for Writ of Certiorari to the United States Supreme Court, 30 Anders briefs, 36 Finley Motions, 27 Motions to Withdraw, 48 Motions to Dismiss and 23 Summary Motions. Oral argument was held in 59 Appellate Court cases, and 4 Illinois Supreme Court cases.

D. Third District Office

The Third District Office is located at 770 E. Etna Road in Ottawa. Peter A. Carusona is the Deputy Defender.

During Fiscal Year-2019, the Third District Office received appointment to 330 cases and filed 162 Appellate Court briefs, 35 Petitions for Leave to Appeal to the Illinois Supreme Court, one Illinois Supreme Court brief, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 18 Anders briefs, 36 Finley Motions, 21 Motions to Withdraw, 62 Motions to Dismiss and 22 Summary Motions. Oral argument was held in 54 Appellate Court cases and 4 Illinois Supreme Court cases.

E. Fourth District Office

The Fourth District Office is located at 400 West Monroe Street, Suite 303, in Springfield. Jacqueline L. Bullard was the Deputy Defender until August 31, 2018. John M. McCarthy was appointed the Deputy Defender effective September 1, 2018.

During Fiscal Year-2019, the Fourth District Office received appointment to 400 cases and filed 144 Appellate Court briefs, 36 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, one Petition for Writ of Certiorari to the United States Supreme Court, 3 Anders briefs, 24 Finley Motions, 22 Motions to Withdraw, 85 Motions to Dismiss and 21 Summary Motions. Oral argument was held in 38 Appellate Court cases and 2 Illinois Supreme Court cases.

F. Fifth District Office

The Fifth District Office is located at 909 Water Tower Circle in Mt. Vernon. Ellen J. Curry is the Deputy Defender.

During Fiscal Year-2019, the Fifth District Office received appointment to 173 cases and filed 77 Appellate Court briefs, 9 Petitions for Leave to Appeal to the Illinois Supreme Court, one Petition for Writ of Certiorari to the United States Supreme Court, 14 Anders briefs, 24 Finley Motions, 7 Motions to Withdraw, 24 Motions to Dismiss and 18 Summary Motions. Oral argument was held in 45 Appellate Court cases.

G. Expungement Unit

OSAD's expungement unit receives an average of 200 emails per month, 140 phone calls to the hotline, and 185 phone calls per month requesting information about expungement and sealing of records. An average of 175 information packets a month are sent to Illinois residents requesting forms and additional information. Upon request, OSAD staff attorneys participate in

community events to promote public awareness of expungement and sealing availability. This last fiscal year, OSAD participated in 28 community events.

H. Juvenile Defender Resource Center

The Illinois Juvenile Defender Resource Center was created by statute in 2008, following the publication of a statewide assessment of the right to counsel for Illinois youth published the year before. ([Illinois: An Assessment of Access to Counsel & Quality of Representation in Delinquency Proceedings](#), available through the National Juvenile Defender Resource Center at <https://njdc.info>) That statute provides that OSAD may: “develop a Juvenile Defender Resource Center to: (i) study, design, develop, and implement model systems for the delivery of trial level defender services for juveniles in the justice system; (ii) in cases in which a sentence of incarceration or an adult sentence, or both, is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office of the State Appellate Defender by the General Assembly specifically for that purpose; (iii) develop and provide training to public defenders on juvenile justice issues, utilizing resources including the State and local bar associations, the Illinois Public Defender Association, law schools, the Midwest Juvenile Defender Center, and pro bono efforts by law firms; and (iv) make an annual report to the General Assembly.” (725 ILCS 105/10(c)(6))

The Illinois legislature provided funding for the Juvenile Defender Resource Center for the first time in Fiscal Year 2019, and the Center opened its doors in September 2018. The Center is staffed by two attorneys with extensive juvenile experience and an office associate. The Center is housed in OSAD’s Administrative Office in Springfield, Illinois. In its first year, the Center created an information website for attorneys, participated in eight MCLE trainings, responded to over 50 attorney inquiries for assistance, provided critical support for attorneys assigned to youth serving unconstitutional life and de facto life sentences, and trained a cadre of juvenile defenders as certified JTIP trainers in order to maximize the Center’s ability to provide comprehensive, statewide training to attorneys. Works in progress this year include a motion and documents bank, drafting an Illinois-specific Juvenile Practitioner’s Guide, and preparing for on-line, on-demand MCLE trainings.

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IV. PERSONNEL

ADMINISTRATIVE OFFICE

Office of the State Appellate Defender
400 West Monroe, Suite 202
Springfield, IL 62704
Telephone: 217/782-7203
FAX: 217/782-5385
Email: osad@osad.state.il.us

JAMES E. CHADD
State Appellate Defender

Mr. Chadd received his Juris Doctor from the University of Illinois in 1984 and was admitted to the Illinois bar that same year. Mr. Chadd began work with the Supreme Court Unit as an Assistant Appellate Defender in 1984. He transferred to the First District Office in 1989. He became a Supervisor in 2002 and the Assistant Deputy Defender for the First District Office in 2010. On January 1, 2014, Mr. Chadd was appointed Deputy State Appellate Defender. The Illinois Supreme Court appointed Mr. Chadd as the State Appellate Defender effective January 1, 2018, for a 4 year term expiring on December 31, 2021.

KERRY J. BRYSON
Deputy State Appellate Defender

Ms. Bryson received her Juris Doctor from DePaul University College of Law in 1998 and was admitted to the Illinois Bar that same year. She was employed as an associate with the firm of Paulsen and Malec, Ltd., from August 1998 until September 1999, when she joined the Third District Office of the State Appellate Defender as an Assistant Defender. Ms. Bryson became a Supervisor in 2015, and the Assistant Deputy Defender for the Third District Office in 2016. On February 1, 2018, Ms. Bryson was appointed Deputy State Appellate Defender.

SHAWN O'TOOLE
Deputy State Appellate Defender

Mr. O'Toole graduated from the University of Illinois College of Law in 2002 and joined the Office of the State Appellate Defender First District office in 2003. He was an Assistant Appellate Defender for 11 years, and became a Supervisor in 2014. In 2016 he was named the Assistant Deputy Defender of the First District, and in 2018 he was named Deputy State Appellate Defender.

TONYA JANECEK
Chief Fiscal Officer/Human Resource Director

Ms. Janecek joined the Office of the State Appellate Defender in July 1981 as a Fiscal Assistant in the Administrative Office. Ms. Janecek was appointed Chief Fiscal Officer on February 1, 1997. As Chief Fiscal Officer, Ms. Janecek is responsible for the coordination of all expenditures and vouchering procedures. She is also responsible for the preparation and filing of required fiscal and budgetary reports. As Human Resource Director, Ms. Janecek oversees the HR Department in the preparation of payroll and providing benefits information to agency employees.

LAURA A. WEILER
Director of Training

Ms. Weiler received both her bachelor's degree and her law degree from the University of Notre Dame where she graduated with honors. She worked as an Assistant Appellate Defender for 11 years in the First District office and on December 1, 2012, she was promoted to Director of Training for the Office of the State Appellate Defender.

Ms. Weiler has appeared before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, the Illinois Appellate Court, and the Circuit Court of Cook County. In 2012, Ms. Weiler received the James B. Haddad Award in recognition of her consistent high quality work and advocacy and her significant contributions to the improvement of the justice system.

At the end of FY-2019, the Administrative Office was staffed by 19 persons including the State Appellate Defender, 2 Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, a Director of Support Services, a Systems Administrator, an Assistant to the Director of Support Services, an IT Director, a Network/Applications Manager, 2 Support Specialists, an Expungement Coordinator, a Senior Human Resource Assistant, a Human Resource Assistant, a Senior Fiscal Assistant, a Fiscal Assistant, a Senior Administrative Assistant, and an Administrative Assistant.

FIRST DISTRICT OFFICE

Office of the State Appellate Defender
203 North LaSalle, 24th Floor
Chicago, IL 60601
Telephone: 312/814-5472
FAX: 312/814-1447
Email: 1stDistrict@osad.state.il.us

PATRICIA MYSZA
Deputy Defender

Ms. Mysza received her Juris Doctor from Loyola University School of Law in 1986 and was admitted to the Illinois bar that same year. She worked with the Fourth District office as an

Assistant Appellate Defender from 1986 to 1988 and with the Supreme Court Unit from 1988 to 1990. She joined the First District office as an Assistant Appellate Defender in 1992. She became a supervisor in 2002. Ms. Mysza was appointed Deputy Defender of the First District Office effective July 1, 2015.

Ms. Mysza is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the United States District Court for the Northern District of Illinois and the Central District of Illinois.

At the end of FY-2019, the First District Office was staffed by 124 persons including the Deputy Defender, an Assistant Deputy Defender who also serves as a Supervisor, 8 additional full-time Supervisors, 2 part-time Supervisors, 78 full-time Assistant Appellate Defenders, 14 part-time Assistant Appellate Defenders, the Director of the Paralegal Department, a Senior Paralegal, 4 Paralegals, an Office Administrator, 7 Legal Secretaries, 4 Docket Clerks, and 2 Office Clerks.

SECOND DISTRICT OFFICE

Office of the State Appellate Defender
One Douglas Avenue, 2nd Floor
Elgin, IL 60120
Telephone: 847/695-8822
FAX 847/695-8959
Email: 2ndDistrict@osad.state.il.us

THOMAS A. LILIEN
Deputy Defender

Mr. Lilien received his Juris Doctor from Notre Dame Law School in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender as an Assistant Appellate Defender in the Third District Office in October 1978 and worked there until his transfer to the Second District Office in 1988. Mr. Lilien continued to serve as an Assistant Appellate Defender until he assumed the Deputy Defender position as of January 1, 2006.

Mr. Lilien is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law from 1986 until 2016; the program provided student interns to the Second and Third District Offices. He also served on the Board of Directors of the Illinois Institute for Continuing Legal Education for more than 10 years and is the general editor of the Institute's publication *Defending Illinois Criminal Cases*.

At the end of FY-2019, the Second District Office was staffed by 27 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 17 full-time Assistant Appellate Defenders, 1 part-time Assistant Appellate Defender, an Office Administrator, a Paralegal, a Docket Clerk, and 3 Legal Secretaries.

THIRD DISTRICT OFFICE

Office of the State Appellate Defender
770 E. Etna Road
Ottawa, IL 61350
Telephone: 815/434-5531
FAX 815/434-2920
Email: 3rdDistrict@osad.state.il.us

PETER A. CARUSONA
Deputy Defender

Mr. Carusona received his Juris Doctor from Illinois Institute of Technology Chicago-Kent College of Law in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender in the Third District Office in March 1978. Mr. Carusona became a supervisor in October 2008 and was appointed as Deputy Defender of the Third District Office in November 2010.

Mr. Carusona is admitted to practice before the United States Supreme Court and the Illinois Supreme Court. He served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law from 1986 until 2016; the program provided student interns to the Second and Third District Offices.

At the end of FY-2019, the Third District Office was staffed by 22 persons, including the Deputy Defender, an Assistant Deputy Defender/Supervisor, a Supervisor, 14 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk and 2 Legal Secretaries.

FOURTH DISTRICT OFFICE

Office of the State Appellate Defender
400 West Monroe, Suite 303
Springfield, IL 62704
Telephone: 217/782-3654
FAX 217/524-2472
Email: 4thDistrict@osad.state.il.us

JACQUELINE L. BULLARD
Deputy Defender until August 31, 2018

Jacqueline Bullard received her Juris Doctor degree from the University of Illinois College of Law and was admitted to the Illinois Bar in 1997. That same year, Ms. Bullard joined the Fourth District Office of the State Appellate Defender, where she represented clients as an Assistant Appellate Defender until her appointment to the Fourth District Deputy Defender position in April 2014. Ms. Bullard was appointed Director of the Illinois Juvenile Defender Resource Center upon its opening in September 2018.

Ms. Bullard is an appointed Commissioner on the Illinois Juvenile Justice Commission, is the agency representative on the Illinois Sex Offender Management Board, and is a former board member of the Illinois Juvenile Justice Initiative. Ms. Bullard writes on juvenile justice topics and is an active participant in systemic reform efforts at the state and national level related to children in conflict with the law. Ms. Bullard is a frequent presenter at seminars on criminal, delinquency, and appellate topics. Ms. Bullard was the 2012 recipient of the National Juvenile Defender Center's Robert E. Shepherd Jr. Award for Excellence in Juvenile Defense and the 2014 Office of the State Appellate Defender James B. Haddad Award.

JOHN M. McCARTHY
Deputy Defender effective September 1, 2018

Mr. McCarthy has an MBA, and received his Juris Doctor from Southern Illinois University School of Law and was admitted to the Illinois Bar in 1993. In 1994, Mr. McCarthy joined the Fourth District Office of the State Appellate Defender, where he represented clients as an Assistant Appellate Defender until his appointment to the Fourth District Deputy Defender position in September 2018.

At the end of FY-2019, the Fourth District Office was staffed by 25 persons, including the Deputy Defender, 2 full-time Supervisors, 16 Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

FIFTH DISTRICT OFFICE

Office of the State Appellate Defender
909 Water Tower Circle
Mt. Vernon, IL 62864
Telephone: 618/244-3466
FAX 618/244-8471
Email: 5thDistrict@osad.state.il.us

ELLEN JENKINS CURRY
Deputy Defender

Ellen Jenkins Curry graduated from Southern Illinois University School of Law in May 1986. She was admitted to practice that year and began work as a solo practitioner in her hometown of Benton, IL, and also served as an assistant Franklin County Public Defender.

In December 1992, Ms. Curry began working as a law clerk for Justice William A. Lewis of the Fifth District Illinois Appellate Court. When Justice Terrance J. Hopkins was elected in 1994, Ms. Curry began working for him as a law clerk, where she remained through December 2002. On January 2, 2003, Ms. Curry resumed private practice in Benton, IL, specializing in appellate practice and serving as a Special Franklin County Public Defender. In December 2006, she began working as a law clerk for Fifth District Justice Bruce D. Stewart. She worked there until appointed

to serve as the Deputy Defender of the Fifth District Office of the Office of the State Appellate Defender on January 1, 2013.

At the end of FY-2019, the Fifth District Office was staffed by 16 persons, including the Deputy Defender, Assistant Deputy Defender/Supervisor, 9 Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk and 2 Legal Secretaries.

JUVENILE DEFENDER RESOURCE CENTER

Juvenile Defender Resource Center
400 W. Monroe, Suite 202
Springfield, IL 62704
Telephone: 217/558-4606
Email: jdrc@osad.state.il.us

JACQUELINE L. BULLARD
Deputy Director

Jacqueline Bullard received her Juris Doctor degree from the University of Illinois College of Law and was admitted to the Illinois Bar in 1997. That same year, Ms. Bullard joined the Fourth District Office of the State Appellate Defender, where she represented clients as an Assistant Appellate Defender until her appointment to the Fourth District Deputy Defender position in April 2014. Ms. Bullard was appointed Director of the Illinois Juvenile Defender Resource Center upon its opening in September 2018.

Ms. Bullard is an appointed Commissioner on the Illinois Juvenile Justice Commission, is the agency representative on the Illinois Sex Offender Management Board, and is a former board member of the Illinois Juvenile Justice Initiative. Ms. Bullard writes on juvenile justice topics and is an active participant in systemic reform efforts at the state and national level related to children in conflict with the law. Ms. Bullard is a frequent presenter at seminars on criminal, delinquency, and appellate topics. Ms. Bullard was the 2012 recipient of the National Juvenile Defender Center's Robert E. Shepherd Jr. Award for Excellence in Juvenile Defense and the 2014 Office of the State Appellate Defender James B. Haddad Award.

At the end of FY-2019, the Juvenile Defender Resource Center was staffed by 3 persons, including the Director, an Assistant Director, and an Office Associate.

V. BOARD OF COMMISSIONERS

CHAIR - THOMAS M. BREEN, born Evanston, Illinois, January 24, 1947, admitted to bar, 1972, Illinois; 1979, U.S. District Court, Northern District of Illinois; 1992, U.S. District Court, Central District of Illinois. **Education:** University of Notre Dame (A.B., 1969); Loyola University (J.D., 1972). Recipient: American Bar Association Pro Bono Public Award, 1996; Public Interest Law Institute, Distinguished Public Service Award, 1996; Mexican American Legal Defense and Education Fund, Legal Service Award, 1996. Assistant State's Attorney, Cook County, 1972-1978. Special Assistant State's Attorney, Livingston County, 1978-1981, 1984. Appointed, Illinois Supreme Court Committee on Criminal Jury Instructions, 1988-1992. Recipient, Illinois Public Defender Association of Excellence, 1990, Illinois Association of Criminal Defense Lawyers Lifetime Achievement Award, 2012. **Member:** Chicago (Member, Judicial Evaluation Committee, 1984-1989; 1991-1996) and American (Member, Sections on: Criminal Justice; Litigation) Bar Associations; National Association of Criminal Defense Attorneys; National Directory of Criminal Defense Lawyers. Fellow, American College of Trial Attorneys. (Commissioned U.S.A.R., 1972; Captain, 1978); Best Lawyers in America (1995 to present); Super Lawyers (2005-present). Presenter at various MCLE courses. **PRACTICE AREAS:** Criminal, Trial Practice; Appellate Practice; Attorney Discipline; Professional Practices.

HONORABLE JAMES L. BRUSATTE (Retired) Born 1952. **Education:** Drake University, B.A., Phi Beta Kappa and University of Illinois, J.D., 1977. **Experience:** Associate at Peter Ferracuti, Partner at Brusatte and Vickers, Member at White, Marsh, Anderson, Brusatte and Vickers, Assistant Public Defender in LaSalle County, Public Defender of LaSalle County, LaSalle County Assistant State's Attorney, Associate Judge Thirteenth Judicial Circuit, Circuit Court Judge LaSalle County, and Volunteer Pro Bono Coordinator for Prairie State Legal Services. Judge Brusatte is a member of the Illinois Judges Association, the Illinois State Bar Association, and the LaSalle County Bar Association, and serves on a number of local Boards for various non-profit and charitable organizations.

CAROL A. BROOK - During her 42 years at the Federal Defender Program for the Northern District of Illinois, Carol A. Brook served as its Chief Appellate Attorney, Deputy Director and, from 2009-2018, its Executive Director. While at the Federal Defender Program, she defended hundreds of persons in the district court and more than she cares to count in the Seventh Circuit. She supervised a staff of 40 and supported a Panel of 170 private attorneys qualified to take

appointments in federal criminal cases.

A long-time board member for organizations such as the Chicago Federal Bar Association, the Just the Beginning Foundation, and the John Howard Association, Carol also served as both board member and president of the Illinois Association of Criminal Defense Lawyers and the National Association of Federal Defenders. She has chaired numerous national committees and in 2011 was appointed to the U.S. Judicial Conference's Advisory Committee on Criminal Rules. Carol regularly speaks and writes on racial disparity in the criminal justice system, discovery, ethics and sentencing. She is currently Distinguished Practitioner in Residence at The John Marshall Law School teaching criminal procedure.

She and her husband, Thomas Corfman, are long-time Chicago residents and are the proud parents of Sam Corfman, a poet, and Jack Corfman, a lawyer.

KIM D. CAMPBELL - (Commissioner until her term expired in June 2019.) Ms. Campbell is an attorney and adjunct professor with 24 years of experience practicing law. She served as McLean County's Chief Public Defender from July 2010 to August 2014. Prior to that appointment, Kim served as McLean County's First Assistant State's Attorney for eight years. Kim graduated from Illinois State University in 1990 and earned her juris doctorate from Chicago-Kent College of Law in 1993. Prior to returning to McLean County in 1995, she worked in private firms practicing criminal defense. She has past experience in criminal appeals work for the Second District State Appellate Defender's office.

Kim is an adjunct professor at Illinois State University and Lincoln College, currently teaching Legal Writing, Criminal Law, Organization and Management in Criminal Justice Agencies, Criminal Procedure, and Women in Criminal Justice. She is a frequent guest lecturer at community events, clubs and schools. Kim is a past President of the McLean County Juvenile Justice Council; a member of the Board of Governors of the McLean County Bar Association; a past member of the McLean County Drug Court team; a past non-voting member of the Recovery Starts Today Board; past member of MAPP (Minority and Police Partnership); and a past member of the Executive Committee of the Criminal Justice Coordinating Council.

HONORABLE ABISHI C. CUNNINGHAM Jr. (Retired) - Judge Cunningham served as Cook County Public Defender from April 2009 to March 2015 and brought decades of experience as a defense attorney, a prosecutor and a judge to the position. Prior to becoming the Cook County Public Defender, he served on the Cook County Circuit Court from 1986 to 2009 where he presided over thousands of bench trials and hundreds of jury trials in both criminal and civil cases. His last assignment was to the Law Division, where he presided over civil jury trials in areas that included

personal injury/wrongful death, motor vehicle injury, medical malpractice, product liability, commercial litigation and breach of contract.

Judge Cunningham graduated from Fisk University in 1969 with a Bachelor of Science Degree and from Northwestern University School of Law in 1972. He served as legal advisor to the State Superintendent of Public Instruction from 1972-1973 when he left to join the Cook County State's Attorney's office as a felony trial assistant and then as Chief of the Vertical Prosecutions Unit. In 1976, Judge Cunningham joined the Criminal Defense Consortium of Cook County as a Supervising Attorney working out of the Lawndale office of the Consortium. The Consortium consisted of a network of five community-based law offices providing criminal defense services for indigent residents of the community accused in felony, misdemeanor and juvenile cases.

After a period in private practice as a litigator in criminal and civil defense, Judge Cunningham rejoined the Office of the Cook County State's Attorney, where he supervised 40 Assistant States Attorneys responsible for prosecuting all criminal misdemeanor and quasi-criminal cases in the City of Chicago, as well as advising the office on legislative issues. He left this position to join the bench in 1986.

Judge Cunningham was appointed by the Chief Judge to mentor newly appointed and elected judges, and is certified in Comprehensive mediation in the State of Illinois. His professional affiliations include membership in the American Bar Association, the National Bar Association, the Cook County Bar Association and the Chicago Bar Association, the Illinois Public Defender Association and the National Legal Aid and Defender Association. He has been an adjunct professor in the Political Science Department at the University of Illinois at Chicago, and was also an adjunct professor at the DePaul University School of Law and the John Marshall School of Law.

HONORABLE JAMES K. DONOVAN - (Retired) Justice James K. Donovan received his J.D. degree from St. Louis University School of Law and has been licensed to practice law in the State of Illinois since 1978. He served as an Assistant State's Attorney and Public Defender in St. Clair County, Illinois. He served a total of 24 years as a member of the Illinois Judiciary. He was a trial judge for 14 years in the Twentieth Judicial Circuit and retired as an appellate court justice after serving 10 years on the Fifth District Appellate Court in Mount Vernon, Illinois. Judge Donovan retired in December of 2012.

HONORABLE R. PETER GROMETER - (Retired) Justice R. Peter Grometer was born and raised in Aurora, Illinois. He attended Michigan State University where he earned a Bachelor of Arts degree in Economics and Business in 1968. He received his J.D. from the University of Illinois in 1973. He served in the United States Army from 1969 through 1972. After law school, he returned to Aurora and practiced with the law firm of Alschuler, Putnam, McWethy, Funkey & Grometer from 1973 to 1985.

In 1985, he was appointed an Associate Circuit Judge of the 16th Judicial Circuit which encompasses Kane, Kendall and DeKalb Counties, Illinois. In 1992, he was elected Circuit Judge for the 16th Judicial Circuit and served as its Chief Judge from 1996 to 1998. In 2001, Judge Grometer was appointed Justice of the Illinois Appellate Court, Second District and served as a member of the Illinois Appellate Court and the Illinois Appellate Court Workers' Compensation Division until 2009. Justice Grometer retired from the Illinois Appellate Court in 2009.

Justice Grometer is a past president and member of the Aurora Rotary Club, Past President and Director of Mental Health and Mental Rehabilitation, Inc., Director of Aurora Juvenile Protective Association, District Governor of the Boy Scouts of America, a former member of the Board of Education of School District 129.

Justice Grometer is Counsel to the firm of Mahoney, Silverman & Cross, LLC and chairs the firm's Appellate Practice Group which includes three attorneys who have clerked for Justices of the Illinois Appellate Court and a United States District Court Judge. Justice Grometer's practice area includes Appellate Practice and Business and Corporate Transactional Law, Litigation and Mediation.

HONORABLE THOMAS E. HOFFMAN - Appellate Judge, First District, 6th Division - Thomas E. Hoffman was born Dec. 23, 1947, in Chicago. He was educated at Loyola University (B.B.A., 1969) and the John Marshall Law School (J.D., 1971). He served as an Assistant Corporation Counsel for the City of Chicago from 1971 to 1976 before entering private practice. Judge Hoffman was appointed an associate judge of the Circuit Court of Cook County, 1984, elected a Circuit Judge of the Circuit Court of Cook County in 1988, assigned to service in the First Appellate District in 1993, and elected an Appellate Judge of the First Appellate District in 1994 where he presently serves in the 6th Division. Judge Hoffman received the John Marshall Law School's "Distinguished Alumni" award in 1988 and was president of the school's alumni association in 1996. He is a member of the Justinian Society of Lawyers and the Chicago Inn of Court. Judge Hoffman is married to Judge Margarita Kulys Hoffman. He has four children.

REBECCA JANOWITZ - (Commissioner until her term expired in October 2018.) Ms. Janowitz graduated with a B.A. degree from the University of Sussex, Falmer, England in 1973. She received her J.D. degree from Loyola University Chicago in 1976. She served as a staff attorney for South Dakota Legal Services from 1977 to 1979, representing indigent Native Americans in federal, state and tribal court. She practiced law in Chicago as a partner in the firm of Pecquet and Janowitz from 1979 to 1995. From 1995 to 2011, she worked for City of Chicago, the Chicago Public Schools and finally, the Cook County Sheriff's Office. She focused increasingly on the role of education in reentry for people released from jails and prisons. In 2011, she joined the Cook County Justice Advisory Council as the Special Assistant for Legal Affairs. In 2008, she received a Masters degree from the Harris School of Public Policy at the University of Chicago.

J. WILLIAM LUCCO - Born Edwardsville, Illinois, 1947. Education: University of Illinois (A.B., 1969; and J.D., 1972.) Bar Memberships: Illinois 1972, Texas 1973, United States Court of Appeals Seventh Circuit 1978, United States Supreme Court 1984, and currently active in the United States District Courts for the Southern District of Illinois and the Eastern District of Missouri.

Practice Areas: White Collar Criminal Defense, General Criminal Defense, and Commercial

Litigation. Honors: Fellow, American College of Trial Lawyers; Top One Hundred Lawyers in Illinois, Leading Lawyers Net Work; Illinois Super Lawyers; and Best Lawyers in America.

Professional Associations: White Collar Crime Committee, National Association of Criminal Defense Lawyers, Past Member; U.S. Senate Judicial Nominations Commission for Southern District of Illinois, 1997 - 1999, Past Chair; U.S. Magistrate Judge Merit Selection Committee, past Member; CJA Panel Selection Committee for Southern District of Illinois, Past Member; Supreme Court of Illinois Committee on Judicial Performance Evaluation, Past Member; Illinois Capital Litigation Trial Bar Screening Committee, Past Chair; Attorney Regulatory and Disciplinary Commission, 1987 - Present, Member of Inquiry Board; Madison County Bar Association, Past President; Illinois State Bar Association Member; American Bar Association Member; State Bar of Texas Member; Land of Lincoln Legal Assistance Foundation, 1979-2000 Past Director.

Past and Present Employment Positions: Vista Volunteer Legal Aid Lawyer, Galveston, Texas 1972-1974; Madison County, Illinois, Assistant Public Defender, 1976-1980; Private practice 1975-present.

MICHELLE L. SANDERS - Michelle Sanders is currently the First Assistant Public Defender in Macon County, where she assists with the administration of the office and carries a full felony

caseload. Prior to that position, she served for five years as a judicial law clerk for Justice Lisa Holder White on the Fourth District Appellate Court. Before her clerkship, Michelle was an Assistant Public Defender in Macon County. Since 2014, she has also been an adjunct professor at Millikin University, teaching undergraduate courses in Constitutional Law, Civil Liberties, and Ethics in Criminal Justice.

Michelle graduated *summa cum laude* from Western Illinois University in 2002 with a Bachelor of Arts degree in English. She earned her juris doctorate from Southern Illinois University School of Law in 2007, where she wrote for the SIU Law Journal and served as a Taylor Mattis Fellow.

Currently, Michelle serves on the Macon County Criminal Justice Council and the Macon County Juvenile Justice Council. She also assists with the Decatur Bar Association's annual mock trial event. Further, Michelle is the president of Games for Troops, Inc., a local nonprofit organization. Michelle previously served on the Board of Directors for Heritage Behavioral Health Center from 2015 until 2018, and as a moderator for the Teen Court diversion program from 2008 until 2015.

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VI.

STATISTICS

FOR

FISCAL YEAR-2019

Office of the State Appellate Defender

Agency Activity Statistics

For The Period Of:7/1/2018 To 6/30/2019

| | 1st Dist | 2nd Dist | 3rd Dist | 4th Dist | 5th Dist | Contract | TOTAL |
|---|----------|----------|----------|----------|----------|----------|-------------|
| <u>APPOINTMENTS</u> | 923 | 392 | 330 | 400 | 173 | | 2218 |
| <u>LATE NOTICES</u> | | | | | | | |
| Filed | 109 | 13 | 14 | 22 | 14 | | 172 |
| Granted | 108 | 11 | 12 | 22 | 9 | | 168 |
| <u>COMPLETE RECORDS</u> | | | | | | | |
| Trial | 626 | 81 | 107 | 120 | 120 | | 978 |
| Non-Trial | 612 | 103 | 144 | 251 | 94 | | 1204 |
| <u>AC BRIEFS & PETITIONS</u> | | | | | | | |
| Appellate Court Briefs | 876 | 156 | 162 | 144 | 77 | 60 | 1475 |
| Appellate Court Resp Briefs | 0 | 6 | 7 | 2 | 5 | 0 | 20 |
| Reply Briefs | 742 | 121 | 146 | 130 | 44 | 41 | 1224 |
| Supplemental Briefs | 24 | 5 | 2 | 0 | 0 | 0 | 31 |
| Petitions for Rehearing | 131 | 8 | 18 | 24 | 13 | 0 | 194 |
| <u>ISC BRIEFS & PETITIONS</u> | | | | | | | |
| Petitions for Leave to Appeal | 232 | 37 | 35 | 36 | 9 | 6 | 355 |
| ISC Briefs | 6 | 0 | 1 | 2 | 0 | 0 | 9 |
| ISC Response Briefs | 6 | 2 | 1 | 1 | 0 | 0 | 10 |
| ISC Reply Briefs | 3 | 0 | 2 | 1 | 0 | 0 | 6 |
| ISC Cross Reply Briefs | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ISC Supplemental Briefs | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ISC Petitions for Rehearing | 3 | 0 | 0 | 0 | 0 | 0 | 3 |
| <u>FED CRTS BRIEFS & PETITIONS</u> | | | | | | | |
| 7th Circuit Briefs | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7th Circuit Response Brief | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7th Circuit Reply Brief | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USSC Certiorari Petitions | 6 | 1 | 2 | 1 | 1 | 0 | 11 |
| USSC Brief | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USSC Response Brief | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USSC Reply Brief | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USSC Supplemental Brief | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USSC Petition for Rehearing | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <u>ANDERS BRIEFS</u> | | | | | | | |
| Filed | 99 | 30 | 18 | 3 | 14 | 4 | 168 |
| Denied | 2 | 3 | 4 | 0 | 0 | 1 | 10 |
| <u>FINLEY MOTIONS</u> | | | | | | | |
| Filed | 248 | 36 | 36 | 24 | 24 | 0 | 368 |
| Denied | 7 | 2 | 0 | 0 | 1 | 0 | 10 |

MOTIONS TO WITHDRAW

| | | | | | | | |
|--------|----|----|----|----|---|---|------------|
| Filed | 35 | 27 | 21 | 22 | 7 | 2 | 114 |
| Denied | 2 | 1 | 0 | 0 | 0 | 0 | 3 |

MOTIONS TO DISMISS

| | | | | | | | |
|--------|-----|----|----|----|----|---|------------|
| Filed | 118 | 48 | 62 | 85 | 24 | 1 | 338 |
| Denied | 4 | 0 | 2 | 0 | 0 | 0 | 6 |

SUMMARY MOTIONS

| | | | | | | | |
|--|-----|----|----|----|----|---|------------|
| | 100 | 23 | 22 | 21 | 18 | 1 | 185 |
|--|-----|----|----|----|----|---|------------|

ORAL ARGUMENTS

| | | | | | | | |
|-------------------|-----|----|----|----|----|----|------------|
| Appellate Court | 133 | 59 | 54 | 38 | 45 | 20 | 349 |
| ISC Court | 11 | 4 | 4 | 2 | 0 | 0 | 21 |
| 7th Circuit Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| US Supreme Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

CLOSED CASES

| | | | | | | | |
|--|-------|-----|-----|-----|-----|----|-------------|
| | 1,557 | 373 | 286 | 336 | 146 | 56 | 2754 |
|--|-------|-----|-----|-----|-----|----|-------------|

DECISION TYPE

| | 1st Dist | 2nd Dist | 3rd Dist | 4th Dist | 5th Dist | Contract | TOTAL |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|

DEFENSE APPEALS

| | | | | | | | |
|---|-----|-----|----|-----|----|----|------------|
| Affirmed | 421 | 101 | 78 | 102 | 29 | 47 | 778 |
| Consolidated | 22 | 12 | 11 | 22 | 2 | 0 | 69 |
| Dismissed | 164 | 54 | 69 | 112 | 33 | 3 | 435 |
| Mitt Corrected (other than sent credit) | 161 | 2 | 1 | 1 | 5 | 1 | 171 |
| Remanded | 47 | 6 | 14 | 41 | 2 | 0 | 110 |
| Remanded in Part | 21 | 5 | 5 | 5 | 1 | 1 | 38 |
| Remanded Sentence Only | 3 | 0 | 9 | 5 | 0 | 0 | 17 |
| Reversed | 24 | 3 | 7 | 3 | 1 | 1 | 39 |
| Reversed in Part | 11 | 0 | 5 | 1 | 0 | 0 | 17 |
| Reversed/Remanded | 94 | 18 | 23 | 6 | 21 | 1 | 163 |
| Sentence Credit (pre-trial) | 9 | 1 | 3 | 2 | 5 | 0 | 20 |
| Sentence Reduction | 5 | 1 | 2 | 3 | 0 | 0 | 11 |
| State Relief/Deft Appeal | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Vacated | 14 | 4 | 1 | 1 | 0 | 1 | 21 |
| Vacated in Part | 31 | 12 | 4 | 1 | 1 | 4 | 53 |
| Vacated/Remanded | 61 | 14 | 20 | 2 | 15 | 1 | 113 |
| WD Anders All/Aff | 79 | 22 | 9 | 2 | 8 | 1 | 121 |
| WD Finley All/Aff | 217 | 32 | 29 | 13 | 10 | 0 | 301 |
| WD Misc. | 70 | 34 | 14 | 31 | 10 | 0 | 159 |

STATE APPEALS

| | | | | | | | |
|-------------|---|---|---|---|---|---|----------|
| SA Affirmed | 0 | 0 | 0 | 2 | 1 | 0 | 3 |
| SA Remanded | 0 | 0 | 0 | 2 | 1 | 0 | 3 |
| SA Reversed | 0 | 0 | 0 | 1 | 0 | 0 | 1 |

DECISION TOTALS

| | | | | | | | |
|--|-------------|------------|------------|------------|------------|-----------|-------------|
| | 1454 | 321 | 304 | 358 | 146 | 61 | 2644 |
|--|-------------|------------|------------|------------|------------|-----------|-------------|

Office of the State Appellate Defender
 Annual Report - Appts By County
 7/1/2018 through 6/30/2019

Total Appointments: 2,218

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| 1st District | 923 | | |
| | | Cook | 923 |
| 2nd District | 392 | | |
| | | Boone | 13 |
| | | Carroll | 1 |
| | | DeKalb | 24 |
| | | DuPage | 77 |
| | | JoDaviess | 2 |
| | | Kane | 105 |
| | | Kendall | 9 |
| | | Lake | 57 |
| | | Lee | 3 |
| | | McHenry | 23 |
| | | Ogle | 2 |
| | | Stephenson | 18 |
| | | Winnebago | 58 |
| 3rd District | 330 | | |
| | | Bureau | 5 |
| | | Fulton | 3 |
| | | Grundy | 1 |
| | | Hancock | 2 |
| | | Henderson | 2 |
| | | Henry | 26 |
| | | Iroquois | 1 |
| | | Kankakee | 23 |
| | | Knox | 12 |
| | | LaSalle | 21 |
| | | Marshall | 2 |
| | | McDonough | 1 |
| | | Mercer | 1 |
| | | Peoria | 90 |

Office of the State Appellate Defender
 Annual Report - Appts By County
 7/1/2018 through 6/30/2019

Total Appointments: 2,218

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| | | Putnam | 1 |
| | | Rock Island | 28 |
| | | Stark | 1 |
| | | Tazewell | 26 |
| | | Whiteside | 8 |
| | | Will | 76 |
| 4th District | 400 | | |
| | | Adams | 30 |
| | | Calhoun | 3 |
| | | Champaign | 78 |
| | | Clark | 1 |
| | | Coles | 23 |
| | | Cumberland | 2 |
| | | DeWitt | 1 |
| | | Douglas | 3 |
| | | Edgar | 2 |
| | | Ford | 2 |
| | | Jersey | 8 |
| | | Livingston | 39 |
| | | Logan | 9 |
| | | Macon | 59 |
| | | Macoupin | 2 |
| | | Mason | 1 |
| | | McLean | 48 |
| | | Menard | 1 |
| | | Morgan | 3 |
| | | Moultrie | 1 |
| | | Pike | 3 |
| | | Sangamon | 27 |
| | | Vermilion | 42 |
| | | Woodford | 12 |

Office of the State Appellate Defender
 Annual Report - Appts By County
 7/1/2018 through 6/30/2019

Total Appointments: 2,218

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| 5th District | 173 | | |
| | | Alexander | 1 |
| | | Christian | 5 |
| | | Clay | 1 |
| | | Clinton | 4 |
| | | Crawford | 1 |
| | | Effingham | 6 |
| | | Fayette | 3 |
| | | Franklin | 8 |
| | | Gallatin | 1 |
| | | Hamilton | 4 |
| | | Jackson | 16 |
| | | Jefferson | 22 |
| | | Lawrence | 4 |
| | | Madison | 26 |
| | | Marion | 5 |
| | | Massac | 2 |
| | | Montgomery | 2 |
| | | Perry | 4 |
| | | Randolph | 5 |
| | | Richland | 1 |
| | | Saline | 8 |
| | | Shelby | 2 |
| | | St. Clair | 32 |
| | | Union | 1 |
| | | Wabash | 1 |
| | | Wayne | 1 |
| | | White | 4 |
| | | Williamson | 3 |

Office of the State Appellate Defender Caseload Information

Statistics for Fiscal Year 2019

Agency Offices

| | 1st | 2nd | 3rd | 4th | 5th | Contract Attys | Total |
|-------------------------------------|--------|-------|-------|-------|-------|-------------------|--------|
| Ending FY 18 Cases Pending | 3023 | 738 | 567 | 788 | 385 | 59 | 5560 |
| FY 2019 Appointments | 923 | 392 | 330 | 400 | 173 | 0 | 2218 |
| FY 2019 Closed Case | (1557) | (373) | (286) | (336) | (146) | (56) | (2754) |
| FY 2019 Incoming Transfers | 184 | 18 | 46 | 33 | 3 | 59 | 343 |
| FY 2019 Outgoing Transfers | (36) | (74) | (59) | (136) | (38) | | (343) |
| FY 2019 Total Cases Pending | 2537 | 701 | 598 | 749 | 377 | 62 | 5024 |
| <u>Decisions Information</u> | | | | | | | |
| AC Decisions | 1454 | 322 | 304 | 360 | 147 | 61 | 2648 |
| AC Relief Granted | 472 | 65 | 91 | 71 | 47 | 10 | 756 |
| AC Percent Relief | 32% | 20% | 30% | 20% | 32% | 16% | 29% |
| Leave to Appeal Granted | 5 | 2 | 1 | 3 | 0 | 0 | 11 |

| | | | | | | | |
|--------------------------|-----|-----|------|-----|---|---|----|
| SC Decisions | 11 | 4 | 3 | 5 | 0 | 0 | 23 |
| SC Relief Granted | 8 | 3 | 3 | 3 | 0 | 0 | 17 |
| SC Percent Relief | 72% | 75% | 100% | 60% | | | |

Caseload Comparison Statistics
 FY 2018 - FY 2019
 No. of Appointments & Dispositions

| Appointments | FY 18 | FY 19 |
|--------------|-------|-------|
| Cases Opened | 2449 | 2218 |

| Dispositions | FY18 | FY 19 |
|--|------|-------|
| Appellate Court Briefs | 1468 | 1475 |
| Appellate Court Response Briefs (State Appeal) | 25 | 20 |
| Anders Filed | 143 | 168 |
| Finley Filed | 297 | 368 |
| Motions to Withdraw Filed | 117 | 114 |
| Motions to Dismiss Filed | 344 | 338 |
| Summary Motions Filed | 178 | 185 |
| Total Dispositions | 2572 | 2668 |

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