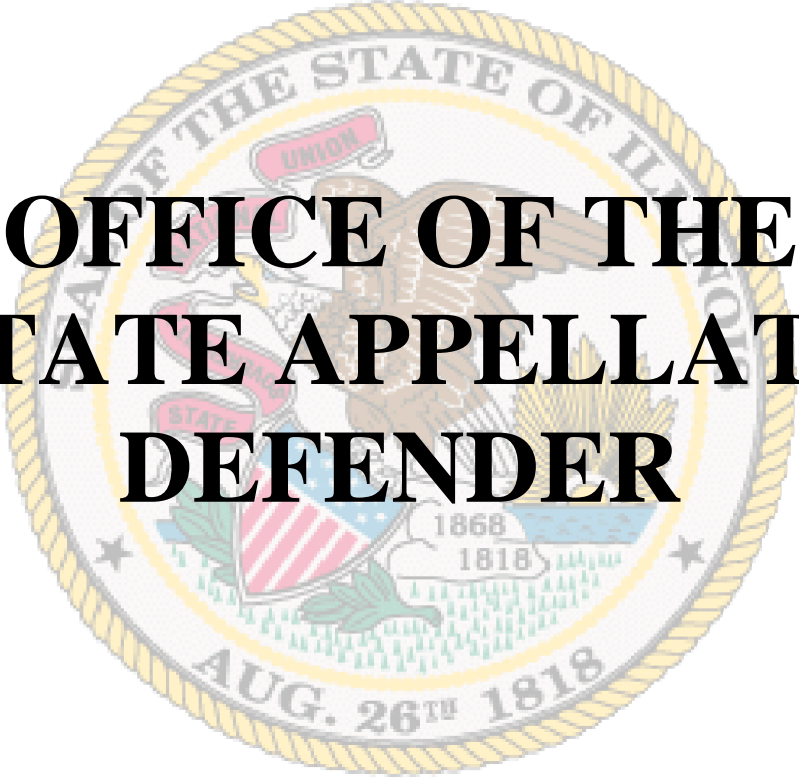


# Annual Report Fiscal Year - 2020

The seal of the State Appellate Defender of Illinois is circular with a yellow rope-like border. Inside the border, the text "OFFICE OF THE STATE APPPELLATE DEFENDER" is written in a semi-circle at the top. The center features an eagle with wings spread, perched on a shield with red and white stripes and a blue top section. Above the eagle is a banner with the word "UNION". Below the eagle are the years "1868" and "1818" on separate banners. At the bottom of the seal, the text "AUG. 26<sup>TH</sup> 1818" is written in a semi-circle.

## **OFFICE OF THE STATE APPELLATE DEFENDER**

**JAMES E. CHADD**

**STATE APPELLATE DEFENDER**

**ANNUAL REPORT FISCAL YEAR-2020**

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## **I. FISCAL YEAR-2020 ACTIVITIES**

State Appellate Defender Jim Chadd appointed two new Deputy Defenders this fiscal year. John McCarthy, Deputy Defender in the Fourth District Office, announced his plans to retire from the Agency at the end of November 2019. Mr. Chadd conducted interviews and named Catherine Hart, Assistant Director of the Juvenile Defender Resource Center, as the new Fourth District Deputy Defender. On October 17, 2019, the Fourth District Appellate Court unanimously approved her appointment. Ms. Hart assumed her new position as Deputy Defender of the Fourth District Office on December 2, 2019.

Peter Carusona, Deputy Defender in the Third District Office, retired from the Agency on December 31, 2019. Mr. Chadd conducted interviews and named Thomas Karalis, Third District Assistant Deputy Defender, as the new Third District Deputy Defender. The Third District Appellate Court unanimously approved his appointment, and Mr. Karalis assumed his new position as Deputy Defender of the Third District Office on January 2, 2020.

In January 2020, the Juvenile Defender Resource Center welcomed Scott Main as their new Staff Attorney. Scott comes to the JDRC from the Children and Family Justice Center of the Bluhm Legal Clinic, Northwestern Pritzker School of Law. Prior to his employment at Northwestern, Scott was an Assistant Appellate Defender with the Office of the State Appellate Defender for over 10 years.

On February 11, 2020, the Illinois Supreme launched a pilot program utilizing volunteer pro bono attorneys to reduce the backlog of criminal appeals that are currently pending with our agency. In this six-month pilot program, pro bono attorneys will help reduce the backlog by substituting for OSAD in certain criminal appeals. The pilot program will begin in the First and Second Districts of the Appellate Court. Upon favorable assessment of the pilot program, it would be expanded to include the Third, Fourth and Fifth District Appellate Courts.

In March, the COVID-19 pandemic swept through Illinois, forcing changes to our agency. We are an essential service so we never had the option of shutting down. Instead, we had to find a way to operate in the midst of the pandemic. That has been a challenge, but due to the hard work and dedication of our employees, especially many of our support staff, we have kept our agency running with most of our work being done remotely.

### **Board of Commissioners**

A Board of Commissioners' meeting was held in the First District office in Chicago on September 20, 2019. The Board approved the FY2020 operating budget in the amount of \$23,393,600 which 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.

On February 21, 2020, a meeting of the OSAD Board of Commissioners was held in the First District office. The Board approved the operating budget for FY2021 in the amount of \$24,990,458 - a 1,596,858 or 6.83% increase over the FY2020 operating budget. This budget allows for the following:

- Full staffing for the agency;
- Ten new Assistant Appellate Defender positions;
- Three new support staff positions;
- Increase pay plan for all titles;
- Continuation and expansion of the Contract Attorney Program;
- Continuation and expansion of the Expungement Program, including a full-time attorney;
- Continuation of the Public Defender Training Program;
- Continuation of the Juvenile Defender Resource Center.

### **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.

On August 19, 2019, Mr. Chadd attended the quarterly meeting of the Adult Redeploy Illinois Oversight Board in Chicago.

Mr. Chadd and Deputy State Appellate Defender Kerry Bryson met with the Illinois Supreme Court on September 9, 2019, to discuss the backlog.

Mr. Chadd and Deputy Defender Catherine Hart met with the 4th District Appellate Court to discuss the backlog on November 18, 2019.

Mr. Chadd conducted a Deputy Defender staff meeting via video conference on November 21, 2019.

Mr. Chadd attended the Illinois Criminal Justice Information Authority Board meeting in Chicago on Thursday, December 19, 2019.

On February 24, 2020, Mr. Chadd attended the quarterly meeting of the Adult Redeploy Illinois Oversight Board in Chicago.

On February 27, 2020, Mr. Chadd and Chief Fiscal Officer Tonya Janecek appeared and testified before the Senate Appropriations Committee in Springfield.

On June 5, Mr. Chadd attended the virtual quarterly meeting of the Adult Redeploy Illinois Oversight Board.

### **Training Seminars**

On July 26, 2019, the Office of the State Appellate Defender and the Illinois Public Defender Association again presented “Object to Win: Get Acquittals by Using the Illinois Rules of Evidence.” This day-long seminar was held at the University of Illinois at Springfield, and was attended by 21 Public Defenders from 12 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 were provided with the materials. Participants earned 6.00 General CLE Credit Hours.

On October 25 & 26, 2019, the Illinois Public Defender Association presented its Fall 2019 Seminar in Springfield, Illinois. The seminar was attended by 172 participants including public defenders and private attorneys from 47 counties, as well as 48 attorneys from the Office of the State Appellate Defender. The IPDA offered 7.75 hours of General MCLE credit with up to 5 hours of Professionalism credits (including one hour of mental health credit.)

The Juvenile Defender Resource Center presented a free day-long training, Second Chance: Sentencing Hearings for Youth in Adult Court Post-Buffer, in O’Fallon, Illinois. This November 2019 conference covered the nuts and bolts of litigating sentencing hearings, re-sentencing hearings, and post-conviction petitions for youth serving sentences of 40 years or more. Along with Northwestern Law School’s Children and Family Justice Center, the JDRC co-sponsored a second free day-long training for attorneys representing youth serving extreme sentences, Miller’s Next Wave: Using Buffer and Harris to Help Our Clients, in Chicago in January 2020. These two seminars trained 89 attorneys in the skills necessary to litigate the 100-plus Buffer resentencing hearings in Illinois.

The JDRC also coordinated a two-part juvenile law session at the 2019 Illinois Public Defender Association Fall Seminar. In Mitigation Stories: Connecting the Miller Factors to the Life of your Client, attorneys learned how to effectively use mitigation experts at sentencing, and how to present their client’s mitigation stories if they’re not able to hire an expert. JDRC staff also presented sessions on the Basics of Juvenile Law for new OSAD attorneys in February and June 2020.

The week-long 2020 Jamie Kunz Trial Ad Program, which was scheduled to be held from March 16-20, 2020, was postponed due to COVID-19. Director of Training Laura Weiler has been working to have the program rescheduled to August 2020 and presented virtually.

The 2020 Illinois Public Defender Association Spring Seminar scheduled for May 1 & 2, 2020, in Springfield was cancelled due to the COVID-19 pandemic.

## **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 FY2019, 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.

Additionally, 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, sample pleadings, case law summaries, and a juvenile defender discussion forum.

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](mailto: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 maintains a website for attorneys with up-to-date information on trainings, news items, and legislative changes affecting juvenile defense. Through the website, attorneys can access the JDRC Case Law Summaries, links to expert materials and resources, sample pleadings, and a list-serve for Illinois juvenile defenders. The Center also provides advice and assistance to attorneys on individual cases, sponsors free CLE training to juvenile defenders, and provides need-based funding for expert witnesses, evaluations, and investigators for attorneys representing youth in delinquency and criminal court.

The Center's staff continues to represent the interests of juvenile defenders on the Illinois Juvenile Justice Commission, the ISBA Standing Committee on Corrections and Sentencing, the Illinois Sex Offender Management Board, the Illinois Juvenile Justice Leadership Council, the Restore Justice Foundation, the Illinois Juvenile Justice Initiative, and the Midwest Juvenile Defender Center.

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### **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, 24<sup>th</sup> Floor in Chicago. Patricia Mysza is the Deputy Defender.

During Fiscal Year-2020, the First District Office received appointment to 664 cases and filed 767 Appellate Court briefs, 163 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Illinois Supreme Court briefs, 111 Anders briefs, 229 Finley Motions, 45 Motions to Withdraw, 121 Motions to Dismiss and 76 Summary Motions. Oral argument was held in 101 Appellate Court cases and 8 Illinois Supreme Court cases.

**C. Second District Office**

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

During Fiscal Year-2020, the Second District Office received appointment to 288 cases and filed 203 Appellate Court briefs, 31 Petitions for Leave to Appeal to the Illinois Supreme Court, 5 Illinois Supreme Court briefs, 46 Anders briefs, 39 Finley Motions, 39 Motions to Withdraw, 53 Motions to Dismiss and 21 Summary Motions. Oral argument was held in 28 Appellate Court cases, and 3 Illinois Supreme Court cases.

**D. Third District Office**

The Third District Office is located at 770 E. Etna Road in Ottawa. Peter A. Carusona was the Deputy Defender until December 31, 2019. Thomas Karalis became the Deputy Defender effective January 2, 2020.

During Fiscal Year-2020, the Third District Office received appointment to 277 cases and filed 164 Appellate Court briefs, 34 Petitions for Leave to Appeal to the Illinois Supreme Court, 4 Illinois Supreme Court briefs, 9 Anders briefs, 30 Finley Motions, 16 Motions to Withdraw, 68 Motions to Dismiss and 33 Summary Motions. Oral argument was held in 21 Appellate Court cases and 7 Illinois Supreme Court cases.

**E. Fourth District Office**

The Fourth District Office is located at 400 West Monroe Street, Suite 303, in Springfield. John McCarthy was the Deputy Defender until November 30, 2019. Catherine Hart became the Deputy Defender effective December 2, 2019.

During Fiscal Year-2020, the Fourth District Office received appointment to 362 cases and filed 188 Appellate Court briefs, 35 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Illinois Supreme Court briefs, 5 Anders briefs, 17 Finley Motions, 23 Motions to Withdraw, 130 Motions to Dismiss and 13 Summary Motions. Oral argument was held in 19 Appellate Court cases and 4 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-2020, the Fifth District Office received appointment to 152 cases and filed 62 Appellate Court briefs, 10 Petitions for Leave to Appeal to the Illinois Supreme Court, 12 Anders briefs, 24 Finley Motions, 17 Motions to Withdraw, 28 Motions to Dismiss and 8 Summary Motions. Oral argument was held in 37 Appellate Court cases and one Illinois Supreme Court case.

**G. Expungement Unit**

OSAD's expungement unit receives an average of 210 emails per month, 140 phone calls to the hotline, and 180 phone calls per month requesting information about expungement and sealing of records. An average of 180 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 21 community events.

**H. Juvenile Defender Resource Center**

In Fiscal Year-2020, the Juvenile Defender Resource Center continued to maintain its website, which provides attorneys with up-to-date information on trainings, news items, and legislative changes affecting juvenile defense; a juvenile defender list-serve; and access to the JDRC Case Law Summaries, sample pleadings, and links to expert materials and resources. The Center provided advice and assistance to attorneys in 52 individual cases. The Center sponsored two day-long regional summits for attorneys representing youth serving de facto life sentences, coordinated a half-day training on the use of mitigation experts and evidence, participated in a clemency summit for attorneys representing youth serving live sentences, and presented two sessions on the basics of delinquency law. The Center staff spent the last quarter of the year preparing for a shift to on-line trainings in response to the recent pandemic. The Center also launched its Trial Attorney Assistance Program in Fiscal Year-2020, which provides funding by application to attorneys who would otherwise be unable to retain expert witnesses and evaluators for their juvenile clients.



#### **IV. PERSONNEL**

##### **ADMINISTRATIVE OFFICE**

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**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-2020, the Administrative Office was staffed by 20 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, 2 Fiscal Assistants, a Senior Administrative Assistant, and an Administrative Assistant.

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## **FIRST DISTRICT OFFICE**

Office of the State Appellate Defender  
203 North LaSalle, 24<sup>th</sup> Floor  
Chicago, IL 60601  
Telephone: 312/814-5472  
FAX: 312/814-1447  
Email: [1stDistrict@osad.state.il.us](mailto: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-2020, the First District Office was staffed by 123 persons including the Deputy Defender, an Assistant Deputy Defender, 10 Supervisors, 77 full-time Assistant Appellate Defenders, 13 part-time Assistant Appellate Defenders, a Director of the Paralegal Department, 4 Paralegals, an Office Administrator, an Assistant Office Administrator, 8 Legal Secretaries, 4 Docket Clerks, and 2 Office Clerks.

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## **SECOND DISTRICT OFFICE**

Office of the State Appellate Defender  
One Douglas Avenue, 2<sup>nd</sup> Floor  
Elgin, IL 60120  
Telephone: 847/695-8822  
FAX 847/695-8959  
Email: [2ndDistrict@osad.state.il.us](mailto: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-2020, the Second District Office was staffed by 27 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 16 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](mailto:3rdDistrict@osad.state.il.us)

PETER A. CARUSONA  
Deputy Defender until December 31, 2019

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.

THOMAS A. KARALIS  
Deputy Defender effective January 2, 2020

Mr. Karalis received his Juris Doctor from DePaul University College of Law in 1985 and was admitted to the Illinois bar that same year. He spent three years working in the title insurance industry before joining the Office of the State Appellate Defender Third District office in 1989. He was an Assistant Appellate Defender for 26 years before becoming a Supervisor in 2015. In February 2018, he was named Assistant Deputy Defender of the Third District, and he was appointed Deputy Defender of the Third District office effective January 2, 2020.

At the end of FY-2020, the Third District Office was staffed by 22 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 14 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk and 2 Legal Secretaries.

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### **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](mailto:4thDistrict@osad.state.il.us)

JOHN M. McCARTHY  
Deputy Defender until November 30, 2019

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.

CATHERINE HART  
Deputy Defender effective December 2, 2019

Catherine Hart received her Juris Doctor from Northwestern University School of Law in 1995, and went to work for the Legal Aid Society in New York City; first as an intern in the Juvenile Rights Division and then as a staff attorney for the Criminal Defense Division of the Brooklyn Legal Aid Society. In 1996 she was admitted to the Illinois Bar and in 1997 became an assistant appellate defender in the Fourth District of the Office of the State Appellate Defender. She became a supervisor in March 2015, and then the Assistant Director of the newly formed Juvenile Defender Resource Center in September of 2018. In December 2019, she was appointed as Deputy Defender of the Fourth District.

Ms. Hart is admitted to practice in the Illinois Supreme Court and the United States District Court for the Central District of Illinois. Ms Hart is a current board member of the Illinois Public Defender Association, and a former board member of the Illinois Juvenile Justice Initiative and the Midwest Juvenile Defender Center. Ms. Hart has made many legal presentations on topics such as the improper shackling of youth, trends in juvenile law, client communication, and criminal cases on appeal.

At the end of FY-2020, the Fourth District Office was staffed by 26 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 16 Assistant Appellate Defenders, a Paralegal Administrator, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

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#### **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](mailto: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-2020, 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.

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## **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](mailto: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-2020, the Juvenile Defender Resource Center was staffed by 3 persons, including the Director, an Assistant Director, and an Office Associate.

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## 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.

**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.

**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-2020**

# Office of the State Appellate Defender

## Agency Activity Statistics

For The Period Of: 7/1/2019 To 6/30/2020

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	Contract	TOTAL
<b><u>APPOINTMENTS</u></b>	709	323	297	412	166		<b>1907</b>
Adjusted Appointments	(45)	(35)	(20)	(50)	(14)		<b>(164)*</b>
Total Appointments	664	288	277	362	152		<b>1743</b>
<b><u>COMPLETE RECORDS</u></b>							
Trial	412	94	127	104	104		<b>799</b>
Non-Trial	530	101	188	241	111		<b>1171</b>
<b><u>AC BRIEFS &amp; PETITIONS</u></b>							
Appellate Court Briefs	767	203	164	188	62	68	<b>1452</b>
Appellate Court Resp Briefs	1	8	6	5	3	1	<b>24</b>
Reply Briefs	811	173	131	161	68	39	<b>1383</b>
Supplemental Briefs	22	5	3	8	1	0	<b>39</b>
Petitions for Rehearing	124	14	13	15	7	1	<b>174</b>
<b><u>ISC BRIEFS &amp; PETITIONS</u></b>							
Petitions for Leave to Appeal	163	31	34	35	10	5	<b>278</b>
ISC Briefs	3	5	4	3	1	0	<b>16</b>
ISC Response Briefs	3	0	5	1	0	0	<b>9</b>
ISC Reply Briefs	4	3	4	2	1	0	<b>14</b>
ISC Cross Reply Briefs	2	0	0	0	0	0	<b>2</b>
ISC Supplemental Briefs	0	0	0	0	0	0	<b>0</b>
ISC Petitions for Rehearing	2	0	1	1	0	0	<b>4</b>
<b><u>FED CRTS BRIEFS &amp; PETITIONS</u></b>							
7th Circuit Briefs	0	0	0	0	0	0	<b>0</b>
7th Circuit Response Brief	0	0	0	0	0	0	<b>0</b>
7th Circuit Reply Brief	0	0	0	0	0	0	<b>0</b>
USSC Certiorari Petitions	0	0	0	0	0	0	<b>0</b>
USSC Brief	0	0	0	0	0	0	<b>0</b>
USSC Response Brief	0	0	0	0	0	0	<b>0</b>
USSC Reply Brief	0	0	0	0	0	0	<b>0</b>
USSC Supplemental Brief	0	0	0	0	0	0	<b>0</b>
USSC Petition for Rehearing	0	0	0	0	0	0	<b>0</b>
<b><u>ANDERS BRIEFS</u></b>							
Filed	111	46	9	5	12	4	<b>187</b>
Denied	0	0	0	0	0	0	<b>0</b>
<b><u>FINLEY MOTIONS</u></b>							
Filed	229	39	30	17	24	0	<b>339</b>
Denied	5	1	1	1	0	0	<b>8</b>

**MOTIONS TO WITHDRAW**

Filed	45	39	16	23	17	0	140
Denied	1	0	0	0	0	0	1

**MOTIONS TO DISMISS**

Filed	121	53	68	130	28	1	401
Denied	0	0	0	0	0	0	0

**SUMMARY MOTIONS**

	76	21	33	13	8	1	152
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**ORAL ARGUMENTS**

Appellate Court	101	28	21	19	37	13	219
ISC Court	8	3	7	4	1	0	23
7th Circuit Court	0	0	0	0	0	0	0
US Supreme Court	0	0	0	0	0	0	0

**CLOSED CASES**

	1,156	350	312	370	145	48	2381
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**DECISION TYPE**

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	Contract	TOTAL
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**DEFENSE APPEALS**

Affirmed	443	106	80	85	32	37	783
Consolidated	27	19	11	31	9	0	97
Dismissed	148	57	77	136	29	2	449
Mitt Corrected (other than sent credit)	6	0	1	0	1	0	8
Remanded	67	10	31	24	4	2	138
Remanded in Part	16	5	6	6	1	2	36
Remanded Sentence Only	0	2	1	5	1	0	9
Reversed	19	4	7	1	3	0	34
Reversed in Part	8	3	2	5	1	0	19
Reversed/Remanded	89	13	25	21	12	3	163
Sentence Credit (pre-trial)	1	0	0	1	0	0	2
Sentence Reduction	1	2	1	3	1	0	8
State Relief/Deft Appeal	0	0	0	0	0	0	0
Vacated	9	6	5	0	1	0	21
Vacated in Part	22	11	2	4	3	4	46
Vacated/Remanded	78	10	14	1	18	2	123
WD Anders All/Aff	84	35	13	4	9	4	149
WD Finley All/Aff	163	32	29	21	17	0	262
WD Misc.	66	46	11	28	18	0	169

**STATE APPEALS**

SA Affirmed	0	0	0	1	1	0	2
SA Remanded	0	0	0	0	0	0	0
SA Reversed	0	0	0	1	0	0	1

**DECISION TOTALS**

	<u>1247</u>	<u>361</u>	<u>316</u>	<u>378</u>	<u>161</u>	<u>56</u>	<u>2519</u>
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\* Adjusted appointments represent cases closed where no brief or disposition motion was filed.

Office of the State Appellate Defender  
 Annual Report - Appts By County  
 7/1/2019 through 6/30/2020

Total Appointments: 1,907

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
<b>1st District</b>	<b>709</b>		
		Cook	709
<b>2nd District</b>	<b>323</b>		
		Boone	12
		Carroll	6
		DeKalb	15
		DuPage	64
		Kane	85
		Kendall	17
		Lake	44
		Lee	4
		McHenry	13
		Ogle	1
		Stephenson	8
		Winnebago	54
<b>3rd District</b>	<b>297</b>		
		Bureau	8
		Fulton	2
		Grundy	3
		Hancock	2
		Henry	16
		Iroquois	5
		Kankakee	39
		Knox	5
		LaSalle	19
		McDonough	3
		Mercer	1
		Peoria	93
		Rock Island	16
		Stark	1
		Tazewell	19

Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2019 through 6/30/2020

Total Appointments: 1,907

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
		Warren	1
		Whiteside	1
		Will	63
<b>4th District</b>	<b>412</b>		
		Adams	12
		Calhoun	3
		Champaign	80
		Clark	3
		Coles	23
		Cumberland	2
		DeWitt	5
		Edgar	2
		Ford	2
		Jersey	7
		Livingston	45
		Logan	3
		Macon	56
		Macoupin	2
		Mason	4
		McLean	61
		Morgan	9
		Moultrie	1
		Piatt	1
		Pike	5
		Sangamon	21
		Schuyler	3
		Scott	2
		Vermilion	38
		Woodford	22
<b>5th District</b>	<b>166</b>		
		Alexander	2

**Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2019 through 6/30/2020**

**Total Appointments: 1,907**

<b>Appellate Court District</b>	<b>Total Appointment By AC District</b>	<b>County Name</b>	<b>Total Appointment By County</b>
		Bond	3
		Christian	6
		Clay	1
		Clinton	1
		Crawford	2
		Edwards	1
		Effingham	5
		Fayette	2
		Franklin	2
		Hamilton	1
		Jackson	13
		Jefferson	11
		Lawrence	1
		Madison	34
		Marion	7
		Monroe	1
		Perry	4
		Pope	1
		Randolph	5
		Richland	1
		Saline	8
		Shelby	4
		St. Clair	32
		Union	8
		Wayne	1
		White	3
		Williamson	6



# Office of the State Appellate Defender Caseload Information

Statistics for Fiscal Year 2020

## Agency Offices

	1st	2nd	3rd	4th	5th	Contract Attys	Total
<b>Ending FY 19 Cases Pending</b>	2537	701	598	749	377	62	5024
<b>FY 2020 Appointments</b>	709	323	297	412	166	0	1907
<b>FY 2020 Closed Case</b>	(1156)	(350)	(312)	(370)	(145)	(48)	(2381)
<b>FY 2020 Incoming Transfers</b>	326	21	9	39	3	66	464
<b>FY 2020 Outgoing Transfers</b>	(34)	(85)	(84)	(202)	(59)		(464)
<b>FY 2020 Total Cases Pending</b>	2382	610	508	628	342	80	4550
<b><u>Decisions Information</u></b>							
<b>AC Decisions</b>	1247	361	316	378	161	56	2519
<b>AC Relief Granted</b>	316	66	95	71	46	13	607
<b>AC Percent Relief</b>	25%	18%	30%	19%	29%	23%	24%
<b>Leave to Appeal Granted</b>	5	3	4	2	1	0	15

<b>SC Decisions</b>	11	3	4	5	0	0	23
<b>SC Relief Granted</b>	8	1	1	3	0	0	13
<b>SC Percent Relief</b>	73%	33%	25%	60%			

Caseload Comparison Statistics  
 FY 2019 - FY 2020  
 No. of Appointments & Dispositions

Appointments	FY 19	FY 20
Cases Opened	2218	1907

Dispositions	FY19	FY 20
Appellate Court Briefs	1475	1452
Appellate Court Response Briefs (State Appeal)	20	24
Anders Filed	168	187
Finley Filed	368	339
Motions to Withdraw Filed	114	140
Motions to Dismiss Filed	338	401
Summary Motions Filed	185	152
Total Dispositions	2668	2695

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