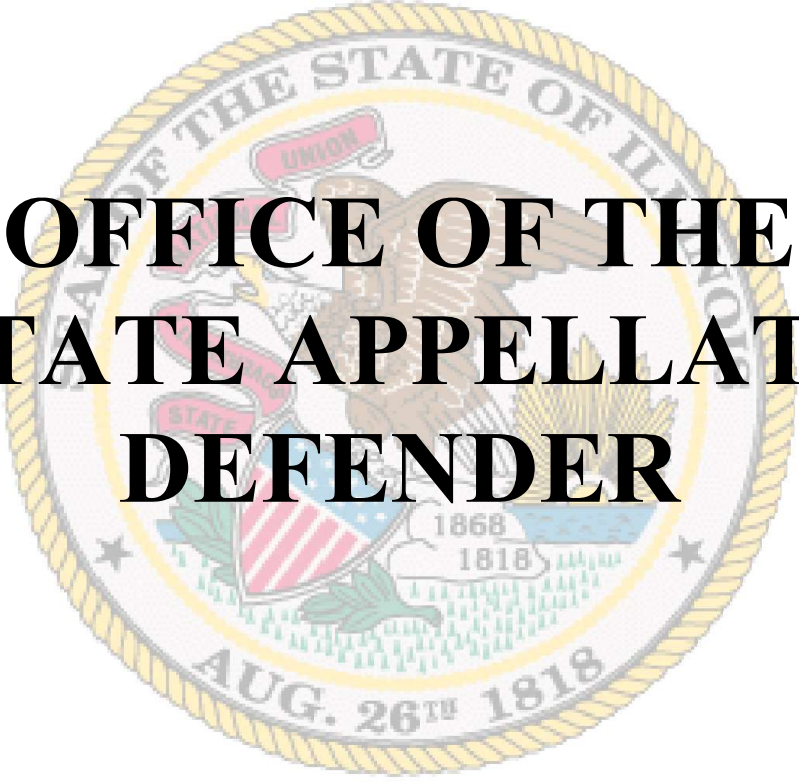


# Annual Report Fiscal Year - 2024

The seal of the Office 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, and "AUG. 26<sup>TH</sup> 1818" is at the bottom. 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 a scroll.

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

**JAMES E. CHADD**

**STATE APPELLATE DEFENDER**

**ANNUAL REPORT FISCAL YEAR-2024**

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## **I. FISCAL YEAR-2024 ACTIVITIES**

### **The Pre-Trial Fairness Act**

The Pretrial Fairness Act went into effect on September 18, 2023. In response, OSAD created a Pretrial Fairness Act Unit. State Appellate Defender Jim Chadd appointed Carolyn Klarquist as the Director of the PFA Unit. The unit has an assistant director, two supervisors, 17 attorneys, and 11 support staff member. Prior to April 15, 2024, OSAD was appointed to approximately 250 PFA appeals per month. Following changes to the Illinois Supreme Court Rules that went into effect on April 15, 2024, OSAD was appointed to approximately 40 appeals per month. Between September 18, 2023 and the end of this fiscal year, OSAD was appointed to a total of 2027 PFA appeals.

### **Board of Commissioners**

The Board of Commissioners' met on Friday, August 11, 2023. Jim Chadd reported on the FY2024 Operating Budget in the amount of \$50,711,400, which represented a (\$24,653,700) or 94.61% increase over the Fiscal Year 2023 operating budget.

The Board of Commissioners' met on Friday, December 8, 2023, and approved OSAD's proposed FY2025 Operating Budget request in the amount of \$50,690,760 which represented a \$20,640 or 0.04% decrease over the Fiscal Year 2024 operating budget. This request allowed for the following:

- Full staffing for the Agency
- Headcount of 305, no change from FY24
- An increase in the Pay Plan
- Maintaining the Contract Attorney Program for the PFA Unit
- Continuation of Expungement Program
- Continuation of Public Defender Training Program
- Continuation of Juvenile Defender Resource

The Board of Commissioners' met on June 7, 2024. At the meeting, the Board reviewed OSAD's approved budget for FY2024 (discussed below).

### **FY 2025 Budget**

In May, 2024, the Illinois Legislature passed the FY2025 OSAD Operating Budget in the amount of \$40,690,760, which represented a \$10,020,640 or 19.76% decrease over the Fiscal Year

2024 operating budget and a decrease of \$10,00,000 from the budget OSAD initially submitted in December 2023. This decrease was based on a reduction in our Contractual Services for PFA cases. The budget allows for the following:

- Full staffing for the Agency
- Headcount of 305, no change from FY24
- An increase in the Pay Plan
- Reduction of \$10 million in Contractual Services based on better data on number of PFA cases
- Continuation of Expungement Program
- Continuation of Public Defender Training Program
- Continuation of Juvenile Defender Resource

The Governor signed our budget into law in June, 2024.

### **Training Seminars**

In July, the Training Department hosted a new attorney discussion with senior appellate attorneys on the topic of "Why Appellate Defense?". OSAD hosted two chief defender training programs, one a general knowledge share and one a more formal discussion of the PFA law and procedure. The Training Department provided an in-house training for OSAD attorneys on the topic of Jurisdiction and held a supervisor training on managing the next generation of attorneys. Finally, we hosted a daylong trial skills program for county-level public defenders at Loyola Law School on the topic of cross-examination using police body-worn camera video.

In August, OSAD held the "Winning on Cross: Using Police Bodycams" daylong trial ad workshop in Springfield. OSAD provided an in-house training on the new potential issues coming out of the United States Supreme Court Bruen decision. OSAD hosted two virtual Chief Defenders training programs, dedicated to preparing for the launch of the PFA and anticipated receipt of money from the Public Defense Fund. In addition, OSAD sent four attorneys to an excellent and helpful conference hosted by the 7th Circuit Court of Appeals. Finally, the new and improved Public Defender Resource Center was launched.

In September, OSAD held an all-office Westlaw training on how to research legislative history. Two Chief Defender meetings were held, both of which were focused on the start of PFA and the distribution of the PD fund. Finally, OSAD sent 10 attorneys to the NAPD's virtual Women's Conference.

In October, OSAD held our second annual oral argument boot camp, which trained Assistant Appellate Defenders on oral advocacy presentation skills. OSAD was invited to present at Cook County's Nutshell program, where we gave a case law update. OSAD was also invited to give a

presentation at the DuPage County PD's office, where we did a training on speedy trial. OSAD continued our new attorney training program for the attorney who started in September. In conjunctions with IPDA, we worked to present the seminar held on October 20-21 in Bloomington/Normal.

OSAD had 20 new attorneys start on November 1st and one on December 1st, we conducted an intensive training program for them.

In January, two new assistant appellate defenders started and began their intensive training. OSAD continued with the ongoing training for other new attorneys who started in November and December. OSAD also held two trainings on Expungement—one for Chief Public Defenders and one for all OSAD attorneys. Finally, OSAD sent an attorney to the Forensic Justice Institute's daylong training.

In February OSAD continued with New Attorney Training. OSAD also provided an agency-wide CLE training entitled "An Update on the Courts," and a supervisor training on Implementing the New Work Standards. OSAD also held one Chief Defender Training.

In March, the annual Jamie Kunz Trial Advocacy Program was held, which provided 27 hours of training for 35 attorneys from 19 counties around the state. OSAD also sent attorneys to the National Association for Public Defense's annual conference. OSAD provided a training for supervisors on The Art of Difficult Conversations. And OSAD had ongoing new attorney training on guilty pleas, post-conviction petitions, reply briefs, petitions for rehearing, and petitions for leave to appeal.

In April, OSAD held a training on the latest changes to Supreme Court Rule 604(h) as it relates to the Pretrial Fairness Act. Over 200 public defenders from around the state attended. OSAD sent two attorneys to the NLADA's annual Appellate Defender Training, and the Director of Training attended a training program hosted by the National Association for Public Defense. OSAD also continued new attorney training with sessions on reply briefs, post-conviction petitions, and petitions for rehearing/leave to appeal.

OSAD had 4 new attorneys start on May 1st, so we had a significant amount of new attorney training, in addition to the ongoing training for attorneys who started in the fall of 2023 and January of 2024. OSAD also had interns start in offices throughout the State, and we began the training for them. Additionally, OSAD held a Chief Defender's Knowledge Share training. OSAD gave a presentation on Supreme Court Rule 455 to the Office of the Cook County Public Defender. OSAD provided significant support to the IPDA in their hosting of the virtual 2024 Spring Seminar, for which over 200 public defenders registered.

In June OSAD continued both our New Attorney Training and our Intern training. OSAD's monthly in-house CLE was an update on Miller issues, presented by the JDRC. One Chief Defender training was held, which was a knowledge share/Q&A. Finally, OSAD launched our first online, on-demand free CLE for attorneys practicing in specialty courts, which focused on special

considerations in client counseling when working in problem-solving courts.

## **Internet Web Site**

The agency continues to provide the public with information regarding training programs and publications, including a Criminal Law Handbook and monthly Criminal Law Digest, both of which contain up-to-date caselaw information. The agency also provides an updated Summary of Issues Pending in the Illinois Supreme Court and annual reports from prior years.

The agency also continues to provide extensive, timely information regarding the state's record-clearing process. The site includes easy to follow instructions which allow anyone to determine whether or not a record is eligible for expungement or sealing, plus the forms necessary to file for relief. The site also includes information and instructions on other forms of record-clearing relief, such as health worker waivers, certificates of good conduct and relief from disabilities, and executive clemency. New this year, the expungement unit has added a webpage of state-wide resources for returning citizens, listing organizations that help those coming out of incarceration to find housing, job training and employment, as well as recovery services, support for family reunification, and other means of successfully reintegrating into life outside of incarceration.

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, and case law summaries. 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.

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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 and 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 free on-demand CLE courses for Illinois juvenile defenders. The Center also provides advice and assistance to attorneys on individual cases, sponsors free live 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, and the Gault Great Lakes Regional Center.

### **Pretrial Fairness Unit**

On September 18, 2023, Public Act 101-652, commonly known as the SAFE-T Act or the Pretrial Fairness Act, went into effect and abolished monetary bail and established a new set of procedures governing the trial court's decision whether to detain a criminal defendant awaiting trial. As a general rule, courts now presume that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings, not commit any criminal offense and comply with all terms of pretrial release. The decision to detain or release the defendant is an appealable order and indigent defendants are entitled to the appointment of counsel by our agency on appeal.

Once our agency is appointed as counsel, an attorney from our Pretrial Fairness Unit is assigned the case, reads the record on appeal and makes a determination of whether to file a memorandum, not to exceed 4500 words, or elect not to file a memorandum as permitted under Supreme Court Rule 604(h). If the attorney writes a memorandum, it must contain a statement of facts and argument section and must be filed within 21 days of when the record is filed in the Appellate Court. A case that is resolved in the trial court during the pendency of the appellate proceedings will be dismissed as moot. Alternatively, if the Appellate Court issues a decision in the case, the attorney will determine whether to close the case or file a petition for rehearing or petition for leave to appeal.

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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. Douglas R. Hoff is the Deputy Defender.

During Fiscal Year-2024, the First District Office received appointment to 785 cases and filed 538 Appellate Court briefs, 149 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Petitions for Writ of Certiorari to the United States Supreme Court, 8 Illinois Supreme Court briefs, 38 Anders briefs, 147 Finley Motions, 34 Motions to Withdraw, 82 Motions to Dismiss and 33 Summary Motions. Oral argument was held in 108 Appellate Court cases and 17 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. Christopher M. McCoy is the Deputy Defender.

During Fiscal Year-2024, the Second District Office received appointment to 132 cases and filed 129 Appellate Court briefs, 38 Petitions for Leave to Appeal to the Illinois Supreme Court, 4 Illinois Supreme Court brief, 3 Petition for Writ of Certiorari to the United States Supreme Court, 15 Anders briefs, 18 Finley Motions, 17 Motions to Withdraw, 13 Motions to Dismiss and 7 Summary Motions. Oral argument was held in 24 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. Santiago A. Durango is the Deputy Defender.

During Fiscal Year-2024, the Third District Office received appointment to 190 cases and filed 114 Appellate Court briefs, 25 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Petition for Writ of Certiorari to the United States Supreme Court, 6 Anders briefs, 28 Finley

Motions, 18 Motions to Withdraw, 43 Motions to Dismiss and 11 Summary Motions. Oral argument was held in 10 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 K. Hart is the Deputy Defender.

During Fiscal Year-2024, the Fourth District Office received appointment to 406 cases and filed 114 Appellate Court briefs, 46 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 1 Petition for Writ of Certiorari to the United States Supreme Court, 4 Anders briefs, 20 Finley Motions, 15 Motions to Withdraw, 60 Motions to Dismiss and 13 Summary Motions. Oral argument was held in 14 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-2024, the Fifth District Office received appointment to 397 cases and filed 25 Appellate Court briefs, 11 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Illinois Supreme Court brief, 1 Petition for Writ of Certiorari to the United States Supreme Court, 10 Anders briefs, 5 Finley Motions, 21 Motions to Withdraw, 21 Motions to Dismiss and 10 Summary Motions. Oral argument was held in 25 Appellate Court cases.

**G. Pretrial Fairness Unit**

The Pretrial Fairness Unit of the Agency is located at 203 North LaSalle, 24<sup>th</sup> Floor in Chicago. Carolyn R. Klarquist is the Director.

During Fiscal Year-2024, the Pretrial Fairness Unit received appointment to 2027 cases and filed 767 Memorandums, 51 Response Memorandums, 604 Notice in Lieu of Memorandum, 428 Motions to Dismiss, 49 Petitions for Rehearing and 31 Petitions for Leave of Appeal.

**H. Expungement Unit**

In Fiscal Year 2024, OSAD's expungement unit received 3109 emails and 2299 phone calls requesting information about expungement and sealing of records. An average of 2476 packets were sent to prisons for those still incarcerated, IDES, and provided materials at community events to those who requested additional information. OSAD staff attorneys participate in community events to promote public awareness of expungement and sealing availability. In FY2023, OSAD participated in 41 Zoom events, plus 17 in-person prison visits. In addition, as web presence continues to grow,

there were 35,995 individual downloads of expungement-related forms from the OSAD site during the Fiscal Year.

## **I. Juvenile Defender Resource Center**

In Fiscal Year 2024, the Juvenile Defender Resource Center continued to maintain its website, which provides attorneys with information on trainings, news items, client-related resources, and legislative changes affecting youth defense. The website also provides access to the JDRC Case Law Summaries, links to expert materials and resources, and free on-demand continuing legal education (CLE) courses. The JDRC provided time-sensitive information on trainings, legislation, news, and case law updates to nearly 800 defenders via its monthly e-mail newsletter, The Juvenile Defender.

The JDRC added seven new on-line, on-demand CLE courses to its Fundamentals of Youth Defense curriculum this year, raising its on-demand course total to ten. Topics included the attorney-client relationship, challenging youth statements, new developments in youth sentencing, and the use of expert witnesses. In collaboration with the ISBA Child Law Committee, the Illinois Public Defender Association, the Gault Center, and Loyola and Northwestern Law Schools, JDRC attorneys presented at trainings related to the abolition of fines and fees for youth, representing children on the Sex Offender Registry, the history of Illinois' juvenile court system, and the sentencing of youth in adult court. The year culminated in a day-long, in-person summit at Starved Rock State Park where youth defenders were able to connect, share their expertise and challenges, and take courses focused on better outcomes for children in the delinquency system. The JDRC also connected youth defenders with 48 additional online trainings relevant to youth defense. All JDRC CLE trainings are free for attorneys.

The JDRC's three attorneys also provided advice and support to trial attorneys representing youth in 84 individual cases. And they provided research and expertise to youth-related stakeholders on a variety of issues, including fitness to stand trial, accountability, firearm offenses, transfer to adult court, fees and assessments, secure detention, sentencing, youthful parole, and youth diversion programs. JDRC staff also represented the interests of youth defenders and their clients on several boards and committees, including the Illinois Juvenile Justice Commission, the Illinois Racial Justice & Equity Committee, the Illinois State Bar Association Child Law Committee, the Illinois Juvenile Justice Leadership Council, the Gault Center Great Lakes Regional Board, the Illinois Criminal Justice Information Authority, the Illinois Sex Offender Management Board, the Illinois Redeploy Oversight Board, and the Illinois Sentencing Policy Advisory Council.

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#### **IV. PERSONNEL**

##### **ADMINISTRATIVE OFFICE**

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

**JAMES E. CHADD**  
State Appellate Defender

Mr. Chadd received his Juris Doctor from the University of Illinois in 1984 and was admitted to the Illinois bar that same year. Mr. Chadd began work with the Supreme Court Unit as an Assistant Appellate Defender in 1984. He transferred to the First District Office in 1989. He became a Supervisor in 2002 and the Assistant Deputy Defender for the First District Office in 2010. On January 1, 2014, Mr. Chadd was appointed Deputy State Appellate Defender. The Illinois Supreme Court appointed Mr. Chadd as the State Appellate Defender effective January 1, 2018, for a 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-2024, 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, 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, a Fiscal Manager, a Senior Human Resource Assistant, a Senior Fiscal Assistant, a Human Resource Assistant, a Fiscal Assistant, a Human Resource Associate, 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)

**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-2024, the First District Office was staffed by 122 persons including the Deputy Defender, an Assistant Deputy Defender, 14 Supervisors, 88 Assistant Appellate Defenders, a Director of the Paralegal Department, 4 Paralegals, an Office Administrator, an Assistant Office Administrator, 7 Legal Secretaries, 3 Docket Clerks, and 1 Office Clerk.

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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)

**CHRISTOPHER M. MCCOY**  
Deputy Defender

Mr. McCoy graduated from the University of Nebraska-Lincoln (B.A., History) in 2007 and University of Virginia School of Law (J.D.) in 2010. He was admitted to the Illinois Bar in 2010. That same year, he joined the Office of the State Appellate Defender as an Assistant Appellate Defender in the Second District Office. At the Second District, Mr. McCoy served as an Assistant Appellate Defender, Supervisor, and Assistant Deputy Defender until assumed the Deputy Defender position as of January 1, 2024. Mr. McCoy is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He has presented at various Continuing Legal Education programs for the Office of the State Appellate Defender and the Kane County Bar Association.

At the end of FY-2024, the Second District Office was staffed by 27 persons, including the

Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 17 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk, and 3 Legal Secretaries.

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### **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)

SANTIAGO A. DURANGO  
Deputy Defender

Mr. Durango received his Juris Doctor from DePaul University College of Law in 1990, and joined the law firm of Bell & McGurk in Chicago as an associate. While there, Mr. Durango represented clients in RICO, class action, and commodities fraud litigation.

Mr. Durango joined the Third District Office of the State Appellate Defender in 1999 as an Assistant Appellate Defender. He was appointed Deputy Defender of the Third District in 2023. Mr. Durango has made presentations on topics such as unconstitutional searches after traffic stops, and preserving issues for review. He has also contributed to the Defending Illinois Criminal Cases publication of the Illinois Institute for Continuing Legal Education.

Mr. Durango is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He is also a member of the bar of the Seventh Circuit Court of Appeals, and the trial bar of the United States District Court for the Northern District of Illinois. He has litigated trials in Illinois and California.

At the end of FY-2024, the Third District Office was staffed by 21 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 14 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk, and a Legal Secretary.

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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)

CATHERINE K. 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-2024, the Fourth District Office was staffed by 29 persons, including the Deputy Defender, an Assistant Deputy Defender, 3 Supervisors, 17 Assistant Appellate Defenders, a Paralegal Administrator, an Office Administrator, a Docket Clerk, and 4 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-2024, the Fifth District Office was staffed by 17 persons, including the Deputy Defender, Assistant Deputy Defender, 8 Assistant Appellate Defenders, 2 Paralegals, an Office Administrator, a Docket Clerk and 3 Legal Secretaries.

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## **PRETRIAL FAIRNESS UNIT**

Office of the State Appellate Defender  
203 North LaSalle, 24<sup>th</sup> Floor  
Chicago, IL 60601  
Telephone: 312/814-5472  
Email: [PFA@osad.state.il.us](mailto:PFA@osad.state.il.us)

**CAROLYN R. KLARQUIST**  
Director

Carolyn Klarquist graduated from the George Mason University School of Law in 2001, and was subsequently admitted to practice in Maryland and Illinois. She is also a member of the U.S. Supreme Court Bar. Ms. Klarquist joined the Office of the State Appellate Defender as an Assistant Appellate Defender in the First District Office in 2004 after working at a law firm. She served as the Intern Coordinator for several years and became a Supervisor in 2018. Ms. Klarquist was appointed as the Director of the Pretrial Fairness Unit in 2024.

As *pro bono* counsel, Ms. Klarquist has appeared before the Illinois Prisoner Review Board and successfully obtained parole for several men who were incarcerated prior to 1978 and serving indeterminate sentences. In 2023, Ms. Klarquist received a unanimous vote for parole for the first applicant under the Youthful Offender Parole Act and obtained parole for a second client later that year. Finally, in addition to training *pro bono* counsel to appear at parole and clemency hearings, Ms. Klarquist is a member of Parole Illinois and The Chicago Appleseed Center for Fair Courts, and is on the Board of Directors of the Chicago Council of Lawyers.

At the end of FY-2024, the Pretrial Fairness Unit was staffed by 32 persons, including the Director, an Assistant Deputy Defender, 2 Supervisors, 17 Assistant Appellate Defenders, an Office Administrator, 3 Paralegals, 5 Docket Clerks, and 2 Legal Secretaries.

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## **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](mailto: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 FY2024, the Expungement Unit was staffed by two persons including the Director and the Expungement Program Coordinator.

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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  
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-2024, the Juvenile Defender Resource Center was staffed by 4 persons, including the Director, an Assistant Director, a Staff Attorney, and an Office Associate.

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## V. BOARD OF COMMISSIONERS

### **CHAIR - HONORABLE JAMES R. EPSTEIN -**

#### **Employment**

JAMS, independent contractor, mediator and arbitrator 2015-present. Part-owner, 2019-present.

Judge, Elected Justice of the Illinois Appellate Court. 2010-2015.

Circuit Judge, Cook County, 1999-2010. Appointed by the Illinois Supreme Court, 1999; elected 2000, retained 2006.

Criminal Division and Second Municipal District, 1999-2006.

Chancery Division, 2006-2010.

Partner, Epstein, Zaideman & Esrig, P.C., 1985-1999.

Civil and criminal trial lawyer

Assistant Public Defender, Cook County Public Defender's Office, 1979-1984.

Murder Task Force, 1982-1984.

Associate, Dorfman, De Koven, Cohen & Laner, 1978-1979.

#### **Education**

Northwestern University School of Law, J.D., 1978.

Northwestern University, B.A., 1975.

University of Michigan, 1970-1971.

#### **Teaching Experience**

Member, Committee on Education (appointed by the Illinois Supreme Court) 2003-2012)

-Planned and taught education courses for all Illinois judges.

-Planned the first state-wide series of bench books for Illinois judges.

-Bench book editorial board.

-Editor in chief of the first two editions of the civil law bench book.

Northwestern University School of Law

-Taught Trial Advocacy as an adjunct faculty member, 1984-1998.

-Coached Northwestern's Mock Trial Team, 1986-1992.

-National Champion, 1992.

Appellate Lawyers Association

-Panelist for annual review of Illinois Supreme Court criminal law decisions, 2014-present.



National Institute for Trial Advocacy (NITA)

-Faculty Member, Midwest Regional, 1984-1998, including many years as a section leader.

-Faculty, NITA national teacher's course.

-Trained Faculty for teaching NITA courses.

De Paul University Law School, 1984-1986

-Taught Criminal Litigation Course.

Cook County Public Defenders Office

- Faculty, teaching various subjects to assistant public defenders.

Illinois Institute of Continuing Legal Education (IICLE)

-Faculty, teaching seminar on sentencing.

National Association of Criminal Defense Lawyers (NACDL)

-Lectured on defending statement cases to the national convention.

Illinois Judges Association

-Lectured on civil procedure to members of the Illinois State Bar Association, Chicago Bar Association, and the Women's Bar Association of Illinois.

### **Honors**

Past President, Illinois Judges Association, 2007-08.

Decalogue Society Award, 2009.

Judge of the Year, North Suburban Bar Association, 2009.

American College of Trial Lawyers, fellow.

International Society of Barristers, fellow.

**VICE CHAIR - 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 BERTINA E. LAMPKIN** - Bertina E. Lampkin was born in Chicago, IL. She attended Hendricks Elementary School and graduated as valedictorian of DuSable High School. She received her B.A. degree from Roosevelt University and her J.D. degree from DePaul University College of Law. She was an Assistant State's Attorney (1974-1985) and an Assistant Corporation Counsel (1985-1987) before her appointment as an associate judge. She served as an Associate Judge from 1987 to 1992, serving as Assistant Supervisor of the Traffic Division, and as a Circuit Court Judge from 1992 to 2009, serving as supervisor of the Domestic Violence Courts, acting supervisor of Night Narcotics Court, and as a supervisor in the Criminal Division. She was appointed to the Appellate Court in 2009. She currently serves in the Fourth Division of the Illinois Appellate Court as the Presiding Justice.

In November 2016, she was elected to the Illinois Appellate Court. She has served as a Presiding Justice and as Chair of the Executive Committee for the Appellate Court. She has served as a member of five different Illinois Supreme Court committees and has served as Chair of three of them, the Criminal Law and Probation Administration Committee, the Illinois Pattern Jury Instructions in Criminal Cases Committee, and she currently chairs the Illinois Appellate Court Administrative Committee. She has also been a contributing topic editor to the Illinois Judicial Benchbook on Criminal Law and Procedure.

Additionally, she currently serves on the Appellate Lawyers Association Rules Committee and as Chair of the Appellate Court Administrative Committee, where she oversees the Illinois Supreme Court's Volunteer *Pro Bono* Program for Criminal Appeals.

She has taught judges in various aspects of the law for 24 years, including death penalty litigation, proper handling of guilty pleas, jury selection and appellate practice. In the past, she served as Secretary and Vice-President of the Cook County Bar Association and Vice-Chair of the Judicial Evaluation Hearing Committee for the Chicago Bar Association.

She is a member of the Illinois Judges' Association, The Illinois Judicial Council, The Illinois State Bar Association, The Women's Bar Association of Illinois, and the American, Chicago, Cook County and Black Women Lawyers' Association of Greater Chicago, Inc.

She has won numerous awards including the Cook County Bar Association's Judicial Award, the Cook County State's Attorney's Office C.F. Stradford Award, the National Black Prosecutors Award, the DePaul University College of Law Distinguished Service to the Profession Award, and the Women's Bar Association of Illinois' Mary Heftel Hooten Award for Service to the Profession.

She is an honorary member of Alpha Kappa Alpha Sorority. She is a member of the Dean's Council for DePaul University College of Law. She was very active in her church locally and nationally and has served as a foster parent, as the President of the Steward Board, a choir member, Director of the Matte E. Coleman Circle of the Missionary Society (working with youths 12-17) and as coordinator of the Adopt a Grandparent Program. Her motto is "Only what you do for Christ will last!"

Prior to her election to the Appellate Court, she was rated highly qualified by the Chicago Bar Association, the Illinois State Bar Association, the Chicago Council of Lawyers, the Hispanic Lawyers Association of Illinois and the Lesbian and Gay Bar Association of Chicago for her position. In 2016 all but one of the bar associations that rated her for the Illinois Appellate Court gave her their highest rating.

She is very proud of the work she has done with young African Americans. She has obtained summer employment for over 25 years for high school and college students in law firms, including Duane Morris LLP, Cooney & Conway, Cogan & Power, P.C., Power Rogers LLP, Clifford Law Offices PC, Romanucci & Blandin, LLC, and several others. She has also hired four female African American law clerks and helped others obtain legal employment. She continues to work for diversity, equity, and inclusion of African Americans in the legal profession and is a mentor to many.

**SHARONE R. MITCHELL JR.** - Cook County Public Defender Sharone R. Mitchell, Jr., is a passionate advocate for the rights of everyone represented by the Public Defender's office and for reform to increase justice in the legal system and to keep communities safe. His six-year appointment began in April 2021.

The Cook County Public Defender is one of the largest unified public defender offices in the nation with nearly 700 employees, and 23 divisions and units.

Mitchell began his legal career as an assistant public defender in Cook County, including assignments in the Civil, First Municipal, and Felony Trial Divisions. He later joined the Illinois Justice Project (ILJP), one of the state's leading criminal justice reform non-profits, becoming that organization's director in 2019.

During his tenure as Director, ILJP helped lead the Coalition to End Money Bond's successful effort to outlaw wealth-based pretrial incarceration in Illinois. An advocate of alternative approaches to public safety and helping men and women re-enter their communities, Mitchell has fought against proposals to make the Illinois sentencing system more barbaric and ineffective.

Mitchell has a bachelor's degree from the University of Illinois at Urbana-Champaign and law degree from DePaul University. A lifelong resident of Chicago, he grew up and resides on the south side of Chicago.

**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.

**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.

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**VI.**  
**STATISTICS**  
**FOR**  
**FISCAL YEAR-2024**

## Agency Activity Statistics

For The Period Of: 7/1/2023 To 6/30/2024

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	Contract	TOTAL
<b><u>APPOINTMENTS</u></b>	816	138	195	453	430		<b>2032</b>
Adjusted Appointments	(31)	(6)	(5)	(47)	(33)		<b>(122)*</b>
Total Appointments	785	132	190	406	397		<b>1910</b>
<b><u>COMPLETE RECORDS</u></b>							
Trial	234	49	78	174	174		<b>658</b>
Non-Trial	371	61	82	270	232		<b>1016</b>
<b><u>AC BRIEFS &amp; PETITIONS</u></b>							
Appellate Court Briefs	538	129	114	114	25	0	<b>920</b>
Appellate Court Resp Briefs	7	4	3	3	3	0	<b>20</b>
Reply Briefs	495	128	93	108	35	1	<b>860</b>
Supplemental Briefs	22	5	1	5	2	0	<b>35</b>
Petitions for Rehearing	86	10	10	9	5	0	<b>120</b>
<b><u>ISC BRIEFS &amp; PETITIONS</u></b>							
Petitions for Leave to Appeal	149	38	24	46	11	0	<b>268</b>
ISC Briefs	8	4	0	2	1	0	<b>15</b>
ISC Response Briefs	5	1	0	0	0	0	<b>6</b>
ISC Reply Briefs	9	3	2	4	2	0	<b>20</b>
ISC Cross Reply Briefs	0	0	0	0	0	0	<b>0</b>
ISC Supplemental Briefs	0	0	0	0	0	0	<b>0</b>
ISC Petitions for Rehearing	2	0	1	0	0	0	<b>3</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	3	3	1	1	1	0	<b>9</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	38	15	6	4	10	0	<b>73</b>
Denied	3	1	0	0	0	0	<b>4</b>
<b><u>FINLEY MOTIONS</u></b>							
Filed	148	18	28	20	5	0	<b>219</b>
Denied	4	0	0	0	0	0	<b>4</b>

**MOTIONS TO WITHDRAW**

Filed	33	17	18	15	21	0	<b>104</b>
Denied	1	1	0	3	1	0	<b>6</b>

**MOTIONS TO DISMISS**

Filed	82	13	43	60	21	0	<b>219</b>
Denied	1	0	0	0	0	0	<b>1</b>

**SUMMARY MOTIONS**

34	7	11	13	10	0	<b>75</b>
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**ORAL ARGUMENTS**

Appellate Court	107	24	10	14	25	0	<b>180</b>
ISC Court	17	3	3	4	2	0	<b>29</b>
7th Circuit Court	0	0	0	0	0	0	<b>0</b>
US Supreme Court	0	0	0	0	0	0	<b>0</b>

**CLOSED CASES**

893	221	236	310	141	1	<b>1802</b>
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**DECISION TYPE**

<b>1st Dist</b>	<b>2nd Dist</b>	<b>3rd Dist</b>	<b>4th Dist</b>	<b>5th Dist</b>	<b>Contract</b>	<b>TOTAL</b>
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**DEFENSE APPEALS**

Affirmed	347	108	66	92	22	1	<b>636</b>
Consolidated	29	7	3	28	0	0	<b>67</b>
Dismissed	84	16	54	75	32	0	<b>261</b>
Mitt Corrected (other than sent credit)	3	0	0	0	0	0	<b>3</b>
Remanded	16	4	6	15	3	0	<b>44</b>
Remanded in Part	13	5	3	1	0	0	<b>22</b>
Remanded Sentence Only	2	0	0	1	0	0	<b>3</b>
Reversed	9	4	4	2	1	0	<b>20</b>
Reversed in Part	3	1	3	4	0	0	<b>11</b>
Reversed/Remanded	90	15	15	16	14	0	<b>150</b>
Sentence Credit (pre-trial)	2	0	1	0	0	0	<b>3</b>
Sentence Reduction	2	0	0	0	0	0	<b>2</b>
State Relief/Deft Appeal	0	0	0	0	0	0	<b>0</b>
Vacated	1	3	1	0	1	0	<b>6</b>
Vacated in Part	10	4	6	1	1	0	<b>22</b>
Vacated/Remanded	35	8	12	4	15	0	<b>74</b>
WD Anders All/Aff	43	14	3	5	12	0	<b>77</b>
WD Finley All/Aff	149	16	20	19	13	0	<b>217</b>
WD Misc.	51	17	11	24	25	0	<b>128</b>

**STATE APPEALS**

SA Affirmed	0	0	2	0	0	0	<b>2</b>
SA Remanded	0	0	0	0	0	0	<b>0</b>
SA Reversed	0	0	0	0	0	0	<b>0</b>

**DECISION TOTALS**

<b>899</b>	<b>222</b>	<b>210</b>	<b>287</b>	<b>139</b>	<b>1</b>	<b>1748</b>
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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  
 7/1/2023 through 6/30/2024

Total Appointments: 2,032

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
<b>1st District</b>	<b>816</b>		
		Cook	816
<b>2nd District</b>	<b>138</b>		
		DeKalb	13
		Kane	76
		Kendall	11
		Lake	30
		McHenry	8
<b>3rd District</b>	<b>195</b>		
		Bureau	5
		DuPage	73
		Grundy	4
		Iroquois	4
		Kankakee	27
		LaSalle	25
		Will	57
<b>4th District</b>	<b>453</b>		
		Adams	22
		Boone	11
		Calhoun	1
		Carroll	1
		Cass	1
		Ford	2
		Fulton	8
		Greene	4
		Hancock	2
		Henderson	1
		Henry	19
		Jersey	12
		JoDaviess	3
		Knox	12

Office of the State Appellate Defender  
 Annual Report - Appts By County  
 7/1/2023 through 6/30/2024

Total Appointments: 2,032

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
		Lee	3
		Livingston	23
		Logan	10
		Macoupin	1
		Marshall	2
		Mason	4
		McDonough	9
		McLean	64
		Mercer	6
		Morgan	3
		Ogle	4
		Peoria	58
		Pike	4
		Rock Island	20
		Sangamon	33
		Stark	1
		Stephenson	6
		Tazewell	20
		Warren	4
		Whiteside	4
		Winnebago	59
		Woodford	16
<b>5th District</b>	<b>430</b>	Alexander	2
		Bond	2
		Champaign	78
		Christian	8
		Clark	1
		Clay	5
		Clinton	9
		Coles	16

**Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2023 through 6/30/2024**

**Total Appointments: 2,032**

<b>Appellate Court District</b>	<b>Total Appointment By AC District</b>	<b>County Name</b>	<b>Total Appointment By County</b>
		Crawford	1
		Cumberland	1
		DeWitt	6
		Edgar	2
		Effingham	8
		Fayette	6
		Franklin	13
		Gallatin	1
		Hamilton	1
		Hardin	2
		Jackson	20
		Jefferson	25
		Lawrence	4
		Macon	49
		Madison	47
		Marion	4
		Massac	10
		Montgomery	4
		Moultrie	4
		Perry	4
		Piatt	4
		Pope	2
		Randolph	1
		Richland	1
		Saline	6
		Shelby	6
		St. Clair	25
		Union	3
		Vermilion	28
		Wabash	4
		Washington	1

Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2023 through 6/30/2024

Total Appointments: 2,032

<b>Appellate Court District</b>	<b>Total Appointment By AC District</b>	<b>County Name</b>	<b>Total Appointment By County</b>
		Wayne	1
		White	7
		Williamson	8

**Caseload Comparison Statistics**  
**FY 2023 - FY 2024**  
**No. of Appointments & Dispositions**

<b>Appointments</b>	<b>FY 23</b>	<b>FY 24</b>
Cases Opened	1888	2032

<b>Dispositions</b>	<b>FY 23</b>	<b>FY 24</b>
Appellate Court Briefs	985	920
Appellate Court Response Briefs (State Appeal)	16	20
Anders Filed	95	73
Finley Filed	247	219
Motions to Withdraw Filed	103	104
Motions to Dismiss Filed	229	219
Summary Motions Filed	109	75
<b>Total Dispositions</b>	<b>1784</b>	<b>1630</b>

# Office of the State Appellate Defender Caseload Information

Statistics for Fiscal Year 2024

## Agency Offices

	1st	2nd	3rd	4th	5th	Contract Attys	Total
<b>Ending FY 23 Cases Pending</b>	1210	185	211	348	247	4	2205
<b>FY 2023 Appointments</b>	816	138	195	453	430	0	2032
<b>FY 2023 Closed Case</b>	(893)	(221)	(236)	(310)	(141)	(1)	(1802)
<b>FY 2023 Incoming Transfers</b>	351	117	35	7	0	0	510
<b>FY 2023 Outgoing Transfers</b>	(7)	(13)	(13)	(178)	(299)	0	(510)
<b>FY 2024 Total Cases Pending</b>	1477	206	192	320	237	3	2435

## Decisions Information

<b>AC Decisions</b>	893	222	211	287	139	1	1753
<b>AC Relief Granted</b>	184	44	52	44	35	0	359
<b>AC Percent Relief</b>	21%	20%	25%	15%	25%	100%	20%

<b>Leave to Appeal Granted</b>	11	2	0	0	0	0	13
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<b>SC Decisions</b>	23	0	3	4	1	0	31
<b>SC Relief Granted</b>	6	0	0	0	1	0	7
<b>SC Percent Relief</b>	26%	0	0%	0%	100%	0	