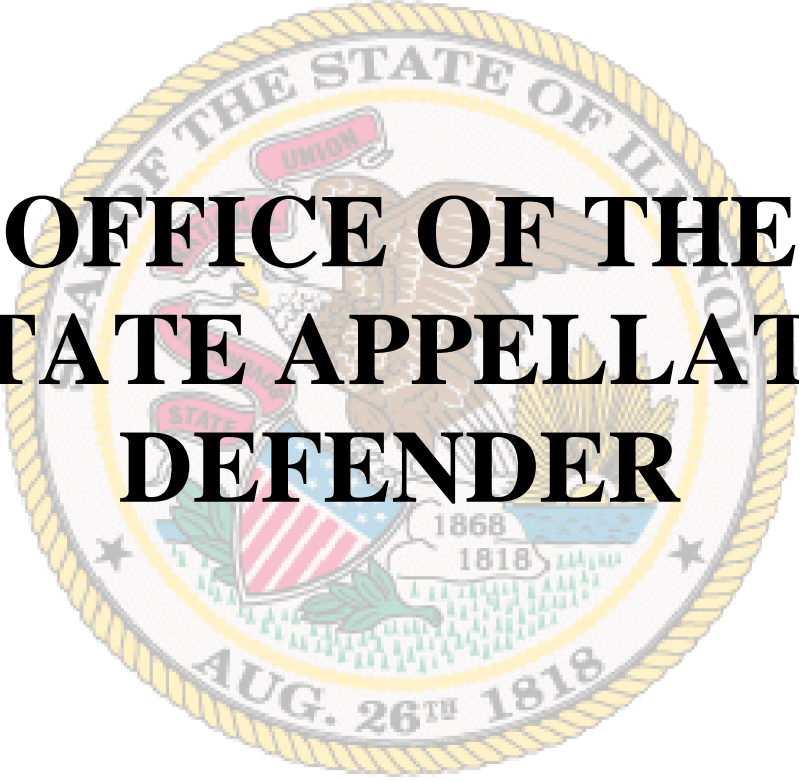


Annual Report Fiscal Year - 2022

The seal of the State Appellate Defender of Illinois is a circular emblem with a yellow rope-like border. Inside the border, the text "OFFICE OF THE STATE APPPELLATE DEFENDER" is written in a circular path. The center of the seal features an eagle with its 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 date "AUG. 26TH 1818" is inscribed.

**OFFICE OF THE
STATE APPPELLATE
DEFENDER**

JAMES E. CHADD

STATE APPPELLATE DEFENDER

ANNUAL REPORT FISCAL YEAR-2022

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I. FISCAL YEAR-2021 ACTIVITIES

The COVID-19 pandemic continued to affect our agency during this fiscal year. We operated remotely during the first 11 months of this fiscal year, and finally reopened our offices on June 1, 2022, more than two years after we first closed them in March of 2020.

On November 22, 2021, The Illinois Supreme Court reappointed James Chadd as the State Appellate Defender for a four-year term beginning on January 1, 2022.

Committees and Meetings

During FY2021, State Appellate Defender James Chadd, or one of his designees, attended the virtual meetings of the committees for which he is board member, including the Adult Redeploy Illinois Oversight Board, the Illinois Criminal Justice Information Authority, and the Illinois Sentencing Policy Advisory Council.

State Appellate Defender James Chadd and Chief Fiscal Officer Jana Bergschneider appeared virtually before the House Appropriations Committee on February 16, 2022 and the Senate Appropriations Committee on March 1, 2022.

Board of Commissioners

The Honorable Abishi Cunningham Jr., a member of OSAD's Board of Commissioners since May 1, 2009, passed away on March 15, 2022. In addition to his service on OSAD's Board of Commissioners, Judge Cunningham had a long and distinguished career as a lawyer, judge and professor, including serving as a judge on the Cook County Circuit Court from 1986 to 2009, and as the Cook County Public Defender from April 2009 to March 2015. Judge Cunningham will be greatly missed.

The Governor's Office has not yet appointed a replacement for Judge Cunningham.

The OSAD Board of Commissioners met remotely on Friday, September 17, 2021, and approved the FY2022 Operating Budget request in the amount of \$26,132,415, a \$1,141,815 or 4.57% increase over the Fiscal Year 2021 operating budget. This request allowed for the following:

- Full staffing for the Agency;
- Seven new assistant Appellate Defender positions;
- Continuation and expansion of Contract Attorney Program;
- Continuation of Expungement Program;
- Continuation of Public Defender Training Program;
- Continuation of Juvenile Defender Resource Center.

The Board of Commissioners' met virtually on February 25, 2022, and approved the proposed budget for FY2023 in the amount of \$26,057,700, a (\$74,715) or -0.29% decrease over the Fiscal Year 2022 operating budget. This budget allows for the following:

- Full staffing for the Agency;
- Headcount of 255;
- An increase in the Pay Plan;
- Decreased funding for the Contract Attorney Program;
- Continuation of Expungement Program;
- Continuation of Public Defender Training Program;
- Continuation of Juvenile Defender Resource Center;
- A new attorney position for the Juvenile Defender Resource Center.

Training Seminars

The Jamie Kunz Trial Advocacy Program was held virtually every Thursday afternoon for 6 weeks, from September 2nd - October 7th. A total of 28 attorneys from 13 counties registered for this event. The hands-on, skills-building program focused on voir dire, opening statements, cross-examination, and closing arguments.

OSAD assisted with the IPDA's Fall Seminar, which was once again held virtually over the course of four days: October 28th and 29th, and November 4th and 5th. 235 people registered for the event from 47 different counties. Jackie Bullard, the Director of the JDRC, chaired a training subcommittee of the Illinois Sex Offender Management Board on youth who sexually offend and their ability to petition off the sex offender registry.

OSAD hosted several Chief Defender Training Programs in 2022, each one providing training and/or discussion about various issues affecting public defenders in Illinois.

In April, OSAD provided a training presentation for the Cook County Public Defender's Office on Preserving Issues for Review, and a training program for the McHenry County Bar Association's Criminal Law Section on Criminal Appeals in a Nutshell. OSAD also continued its partnership with the Gault Center, providing CLE/Diversity credit to attorneys attending their monthly Racial Justice Series.

OSAD provided support for the Illinois Public Defender Association's first in-person seminar since the start of the pandemic. It was held May 20-21st and was attended by 182 trial and appellate public defenders throughout the state. At the seminar, Assistant Appellate Defender Gil Lenz was presented with the Bruce Robert Jacob Award.

In June OSAD launched its "Elevate & Excel" oral argument training program. Thirty-five OSAD attorneys participated in the program, and 18 OSAD attorneys acted as coaches. OSAD also

used professional communication coaches to offer guidance and feedback on voice, tone, posture, and overall presentation skills.

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 a record is eligible for expungement or sealing.

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 JDRC also publishes a twice-monthly email newsletter, The Juvenile Defender, with updates on news, cases, legislation, and trainings affecting attorneys who represent youth in conflict with the law.

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.

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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.

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 maintains a website and semi-monthly newsletter for attorneys with up-to-date information on case law, 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 and Racial and Ethnic Disparities Subcommittee, the Illinois State Bar Association Standing Committee on Corrections and Sentencing and Child Law Section Council, the Illinois Sex Offender Management Board, the Illinois Juvenile Justice Leadership Council, the Administrative Office of the Illinois Courts Dual Status Youth Initiative, 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, 24th Floor in Chicago. Douglas R. Hoff is the Deputy Defender.

During Fiscal Year-2022, the First District Office received appointment to 558 cases and filed 496 Appellate Court briefs, 225 Petitions for Leave to Appeal to the Illinois Supreme Court, 10 Illinois Supreme Court briefs, 2 Petitions for Writ of Certiorari to the United States Supreme Court,

43 Anders briefs, 225 Finley Motions, 19 Motions to Withdraw, 93 Motions to Dismiss and 48 Summary Motions. Oral argument was held in 136 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-2022, the Second District Office received appointment to 209 cases and filed 143 Appellate Court briefs, 37 Petitions for Leave to Appeal to the Illinois Supreme Court, 4 Illinois Supreme Court brief, 1 Petition for Writ of Certiorari to the United States Supreme Court, 22 Anders briefs, 40 Finley Motions, 26 Motions to Withdraw, 33 Motions to Dismiss and 12 Summary Motions. Oral argument was held in 25 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. Thomas A. Karalis is the Deputy Defender.

During Fiscal Year-2022, the Third District Office received appointment to 198 cases and filed 118 Appellate Court briefs, 21 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 9 Anders briefs, 38 Finley Motions, 17 Motions to Withdraw, 37 Motions to Dismiss and 10 Summary Motions. Oral argument was held in 28 Appellate Court cases and 3 Illinois Supreme Court cases.

E. Fourth District Office

The Fourth District Office is located at 400 West Monroe Street, Suite 303, in Springfield. Catherine Hart is the Deputy Defender.

During Fiscal Year-2022, the Fourth District Office received appointment to 357 cases and filed 178 Appellate Court briefs, 74 Petitions for Leave to Appeal to the Illinois Supreme Court, 9 Illinois Supreme Court briefs, 1 Petition for Writ of Certiorari to the United States Supreme Court, 6 Anders briefs, 23 Finley Motions, 16 Motions to Withdraw, 74 Motions to Dismiss and 21 Summary Motions. Oral argument was held in 33 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-2022, the Fifth District Office received appointment to 222 cases and filed 52 Appellate Court briefs, 18 Petitions for Leave to Appeal to the Illinois Supreme Court, 2

Illinois Supreme Court briefs, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 18 Anders briefs, 14 Finley Motions, 7 Motions to Withdraw, 11 Motions to Dismiss and 22 Summary Motions. Oral argument was held in 32 Appellate Court cases and 1 Illinois Supreme Court case.

G. Expungement Unit

OSAD's expungement unit receives an average of 215 emails per month, 140 phone calls to the hotline, and 190 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. In FY2022, OSAD participated in 18 community events most were handled via Zoom due to COVID-19.

H. Juvenile Defender Resource Center

In Fiscal Year 2022, the Juvenile Defender Resource Center continued to maintain its website, which provided attorneys with up-to-date information on trainings, judicial opinions, news items, and legislative changes affecting youth defense. The website also provided defenders with a list-serve and access to the JDRC Case Law Summaries, sample pleadings, and links to expert materials and resources. The Center distributed its monthly email newsletter, *The Juvenile Defender*, to over 600 attorneys with time-sensitive information on news, trainings, and legislative and case law updates. The Center also partnered with Illinois Equip for Equality to educate defenders on special education and school discipline rights for system-involved youth with disabilities, co-sponsored two free CLE courses on youth in adult court with Northwestern University's Children and Family Justice Center, organized two additional youth-related half-day CLE trainings for public defenders, and connected attorney with 66 additional free online trainings relevant to youth defense. The Center's two attorneys provided advice and assistance to youth defenders in 114 individual cases.

The Center's Trial Attorney Assistance Program, which provides expert witnesses and evaluations for youth in cases where the public defender office lacks adequate funding, continued to operate on a limited basis as the result of COVID-related delays and restrictions. The Program experienced an increase in applications during the last quarter that coincided with the expansion of in-person court proceedings. The Center represented the interests of youth defenders on several boards and committees, including the Illinois Juvenile Justice Commission, the Illinois Racial Justice and Equity Committee, the Midwest Juvenile Defender Center, the Illinois Resentencing Task Force, the Illinois Sex Offender Management Board, the ISBA Child Law Committee, the Illinois Juvenile Justice Leadership Council, and the Administrative Office of Illinois Courts' Dual Status Youth Executive and Resources & Practices Committees. The Center also implemented an intern program to support and educate Illinois law students interested in a future career in youth defense.

IV. PERSONNEL

ADMINISTRATIVE OFFICE

Office of the State Appellate Defender
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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 four-year term. On January 1, 2022, Mr. Chadd was reappointed as State Appellate Defender for another four-year term expiring on December 31, 2025.

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.

JANA BERGSCHNEIDER, CPA
Chief Fiscal Officer/Human Resource Director

Ms. Bergschneider joined the Office of the State Appellate Defender in September 2020. Ms. Bergschneider is responsible for the preparation and filing of required fiscal and budgetary reports. She is also responsible for the coordination of all expenditures, contracts and the vouchering process. As Human Resource Director, Ms. Bergschneider oversees the HR Department in the preparation of payroll, salary administration, hiring for the agency, and providing benefit information to agency employees.

LAURA A. WEILER
Director of Training

Ms. Weiler is the Director of Training at the Office of the State Appellate Defender, where she has worked for over 20 years. Ms. Weiler was an Assistant Appellate Defender for 11 years in the First District Office prior to her work as the Director of Training. She has appeared before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, the Illinois Appellate Court, and the Circuit Court of Cook County.

Ms. Weiler has given over 50 presentations on the topics of appellate advocacy and criminal law. She has developed and helmed multiple Trial Advocacy programs and Public Defender Seminars. She also works closely with Chief Public Defenders seeking training and collaboration. Ms. Weiler is the Secretary of the Illinois Public Defender Association and the State Appellate Defender's liaison with the Illinois Council of Chief Defenders.

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. Ms. Weiler received both her bachelor's degree and her law degree from the University of Notre Dame.

At the end of FY-2022, the Administrative Office was staffed by 17 persons including the State Appellate Defender, 2 Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, an Assistant Director of Training, a Director of Support Services, a Systems Administrator, an Assistant to the Director of Support Services, an IT Director, a Network and Systems Manager, 2 Support Specialists, 2 Senior Human Resource Assistants, 2 Fiscal Assistants, 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

DOUGLAS R. HOFF
Deputy Defender

Mr. Hoff received his Juris Doctor from St. Louis University in 1993 and was admitted to the Illinois Bar that same year. He worked in the Appellate/Postconviction Division of the Missouri State Public Defender System as an Assistant Public Defender from 1994 to 1998, and as a District Defender from 1998 to 2002. He joined the First District office as an Assistant Appellate Defender in 2003, became a Supervisor in 2008, and became Assistant Deputy in 2018. He was appointed Deputy of the First District in 2020.

Mr. Hoff is admitted to practice in the State of Illinois, the State of Missouri, 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.

At the end of FY-2022, the First District Office was staffed by 115 persons including the Deputy Defender, an Assistant Deputy Defender, 10 Supervisors, 83 Assistant Appellate Defenders, a Director of the Paralegal Department, 4 Paralegals, an Office Administrator, an Assistant 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 was the general editor of the Institute's publication *Defending Illinois Criminal Cases*.

At the end of FY-2022, the Second District Office was staffed by 28 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 18 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk, 3 full-time Legal Secretaries, and 1 part-time Legal Secretary.

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

THOMAS A. KARALIS
Deputy Defender

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-2022, 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.

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

CATHERINE HART
Deputy Defender

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, the United States 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-2022, the Fourth District Office was staffed by 29 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 20 Assistant Appellate Defenders, a Paralegal Administrator, an Office Administrator, a Docket Clerk, and 2 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-2022, the Fifth District Office was staffed by 18 persons, including the Deputy Defender, Assistant Deputy Defender, 11 Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk and 2 Legal Secretaries.

EXPUNGEMENT UNIT

Office of the State Appellate Defender
400 West Monroe, Suite 303
Springfield, IL 62704
Telephone: 866/787-1776
Email: expungement@osad.state.il.us

GINGER ODOM
Director

Ginger Odom received a BA from Adelphi University in New York, where she graduated summa cum laude. She earned her JD from Chicago-Kent College of Law at Illinois Institute of Technology in 2003. She worked as a contract attorney on a death penalty case in her native Texas before joining the Office of the State Appellate Defender as an Assistant Appellate Defender in 2004. She was named the Director of Expungement in August 2020. Ms. Odom also is an adjunct professor at DePaul University College of Law where she teaches advanced criminal procedure.

At the end of FY2022, the Expungement Unit was staffed by 2 persons including the Director and the Expungement Program Coordinator.

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
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 and a member of its Racial and Ethnic Disparities Subcommittee, is the agency representative on the Illinois Sex Offender Management Board, serves on the Executive Committee of the Administrative Office of the Illinois Courts Dual Status Youth Initiative, 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-2022, the Juvenile Defender Resource Center was staffed by 3 persons, including the Director, a Staff Attorney, and an Office Associate.

[Top](#)

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.

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.

EVAN S. BRUNO is a managing partner at Bruno Law Offices, LLC, in Urbana, where he practices criminal defense. Evan grew up in Champaign and received his undergraduate degree from the University of Illinois in 2009. After graduating from Indiana University Maurer School of Law in 2012, he worked as a Research Attorney for the Illinois Fourth District Appellate Court in Springfield. From 2014 to 2015, Evan served as elbow clerk for Justice Robert J. Steigmann of the Fourth District. In 2015, he joined his brother, Anthony, and father, Tom, in private practice at Bruno Law Offices. He currently serves as President of the Champaign County Criminal Defense Lawyers Association.

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.

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 MILTON S. WHARTON - Milton S. Wharton was appointed an Associate Circuit Judge of the 20th Judicial Circuit in 1976 and served many years as the presiding judge of the St. Clair County Juvenile Court. He was elected a Circuit Judge in 1988 and served as presiding judge of the St. Clair County Criminal Court until his retirement in 2012. In 2019, he was appointed to the Fifth District Appellate Court by Illinois Supreme Court Justice Lloyd A. Karmeier for a one-year term and reappointed by Justice David K. Overstreet in 2020 to a two-year term.

He is a graduate of Lincoln Sr. High School in East St. Louis, IL, Southern Illinois University at Edwardsville, and DePaul University College of Law- 1974.

Justice Wharton has served as an elected Representative to the Illinois State Bar Association Assembly and Chairperson of the ISBA Standing Committees on Juvenile Justice, Judicial Advisory Bar Polls, and Bylaws. He has served as a judicial education lecturer on high volume courts, evidence, and diversity and inclusion. He is a recipient of the Special Recognition Award for Access to Justice from the ISBA.

Justice Wharton has a long record of service in civic and community betterment endeavors; most notably he is a founder of the Court Appointed Special Advocates program (CASA) of Southwestern Illinois, which protects the rights of abused and neglected children, and Racial Harmony. His contributions have been recognized by numerous awards and accolades including the (National) Whitney M. Young, Jr. Service Award of the Boy Scouts of America, Pro Ecclesia Et Pontifice from then Pope now Saint John Paul II, Alumni Hall of Fame-S.I.U.E., and he has been named a Legend in the Legal Community by the St. Louis Argus Newspaper.

He is married to Attorney and M.B.A Patricia Wharton, and they have one daughter, Bernadette Wharton-Hawthorne, M.D., an intern at Johns Hopkins Hospital.

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.

MICHELLE L. SANDERS - Michelle Sanders is the Chief Public Defender for Macon County. Prior to being appointed as the Chief Public Defender in March 2021, Michelle served in the office in other capacities—first as an Assistant Public Defender and later as the First Assistant Public Defender. She also served for five years as a judicial law clerk for Justice Lisa Holder White on the Fourth District Appellate Court. Since 2014, Michelle has been an adjunct professor at Millikin University, teaching undergraduate courses in Constitutional Law, Civil Liberties, and 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, the Macon County Juvenile Justice Council, the Illinois Family Violence Coordinating Council for the Sixth Judicial Circuit, and multiple steering committees for the local specialty courts. She also assists the Decatur Bar Association with its annual mock trial event and continuing legal education presentations. Michelle previously served as the president of Games for Troops, Inc. a local nonprofit organization, on the Board of Directors for Heritage Behavioral Health Center, and as a moderator for the Teen Court diversion program.

JEFF YORK - Jeff York has been the Chief Public Defender in DuPage County since 2010. Prior to being selected for that position, he held positions as Assistant, Senior Assistant, and Deputy Chief Public Defender with that office since 1997. He began his career as an Assistant Public Defender in Winnebago County in 1997. Jeff graduated from the University of Illinois (B.S. 1993 and J.D. 1996).

Currently Jeff serves on the board of directors for DuPage Legal Aid and Illinois Public Defender Association. He is an active member of the DuPage County Bar Association and Illinois Council of Chief Defenders. He also coaches at OSAD's Jamie Kunz Trial Advocacy Program.

VI.

STATISTICS

FOR

FISCAL YEAR-2022

Agency Activity Statistics

For The Period Of:7/1/2021 To 6/30/2022

| | 1st Dist | 2nd Dist | 3rd Dist | 4th Dist | 5th Dist | Contract | TOTAL |
|---|----------|----------|----------|----------|----------|----------|---------------|
| <u>APPOINTMENTS</u> | 577 | 227 | 217 | 410 | 230 | | 1661 |
| Adjusted Appointments | (19) | (18) | (19) | (53) | (8) | | (117)* |
| Total Appointments | 558 | 209 | 198 | 357 | 222 | | 1544 |
| <u>COMPLETE RECORDS</u> | | | | | | | |
| Trial | 175 | 57 | 58 | 119 | 119 | | 454 |
| Non-Trial | 352 | 114 | 116 | 245 | 122 | | 949 |
| <u>AC BRIEFS & PETITIONS</u> | | | | | | | |
| Appellate Court Briefs | 496 | 143 | 118 | 178 | 52 | 2 | 989 |
| Appellate Court Resp Briefs | 0 | 3 | 7 | 4 | 2 | 0 | 16 |
| Reply Briefs | 609 | 157 | 132 | 168 | 50 | 13 | 1129 |
| Supplemental Briefs | 15 | 5 | 0 | 3 | 2 | 0 | 25 |
| Petitions for Rehearing | 115 | 18 | 12 | 25 | 8 | 4 | 182 |
| <u>ISC BRIEFS & PETITIONS</u> | | | | | | | |
| Petitions for Leave to Appeal | 225 | 37 | 21 | 74 | 18 | 5 | 380 |
| ISC Briefs | 10 | 4 | 2 | 9 | 2 | 0 | 27 |
| ISC Response Briefs | 3 | 1 | 0 | 1 | 0 | 0 | 5 |
| ISC Reply Briefs | 7 | 0 | 2 | 1 | 2 | 0 | 12 |
| ISC Cross Reply Briefs | 1 | 1 | 1 | 1 | 0 | 0 | 4 |
| ISC Supplemental Briefs | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ISC Petitions for Rehearing | 0 | 1 | 3 | 0 | 0 | 0 | 4 |
| <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 | 2 | 1 | 2 | 1 | 2 | 0 | 8 |
| 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 | 43 | 22 | 9 | 6 | 18 | 0 | 98 |
| Denied | 1 | 2 | 0 | 0 | 0 | 0 | 3 |
| <u>FINLEY MOTIONS</u> | | | | | | | |
| Filed | 225 | 40 | 38 | 23 | 14 | 0 | 340 |
| Denied | 7 | 3 | 0 | 0 | 0 | 0 | 10 |

MOTIONS TO WITHDRAW

| | | | | | | | |
|--------|----|----|----|----|---|---|-----------|
| Filed | 19 | 26 | 17 | 16 | 7 | 2 | 87 |
| Denied | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

MOTIONS TO DISMISS

| | | | | | | | |
|--------|----|----|----|----|----|---|------------|
| Filed | 93 | 33 | 37 | 74 | 11 | 1 | 249 |
| Denied | 3 | 2 | 0 | 0 | 0 | 0 | 5 |

SUMMARY MOTIONS

| | | | | | | |
|----|----|----|----|----|---|------------|
| 48 | 12 | 10 | 21 | 22 | 0 | 113 |
|----|----|----|----|----|---|------------|

ORAL ARGUMENTS

| | | | | | | | |
|-------------------|-----|----|----|----|----|---|------------|
| Appellate Court | 136 | 25 | 28 | 33 | 32 | 6 | 260 |
| ISC Court | 11 | 3 | 3 | 2 | 1 | 0 | 20 |
| 7th Circuit Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| US Supreme Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

CLOSED CASES

| | | | | | | |
|-------|-----|-----|-----|-----|----|-------------|
| 1,160 | 322 | 280 | 409 | 127 | 42 | 2340 |
|-------|-----|-----|-----|-----|----|-------------|

DECISION TYPE

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

DEFENSE APPEALS

| | | | | | | | |
|---|-----|-----|----|-----|----|----|------------|
| Affirmed | 482 | 127 | 89 | 151 | 35 | 28 | 912 |
| Consolidated | 19 | 11 | 8 | 15 | 4 | 0 | 57 |
| Dismissed | 115 | 38 | 54 | 82 | 14 | 2 | 305 |
| Mitt Corrected (other than sent credit) | 3 | 0 | 0 | 0 | 0 | 0 | 3 |
| Remanded | 15 | 4 | 4 | 27 | 10 | 0 | 60 |
| Remanded in Part | 7 | 1 | 2 | 4 | 0 | 1 | 15 |
| Remanded Sentence Only | 0 | 1 | 0 | 3 | 0 | 0 | 4 |
| Reversed | 15 | 1 | 3 | 1 | 0 | 1 | 21 |
| Reversed in Part | 5 | 1 | 2 | 7 | 0 | 0 | 15 |
| Reversed/Remanded | 103 | 18 | 18 | 29 | 12 | 1 | 181 |
| Sentence Credit (pre-trial) | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Sentence Reduction | 1 | 0 | 1 | 1 | 2 | 1 | 6 |
| State Relief/Deft Appeal | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vacated | 4 | 9 | 1 | 1 | 0 | 0 | 15 |
| Vacated in Part | 21 | 11 | 2 | 4 | 0 | 0 | 38 |
| Vacated/Remanded | 56 | 4 | 13 | 9 | 17 | 0 | 99 |
| WD Anders All/Aff | 57 | 25 | 9 | 3 | 12 | 0 | 106 |
| WD Finley All/Aff | 238 | 35 | 39 | 13 | 14 | 0 | 339 |
| WD Misc. | 39 | 27 | 12 | 29 | 10 | 2 | 119 |

STATE APPEALS

| | | | | | | | |
|-------------|---|---|---|---|---|---|----------|
| SA Affirmed | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SA Remanded | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SA Reversed | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

DECISION TOTALS

| | | | | | | |
|-------------|------------|------------|------------|------------|-----------|-------------|
| 1180 | 313 | 258 | 379 | 130 | 36 | 2296 |
|-------------|------------|------------|------------|------------|-----------|-------------|

* Adjusted appointments represent cases closed where no brief or disposition motion was filed.

Office of the State Appellate Defender
 Annual Report - Appts By County
 7/1/2021 through 6/30/2022

Total Appointments: 1,661

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| 1st District | 577 | | |
| | | Cook | 577 |
| 2nd District | 227 | | |
| | | Boone | 6 |
| | | Carroll | 3 |
| | | DeKalb | 15 |
| | | DuPage | 31 |
| | | Kane | 80 |
| | | Kendall | 17 |
| | | Lake | 31 |
| | | Lee | 3 |
| | | McHenry | 16 |
| | | Ogle | 1 |
| | | Stephenson | 3 |
| | | Winnebago | 21 |
| 3rd District | 217 | | |
| | | Bureau | 4 |
| | | DuPage | 33 |
| | | Fulton | 4 |
| | | Grundy | 3 |
| | | Henry | 8 |
| | | Iroquois | 2 |
| | | Kankakee | 31 |
| | | Knox | 6 |
| | | LaSalle | 10 |
| | | Marshall | 1 |
| | | McDonough | 3 |
| | | Mercer | 1 |
| | | Peoria | 30 |
| | | Rock Island | 8 |
| | | Tazewell | 12 |

Office of the State Appellate Defender
 Annual Report - Appts By County
 7/1/2021 through 6/30/2022

Total Appointments: 1,661

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| 4th District | 410 | Whiteside | 4 |
| | | Will | 57 |
| | | Adams | 11 |
| | | Boone | 8 |
| | | Brown | 2 |
| | | Champaign | 30 |
| | | Coles | 11 |
| | | Cumberland | 1 |
| | | DeWitt | 2 |
| | | Douglas | 1 |
| | | Edgar | 1 |
| | | Ford | 1 |
| | | Fulton | 2 |
| | | Hancock | 1 |
| | | Henry | 4 |
| | | Jersey | 9 |
| | | Knox | 6 |
| | | Lee | 3 |
| | | Livingston | 28 |
| | | Logan | 11 |
| Macon | 24 | | |
| Macoupin | 1 | | |
| Mason | 2 | | |
| McDonough | 5 | | |
| McLean | 54 | | |
| Mercer | 3 | | |
| Morgan | 9 | | |
| Ogle | 1 | | |
| Peoria | 33 | | |
| Piatt | 3 | | |

Office of the State Appellate Defender
 Annual Report - Appts By County
 7/1/2021 through 6/30/2022

Total Appointments: 1,661

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| | | Pike | 7 |
| | | Rock Island | 7 |
| | | Sangamon | 32 |
| | | Schuyler | 1 |
| | | Scott | 2 |
| | | Stephenson | 2 |
| | | Tazewell | 7 |
| | | Vermilion | 22 |
| | | Whiteside | 6 |
| | | Winnebago | 42 |
| | | Woodford | 15 |
| 5th District | 230 | | |
| | | Alexander | 2 |
| | | Bond | 2 |
| | | Champaign | 25 |
| | | Christian | 6 |
| | | Clay | 3 |
| | | Clinton | 1 |
| | | Coles | 9 |
| | | Crawford | 2 |
| | | Cumberland | 1 |
| | | DeWitt | 2 |
| | | Edgar | 2 |
| | | Edwards | 1 |
| | | Effingham | 9 |
| | | Fayette | 3 |
| | | Franklin | 3 |
| | | Gallatin | 1 |
| | | Jackson | 12 |
| | | Jefferson | 13 |
| | | Lawrence | 4 |

Office of the State Appellate Defender
Annual Report - Appts By County
7/1/2021 through 6/30/2022

Total Appointments: 1,661

| Appellate Court District | Total Appointment By AC District | County Name | Total Appointment By County |
|--------------------------|----------------------------------|-------------|-----------------------------|
| | | Macon | 28 |
| | | Madison | 31 |
| | | Marion | 3 |
| | | Massac | 2 |
| | | Montgomery | 3 |
| | | Perry | 2 |
| | | Pope | 1 |
| | | Pulaski | 1 |
| | | Randolph | 5 |
| | | Richland | 1 |
| | | Saline | 4 |
| | | Shelby | 2 |
| | | St. Clair | 28 |
| | | Union | 2 |
| | | Vermilion | 7 |
| | | Wabash | 5 |
| | | Washington | 1 |
| | | Wayne | 1 |
| | | White | 1 |
| | | Williamson | 1 |

Caseload Comparison Statistics
 FY 2021 - FY 2022
 No. of Appointments & Dispositions

| Appointments | FY 21 | FY 22 |
|--------------|-------|-------|
| Cases Opened | 1375 | 1661 |

| Dispositions | FY 21 | FY 22 |
|--|-------|-------|
| Appellate Court Briefs | 1295 | 989 |
| Appellate Court Response Briefs (State Appeal) | 13 | 16 |
| Anders Filed | 177 | 98 |
| Finley Filed | 358 | 340 |
| Motions to Withdraw Filed | 154 | 87 |
| Motions to Dismiss Filed | 282 | 249 |
| Summary Motions Filed | 155 | 113 |
| Total Dispositions | 2434 | 1892 |

Office of the State Appellate Defender Caseload Information

Statistics for Fiscal Year 2022

Agency Offices

| | 1st | 2nd | 3rd | 4th | 5th | Contract Attys | Total |
|-------------------------------------|--------|-------|-------|-------|-------|-------------------|--------|
| Ending FY 21 Cases Pending | 1596 | 350 | 327 | 477 | 245 | 49 | 3044 |
| FY 2022 Appointments | 577 | 227 | 217 | 410 | 230 | 0 | 1661 |
| FY 2022 Closed Case | (1160) | (322) | (280) | (409) | (127) | (42) | (2340) |
| FY 2022 Incoming Transfers | 237 | 16 | 14 | 31 | 0 | 2 | 300 |
| FY 2022 Outgoing Transfers | (23) | (49) | (41) | (128) | (59) | 0 | (300) |
| FY 2022 Total Cases Pending | 1227 | 222 | 237 | 381 | 289 | 9 | 2365 |
| <u>Decisions Information</u> | | | | | | | |
| AC Decisions | 1179 | 313 | 262 | 379 | 132 | 36 | 2301 |
| AC Relief Granted | 230 | 50 | 46 | 86 | 41 | 4 | 457 |
| AC Percent Relief | 20% | 16% | 18% | 23% | 31% | 11% | 20% |
| Leave to Appeal Granted | 12 | 1 | 2 | 10 | 1 | 0 | 26 |

| | | | | | | | |
|--------------------------|-----|-----|-----|-----|------|---|----|
| SC Decisions | 13 | 4 | 8 | 4 | 1 | 1 | 31 |
| SC Relief Granted | 4 | 2 | 2 | 2 | 1 | 0 | 11 |
| SC Percent Relief | 31% | 50% | 25% | 50% | 100% | | |