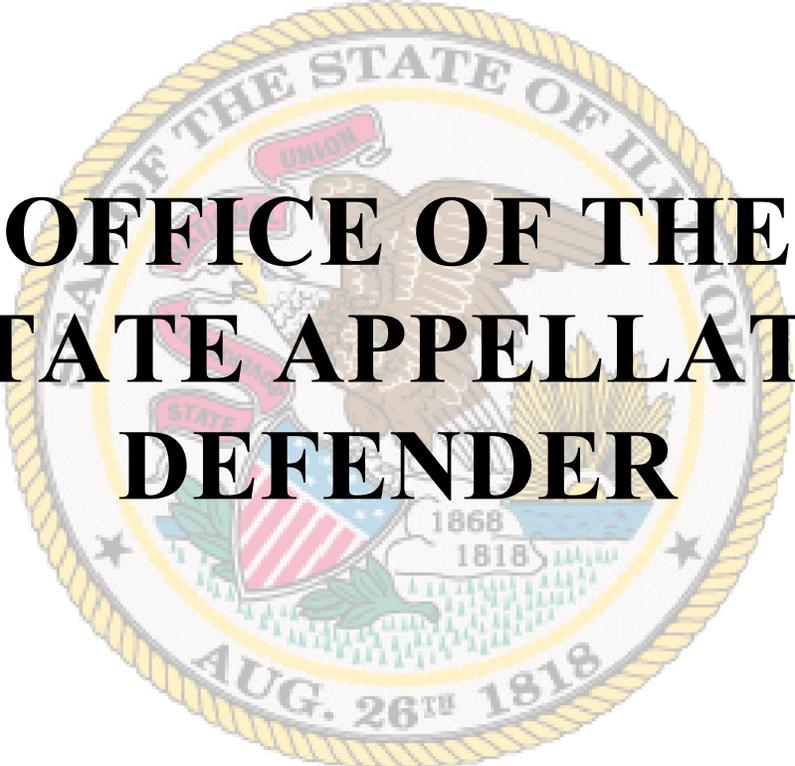


Annual Report Fiscal Year - 2015

The seal of the State Appellate Defender of Illinois is circular with a yellow rope-like border. Inside the border, the text "OFFICE OF THE STATE APPPELLATE DEFENDER" is written in a semi-circle at the top. The center features an eagle with wings spread, perched on a shield with a red and white striped field and a blue field with a white star. Above the eagle is a banner with the word "UNION". Below the eagle are the years "1868" and "1818". At the bottom of the seal, the text "AUG. 26TH 1818" is written in a semi-circle. Two stars are positioned on either side of the bottom text.

OFFICE OF THE STATE APPPELLATE DEFENDER

MICHAEL J. PELLETIER

STATE APPPELLATE DEFENDER

ANNUAL REPORT FISCAL YEAR-2015

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I. FISCAL YEAR-2015 ACTIVITIES

On December 31, 2014, the former Deputy of the Capital Post-Conviction Unit, Anne Carlson, retired. After the abolition of the death penalty in March 2011, Anne continued to oversee the completion of work on the post-conviction cases the agency had been appointed to handle.

After a long illustrious career of almost 40 years, Alan Goldberg resigned as Deputy Defender of the First District office effective June 30, 2015. His passion, enthusiasm and dedication to the individuals we represent will be missed. After the interview process, Patricia Mysza, a supervisor with the First District office, was named the Deputy Defender of the First District office effective July 1, 2015.

The National Legal Aid and Defender Association held its Annual Conference “Blueprint for Justice: Designing a Paradigm for Impact” in Arlington, Virginia, from November 12-14, 2014. State Appellate Defender Michael Pelletier, Deputy State Appellate Defender James Chadd, Director of Training Laura Weiler, IT Director Donna Elzer, and Director of Support Services Susan Carr attended the conference during which they gave a presentation entitled, “There’s an App for That: Using Tech Tools in Defender Offices.”

Board of Commissioners

Commissioner Thomas Sullivan’s term on the Board expired on January 14, 2015. The Illinois Supreme Court appointed Kathryn Saltmarsh to a six-year term effective January 14, 2015, to succeed Tom Sullivan. Ms. Saltmarsh is the Executive Director of the Illinois Sentencing and Policy Advisory Council and the former Legislative Liaison for the Office of the State Appellate Defender.

The Board of Commissioners' meeting was conducted on Friday, October 3, 2014, in the First District office in Chicago. At the meeting, the Board approved the FY2015 Operating Budget of \$20,349,600 which was the same as the FY2014 operating budget. This budget allowed the Agency to increase the current pay plan for all positions, fund the Expungement Program, provide training programs for public defenders and implement a new case management system. It, however, did not allow for the funding of the Juvenile Defender Resource Center and the law student intern program.

The Board of Commissioners also met on Friday, February 20, 2015, in the First District office. At that meeting, the Board approved the proposed FY2016 budget in the amount of \$21,900,000 which represents an increase of \$1,550,400 or 7.62% over the current Fiscal Year 2015 operating budget. This budget request would provide for the following:

- Full staffing of the agency;
- Increase the pay plan for all titles;
- Continuation of the Public Defender Training Program;
- Implementation of the Juvenile Defender Resource Center;
- Implementation of the Law Student Intern Program;
- Upgrade to a new phone system - Voice Over Internet Protocol (VOIP).

Additionally, the Board approved the nominating committees' recommendations for the Haddad, Hughes, and Gottfried awards. The recipients were:

James B. Haddad Award

Kim M. DeWitt, Assistant Appellate Defender in the Second District Office,
Linda Olthoff, Assistant Appellate Defender in the First District Office.

Patrick J. Hughes, Jr. Award

Debra R. Salinger, Supervisor in the First District Office.

Theodore A. Gottfried Award

Marge LaGiglio, Paralegal in the First District Office,
Sue Ryan, Senior Administrative Assistant in the Administrative Office,
Wendy Wenzel, Paralegal in the Third District Office.

Appropriation Reduction

On Thursday, March 26, 2015, Governor Bruce Rauner signed a bill that addressed the State's \$1.8 billion dollar shortfall for the fiscal year. It cut 2.25% from the agency's appropriation resulting in a reduction of approximately \$450,000. The cuts did not result in layoffs, but vacancies were not filled and travel expenses were restricted.

Committees

State Appellate Defender Michael J. Pelletier continued to serve as a member of the Commissions, Boards and Task Forces for which he is statutorily designated. He attended the quarterly meetings of the Illinois Criminal Justice Information Authority as a Board member. He continued to attend the meetings of the Sentencing Policy Advisory Council and Adult Redeploy Illinois. He also attended four meetings of the Illinois State Commission on Criminal Justice and Sentencing Reform comprised of more than two dozen criminal justice practitioners, lawmakers and policymakers established by Governor Rauner in February 2015. The Commission is charged with developing comprehensive, evidence-based strategies to meet the goal of reducing the

Illinois' prison population 25% by 2025. The Commission submitted an initial report of its findings and recommendations to the Governor on July 1, 2015, and a final report is to be submitted to the Governor and the General Assembly by December 31, 2015.

Public Defender Seminars

On September 26, 2014, the Office of the State Appellate Defender presented a one-day seminar entitled Persuading Judges II which was held at Loyola University Chicago School of Law. This free program, including workshops focusing on basic motion to suppress and bench trial advocacy skills, was attended by 30 area assistant public defenders, 23 inexperienced assistant Cook County public defenders and 7 assistant public defenders from the surrounding urban collar counties.

The Illinois Public Defender Association in conjunction with the agency presented its 2014 IPDA Fall Seminar on October 17 & 18, 2014, at the Hilton Springfield. The seminar was attended by 148 people including 112 public defenders from 46 counties and 19 attorneys from the Office of the State Appellate Defender. The conference offered the attending Illinois defenders MCLE credits.

The 31st annual Illinois Public Defender Voir Dire Workshop and Trial Advocacy Program was again held at the IIT-Chicago Kent College of Law in Chicago from Monday, March 16, through Friday, March 20, 2015. This week-long, statewide public defender trial advocacy training program centering on the defense skills necessary to defend a jury case was attended by 35 participants representing 17 Illinois counties including Boone, Champaign, Cook, DeKalb, DuPage, Kane, Kendall, Knox, Lake, Macon, McLean, Sangamon, St. Clair, Stephenson, Vermilion, Will and Winnebago. The Office of the State Appellate Defender using its Public Defender training budget provided the \$450 registration fee for all 35 registrants and the travel and lodging expenses for 14 of those participants from distant counties who otherwise would not have been able to attend.

On May 1 & 2, 2015, the Illinois Public Defender Association presented its 2015 IPDA Spring Seminar at the Hilton Springfield. The seminar was attended by 168 people including 126 Public Defenders from 42 counties and 22 attorneys from the Office of the State Appellate Defender. The Illinois Public Defender Association offered 8 hours of General MCLE credit including up to 7 hours of Professional Responsibility credit for this seminar.

Caseload Statistics

In Fiscal Year-2015, the agency was appointed to 3128 new cases, 116 fewer cases than Fiscal Year-2014. During Fiscal Year-2015, the agency disposed of 2,681 cases, 2 cases more than Fiscal Year-2014.

	<u>FY-14</u>	<u>FY-15</u>
Appellate Court Briefs	1460	1522
Illinois Supreme Briefs	28	20
Anders Briefs Granted	339	374
Motions to Withdraw or Dismiss Granted	526	551
Summary Motions Filed	<u>326</u>	<u>214</u>
Total Dispositions	2679	2681

Intranet Site

Established in Fiscal Year-2008, the agency continues to use the OSAD Information Center as the primary tool for communicating to agency staff information including legal work, legal resources, human resources, fiscal matters and general policies and practices. The agency’s extensive use of the site supports the State’s “Go Green” initiatives.

Internet Web Site

The agency continues to provide the public with information regarding training programs and publications, including the *Illinois Criminal Law Digest, Handbook on Briefs and Oral Arguments*, 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 expungement process. The site includes easy to follow questionnaires which allow anyone to determine whether or not he or she is eligible to expunge or seal his or her record.

Finally, 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.

The Appellate Defender site is located at <http://www.illinois.gov/osad>

Illinois Criminal Justice Information Authority Grants

During Fiscal Year-2015, the agency was the recipient of one grant from the Illinois Criminal Justice Information Authority.

Specialized Defense Initiatives formerly Systemic Sentencing Appeals Cases - In

October 2003, the agency began receiving a grant continuing the employment of a unit of assistant appellate defenders to work exclusively on sentencing issues. In FY-2015 the grant in the amount of \$202,164 of which \$151,623 were federal funds, continued to provide funding for three attorneys.

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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.

B. Historical Background

In 1956, the United States Supreme Court held that the State of Illinois had the

constitutional obligation to provide a trial court transcript, without cost, to indigent defendants for criminal appeals (*Griffin v. Illinois*, 351 U.S. 12). In 1963, the Court held that indigent defendants had the constitutional right to have an attorney appointed to represent them in their criminal appeals. (*Douglas v. California*, 372 U.S. 353; *Milani v. Illinois*, 386 U.S. 12). In 1985, the Court further held that there is a constitutional right to the effective assistance of counsel in a criminal appeal. (*Evitts v. Lucey*, 469 U.S. 387).

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

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

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

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

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

various State's Attorneys.

Capital Cases

From June 21, 1977, to June 30, 2011, a statute allowing the imposition of the death penalty was in effect in Illinois. This statute, as well as the Illinois Constitution and Illinois Supreme Court Rules, required an automatic appeal to the Illinois Supreme Court in all cases in which a person was sentenced to death. The representation of a person sentenced to death was an awesome responsibility, requiring extraordinary legal knowledge and meticulous preparation. The consequences of less than the highest quality of legal representation were obvious and irreversible.

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

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

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

The sentencing hearing in capital cases was similar to a trial itself. It was usually held before a jury (whereas sentencing hearings in other cases are not) and generally involved the calling of numerous witnesses and lengthy testimony pertaining to the entire background of the defendant. Additionally, capital sentencing hearings contained many motions and arguments

concerning the interpretation and application of the death penalty statute, constitutional issues, and questions concerning the type of aggravation and mitigation evidence that may have been introduced.

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

The difference in difficulty between capital and non-capital appeals can be illustrated by the written decisions of the Illinois Supreme Court. In capital cases, unless the Court reversed the case on a single issue or two, the opinions were normally twenty pages or more -- sometimes thirty or forty pages. In non-capital cases, the Supreme Court opinions are 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.).

Upon the agency's appointment 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.

To ensure that agency clients receive high quality and prompt representation, the Agency has implemented lawyer productivity standards. Every document filed by agency lawyers is expected to be "of the highest quality, filed in a timely manner, and in full compliance with applicable court rules." (Office of the State Appellate Defender, Policies and Procedures Manual (2009) Ch. 37, A, 4 a.) Additionally, the agency has implemented "Minimum Work Standards."

(Policies and Procedures Manual (2009) Ch. 37, A, 4 b.)

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: <http://www.illinois.gov/osad/expungement>. 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 PO Box 5240, Springfield, IL 62705-5240

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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. The Administrative Office prepares and distributes various materials which record and assist the work of the agency. Such materials include: a comprehensive Annual Report; detailed monthly and annual statistics; the *Illinois Criminal Law Digest* (a summary of significant court decisions available monthly on our intranet site to agency lawyers and on our web site to public defenders); the *Illinois Handbook of Criminal Law Decisions* (a summary of hundreds of court decisions arranged under more than 400 topics and published in cooperation with the Illinois State Bar Association); an Employee Manual; the *Handbook on Briefs and Oral Arguments*; as well as other educational and training materials. The Administrative Office also maintains an electronic brief bank containing the briefs filed by agency lawyers.

B. First District Office

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

During Fiscal Year-2015, the First District Office received appointment to 1505 cases and

filed 940 Appellate Court briefs, 250 Petitions for Leave to Appeal to the Illinois Supreme Court, 11 Illinois Supreme Court briefs, 13 Petitions for Writ of Certiorari to the United States Supreme Court, 237 Anders briefs, 34 Motions to Withdraw, 166 Motions to Dismiss and 101 Summary Motions. Oral argument was held in 95 Appellate Court cases, 14 Illinois Supreme Court cases, and one 7th Circuit Court case.

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-2015, the Second District Office received appointment to 468 cases and filed 198 Appellate Court briefs, 46 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Illinois Supreme Court briefs, 3 Petitions for Writ of Certiorari to the United States Supreme Court, 84 Anders briefs, 39 Motions to Withdraw, 57 Motions to Dismiss and 50 Summary Motions. Oral argument was held in 34 Appellate Court cases and 7 Illinois Supreme Court cases.

D. Third District Office

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

During Fiscal Year-2015, the Third District Office received appointment to 403 cases and filed 166 Appellate Court briefs, 18 Petitions for Leave to Appeal to the Illinois Supreme Court, 5 Illinois Supreme Court briefs, 35 Anders briefs, 18 Motions to Withdraw, 66 Motions to Dismiss and 35 Summary Motions. Oral argument was held in 34 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. Jacqueline L. Bullard is the Deputy Defender.

During Fiscal Year-2015, the Fourth District Office received appointment to 506 cases and filed 138 Appellate Court briefs, 36 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Illinois Supreme Court brief, 4 Petitions for Writ of Certiorari to the United States Supreme Court, 12 Anders briefs, 20 Motions to Withdraw, 95 Motions to Dismiss and 19 Summary Motions. Oral argument was held in 35 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-2015, the Fifth District Office received appointment to 246 cases and filed 80 Appellate Court briefs, 12 Petitions for Leave to Appeal to the Illinois Supreme Court, 11 Anders briefs, 14 Motions to Withdraw, 44 Motions to Dismiss and 9 Summary Motions. Oral argument was held in 47 Appellate Court cases.

G. Expungement Unit

OSAD's expungement unit receives an average of 125 emails per month and 175 phone calls per month requesting information about expungement and sealing of records. An average of 245 information packets a month are sent to Illinois residents requesting forms and additional information. Upon request, OSAD staff attorneys participate in community events to promote public awareness of expungement and sealing availability. This last fiscal year, OSAD has participated in 42 community events.

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IV. PERSONNEL

ADMINISTRATIVE OFFICE

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MICHAEL J. PELLETIER
State Appellate Defender

Mr. Pelletier received his Juris Doctor from the John Marshall Law School in 1976 and was admitted to the Illinois Bar that year. He was employed as an Assistant Defender in the Third District Office of the State Appellate Defender from 1976 until 1978. He transferred to the First

District Office of the State Appellate Defender in 1978 and was employed as an Assistant Appellate Defender until 1987. Mr. Pelletier was appointed Deputy Defender of the First District Office in September 1987. Theodore A. Gottfried, after serving 35 years as the State Appellate Defender, retired on December 31, 2007. The Illinois Supreme Court appointed Mr. Pelletier the State Appellate Defender, effective January 1, 2008, to a four-year term expiring December 31, 2011, and in December 2011 reappointed him to a second four-year term expiring December 31, 2015.

Mr. Pelletier was appointed to serve on the Illinois Commission on Criminal Justice and Sentencing Reform by Governor Bruce Rauner. He is also a member of the Illinois Criminal Justice Information Authority, currently serving on the Legislative and Appeals Committees. Mr. Pelletier is a member of the Sentencing Policy Advisory Council; the Adult Redeploy Illinois Oversight Board; the Risks, Assets and Needs Assessment Task Force; the Illinois Juvenile Justice Leadership Committee; the Illinois State Bar Association and past member of the Criminal Justice Section Council of the Illinois State Bar Association. He is a member of the National Legal Aid and Defender Association and the American Council of Chief Defenders of the NLADA. Additionally, he is a member of the Appellate Lawyers Association and past Board member of the Appellate Lawyers Association. He served as a commissioner on the Criminal Law Edit Align and Rewrite (CLEAR) Commission and the Illinois Disproportionate Justice Impact Study Commission.

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

DAVID P. BERGSCHNEIDER
Deputy State Appellate Defender

Mr. Bergschneider is a 1976 graduate of Marquette University Law School. After serving as a legislative aide through the Illinois Legislative Staff Internship Program, he joined the Office of the State Appellate Defender in 1977. He served as an Assistant Appellate Defender until 1993, when he was named Legal Director. In 2008, he became Deputy State Appellate Defender.

Since May 1992, he has edited the *Illinois Criminal Law Digest*. In addition, he is an author of the *Illinois Handbook of Criminal Law Decisions*, a joint publication of the Office of the State Appellate Defender and the Illinois State Bar Association. In June 2004, the Illinois State Bar Association awarded Mr. Bergschneider the Virgil E. Tipton Jr. Publications Award for his work on the Handbook.

He is also co-author of the *Handbook on the Preparation of Briefs and Oral Arguments* and has contributed to several handbooks published by the Illinois Institute for Continuing Legal Education. Mr. Bergschneider has also written *amicus curiae* briefs in two United States Supreme Court cases, is a former editor of the Illinois Attorneys for Criminal Justice newsletter, and has been a frequent contributor to newsletters for the Illinois State Bar Association Criminal Justice Section, the Illinois Attorneys for Criminal Justice and the National Legal Aid and Defender Association.

He served two terms on the Criminal Justice Section Council of the Illinois State Bar Association, including a term as Chairman. He was a member of the Criminal Justice Section Council Committee on a Long-Term Solution for Funding Criminal Appeals.

He served on the Long Term Prisoner Study Committee of the Illinois Legislature and on the Illinois Integrated Justice Information System Governing Board.

He has lectured at CLE programs sponsored by the Illinois State Bar Association, Illinois Public Defender Association, Illinois Attorneys for Criminal Justice, Cook County Public Defender's Office, Office of the State Appellate Defender, Administrative Office of the Illinois Courts, and Wisconsin Public Defender. He is a recipient of the Illinois Public Defender Association Award for Excellence and Meritorious Service, and in 1996 was named a Distinguished Scholar of Marquette University.

JAMES E. CHADD
Deputy 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.

TONYA JANECEK
Chief Fiscal Officer/Human Resource Director

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

HR Department in the preparation of payroll and providing benefits information to agency employees.

LAURA A. WEILER
Director of Training

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

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

At the end of FY-2015, the Administrative Office was staffed by 20 persons including the State Appellate Defender, 2 Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, a Director of Support Services, a Systems Administrator, a Director of Expungement, an IT Director, a Network/Applications Manager, 2 Support Specialists, a Senior Human Resource Assistant, a Human Resource Assistant, a Senior Fiscal Assistant, a Fiscal Assistant, a Project Assistant to the Director of Support Services, a Senior Administrative Assistant, an Administrative Assistant, and a Docket Clerk.

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

ALAN D. GOLDBERG
Deputy Defender

Mr. Goldberg received his Juris Doctor from the University of Illinois College of Law in 1976 and was admitted to the Illinois bar that same year. He worked with the Second District office as an intern in 1975 and as an Assistant Appellate Defender from 1976 until 1978 and then transferred to the First District office in 1978. He became a supervisor in 2002 and the Assistant

Deputy Defender in 2008. Mr. Goldberg was appointed Deputy Defender of the First District Office effective June 1, 2010.

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

At the end of FY-2015, the First District Office was staffed by 117 persons including the Deputy Defender, the Assistant Deputy Defender who also serves as a Supervisor, 9 additional Attorney Supervisors, 76 full-time Attorneys, 12 part-time Attorneys, a Director of the Paralegal Department, a Senior Paralegal, 3 Paralegals, an Office Administrator, 6 Legal Secretaries, 2 Docket Clerks, and 4 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 has served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law since 1986; the program provides student interns to the Second and Third District Offices. He is also a member of the Board of Directors of the Illinois Institute for Continuing Legal Education and the general editor of the Institute's publication *Defending Illinois Criminal Cases*.

At the end of FY-2015, the Second District Office was staffed by 24 persons, including the Deputy Defender, an Assistant Deputy Defender, one other Supervisor, 13 full-time Assistant Appellate Defenders, 2 part-time Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

THIRD DISTRICT OFFICE

Office of the State Appellate Defender
1100 Columbus Street
770 E. Etna Road
Ottawa, IL 61350
Telephone: 815/434-5531
FAX 815/434-2920
Email: 3rdDistrict@osad.state.il.us

PETER A. CARUSONA
Deputy Defender

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

Mr. Carusona is admitted to practice before the United States Supreme Court and the Illinois Supreme Court. He has served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law since 1988; the program provides student interns to the Second and Third District Offices.

At the end of FY-2015, the Third District Office was staffed by 20 persons, including the Deputy Defender, an Assistant Deputy Defender who also serves as a Supervisor, one other Supervisor, 13 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk and a Legal Secretary.

FOURTH DISTRICT OFFICE

Office of the State Appellate Defender
400 West Monroe, Suite 303
Post Office Box 5240
Springfield, IL 62705-5240
Telephone: 217/782-3654
FAX 217/524-2472
Email: 4thDistrict@osad.state.il.us

JACQUELINE L. BULLARD
Deputy Defender

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 is an appointed Commissioner on the Illinois Juvenile Justice Commission, is the agency representative on the Illinois Sex Offender Management Board, and is a former board member of 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 Haddad Award.

At the end of FY2015, the Fourth District Office was staffed by 23 persons, including the Deputy Defender, 2 Supervisors, 13 full-time Assistant Appellate Defenders, 1 part-time Assistant Appellate Defender, a Paralegal, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

FIFTH DISTRICT OFFICE

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

ELLEN JENKINS CURRY
Deputy Defender

Ellen Jenkins Curry graduated with a juris doctorate from the SIU 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 Justice Bruce D. Stewart of the Fifth District Illinois Appellate Court. She worked there until appointed to serve as the Deputy of the Fifth District Office of the State

Appellate Defender on January 1, 2013.

Ms. Curry is licensed to practice before the United States Supreme Court, the Illinois Supreme Court, the Seventh Circuit Court of Appeals, and the United States District Court for the Southern District of Illinois.

At the end of FY-2015, the Fifth District Office was staffed by 15 persons, including the Deputy Defender, Assistant Deputy Defender, 8 Assistant Appellate Defenders, a Paralegal, an Office Administrator, and 3 full-time legal secretaries.

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V. BOARD OF COMMISSIONERS

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

KIM D. CAMPBELL - is an attorney and adjunct professor with 22 years of experience practicing law, most recently serving as McLean County's Chief Public Defender from July 2010 to August 2014. Prior to that appointment, Kim served as McLean County's First Assistant State's Attorney for eight years. Kim graduated from ISU in 1990 and earned her juris doctorate from Chicago-Kent College of Law in 1993. Prior to returning to McLean County in 1995, she worked in private firms

practicing criminal defense. She has past experience in criminal appeals work for the Second District State Appellate Defender's office.

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

HONORABLE ABISHI C. CUNNINGHAM Jr. (Retired) - Judge Cunningham brings 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.

GARY A. DOBBS - Mr. Dobbs graduated from Northern Illinois University with a B.S. in Journalism in 1978 and received his J.D. from DePaul University in 1981. He practiced law in Chicago at Kaplan, Sorosky & Hoffman from 1981 until April of 1983, at which time he moved to Morris, Illinois and became a partner in the law firm of Adcock & Dobbs. In 1987 Mr. Dobbs opened the Law Office of Gary A. Dobbs. In addition to maintaining his solo practice, he became an Assistant Public Defender in Grundy County in 1993. In October 2015, he was appointed the Grundy County Public Defender. He has taught Business Law at Joliet Junior College and has been a member of the American Bar Association, the Association of Trial Lawyers and the Illinois State Bar Association and is currently a member of the Grundy County Bar Association. Mr. Dobbs was admitted to practice as an Attorney and Counselor in the Illinois Supreme Court in November 1981 and the Supreme Court of the United States of America in July 1995. He has served as past president of the Illinois Organ Transplant Fund and the Grundy County Bar Association.

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

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

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

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

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

HONORABLE DENNIS MIDDENDORFF - Judge Middendorff graduated from Loyola University of Chicago in 1977. He received his J.D. degree from DePaul University in 1980. He served as an Assistant State's Attorney of Clinton County from 1980-1984 and then as the State's Attorney of Clinton County from 1984 until September of 1991. From September 6, 1991, to November 30, 2010, he served as an Associate Circuit Judge in the Fourth Judicial Circuit. On December 1, 2010, Judge Middendorff was sworn in as the Resident Circuit Judge of Clinton County.

KATHRYN SALTMARSH - Kathy came to the Illinois Sentencing Policy Advisory Council (SPAC) in 2010 from the position of Legislative Affairs Director for the Office of the Illinois Attorney General. Before working for the Attorney General, Kathy did appellate and legislative work for the Office of the State Appellate Defender where she was actively involved in the

negotiation and passage of death penalty reform legislation. She also had the opportunity to serve as co-director of the Criminal Law Edit, Alignment and Reform (CLEAR) Commission. The CLEAR Commission drafted the statute that created SPAC and sponsored multiple bills to simplify and modernize the Illinois Criminal Code and Code of Corrections.

Kathy graduated Magna Cum Laude from the University of Illinois College of Law in 1992 and moved to Springfield to begin her legal career. As an associate with the law firm of Metnick, Wise, Cherry & Frazier, she practiced both civil and criminal law. Kathy lost all interest in civil practice and embarked on her public service career focusing on criminal justice after her experience on the post-conviction legal team for a wrongfully convicted death-row inmate who was released after 17 years in prison (12 on death row).

Prior to law school, Kathy learned everything she needed to know about the intersection of policy and politics from her work on the Washington staff of Senator Paul Simon.

THOMAS F. SULLIVAN, JR. (Commissioner until his term expired in January 2014.) Mr. Sullivan graduated with a BA degree from Loras College, Dubuque, Iowa in 1969 (magna cum laude) and graduated from the University of Illinois School of Law in 1972.

He was a staff attorney with the State's Attorney's Association and the Illinois General Assembly and later was appointed staff attorney with the Office of the State Appellate Defender in Mount Vernon. He was an Assistant State's Attorney in Cook and Kane Counties (1977-1986) and then went into private practice with Callum Anderson & Deitsch; since 1992 he has been a sole practitioner in Wheaton.

Mr. Sullivan has been a Director with the DuPage County Bar Association for 9 years and a member of the ISBA Assembly for 3 terms. He participated as a member of the Illinois Children's Justice Task Force (1996-2005).

HONORABLE MICHAEL P. TOOMIN - Justice Toomin was named Presiding Judge of the Juvenile Justice Division of the Cook County Circuit Court in December 2010 after completion of a two-year assignment with the First District Appellate Court. Following his service in the United States Marine Corps (1956-58), Justice Toomin received a B.A. in 1962 from Northwestern University and his J.D. from DePaul University College of Law in 1967. He began his career in the Cook County Public Defender's Office as a felony trial assistant and later entered private practice concentrating in the defense of criminal cases in federal and state courts. Toomin was appointed an associate judge of the Circuit Court of Cook County in 1980 and was elected a circuit judge in 1984. In 1994, he was appointed a supervising judge in the Criminal Division, and in 2000 he was named acting Presiding Judge of the Criminal Division. In his judicial career, Justice Toomin

handled some 630 murder cases and presided over more than 400 jury trials.

Justice Toomin served as the chair of the Special Supreme Court Committee on Capital Cases from 2001 until he resigned his position in November 2010. He formerly served as a commissioner of the CLEAR Initiative, which was created to reform and review the Illinois Criminal Code. He previously served as the chair of the Committee on Criminal Law and Probation Administration of the Illinois Judicial Conference, as vice-chair of the Cook County Criminal Justice Coordinating Council and the chair of the Chicago Bar Association's Defense of Prisoners Criminal Law Committees. Toomin was also a member of the Illinois Senate Criminal Justice System Task Force. From 1983 to 2000, Justice Toomin served as an adjunct professor at Northwestern University School of Law in the area of litigation and trial practice. He is an active participant in the training and continuing legal education of judges and attorneys throughout the State.

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VI.

STATISTICS

FOR

FISCAL YEAR-2015

**Office of the State Appellate Defender
Agency Activity Statistics**

For The Period Of : 7/1/2014 To 6/30/2015

FY15

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	PA	TOTAL
<u>APPOINTMENTS</u>	1505	468	403	506	246	0	3128
<u>LATE NOTICES</u>							
Filed	133	38	23	70	16	0	280
Granted	144	40	18	70	15	0	287
<u>BRIEF & PETITIONS</u>							
Appellate Court Briefs	940	198	166	138	80	0	1522
Reply Brief	828	142	141	114	53	0	1278
Supplemental Briefs	13	5	2	3	3	0	26
Petition For Rehearing	194	16	20	12	15	0	257
Petition Leave to Appeal	250	46	18	36	12	0	362
ISC Court Briefs	11	3	5	1	0	0	20
Reply Briefs	8	3	0	1	0	0	12
Supplemental Briefs	1	0	0	1	0	0	2
Petition For Rehearing	3	0	0	1	0	0	4
7th Cir. Court Briefs	0	0	0	0	0	0	0
7th Cir. Reply Briefs	1	0	0	0	0	0	1
Certiorari Petitions	13	3	0	4	0	0	20
U.S. Supreme Court Briefs	0	0	0	0	0	0	0
Reply Briefs	0	0	0	0	0	0	0
Supplemental Briefs	0	0	0	0	0	0	0
Petition For Rehearing	0	0	0	0	0	0	0
Other Federal Briefs	3	1	0	0	0	0	4
<u>ANDERS BRIEFS</u>							
Filed	237	84	35	12	11	0	379
Denied	1	3	1	0	0	0	5
<u>MOTIONS TO WITHDRAW</u>							
Filed	34	39	18	20	14	0	125
Denied	0	0	0	0	0	0	0
<u>MOTIONS TO DISMISS</u>							
Filed	166	57	66	95	44	0	428
Denied	1	0	0	0	1	0	2
<u>SUMMARY MOTIONS</u>	101	50	35	19	9	0	214
<u>ORAL ARGUMENTS</u>							
Appellate Court	95	34	34	35	47	0	245
ISC Court	14	7	3	2	0	0	26
7th Circuit Court	1	0	0	0	0	0	1
U.S. Supreme Court	0	0	0	0	0	0	0
<u>BOND MOTIONS</u>							
Filed	10	0	0	0	1	0	11
Allowed	3	0	0	0	1	0	4
<u>CLOSED CASES</u>	1356	403	315	368	151	0	2593

**Office of the State Appellate Defender
Agency Activity Statistics**

For The Period Of : 7/1/2014 To 6/30/2015

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	PA	TOTAL
<u>RECORDS FILED</u>							
Jury Trial	280	115	65	101	45	0	606
Guilty Plea	74	96	79	94	43	0	386
Bench Trial	595	52	53	41	19	0	760
Collateral Attack	413	119	116	160	73	0	881
State Appeal	4	10	10	2	11	0	37
Probation Revocation	5	8	15	32	3	0	63
Juvenile	34	5	12	12	3	0	66
Remands	17	3	3	0	0	0	23
State Habeas	0	0	0	0	0	0	0
Miscellaneous	3	20	33	31	17	0	104
TOTAL:	1425	428	386	473	214	0	2498

OPINIONS

Affirmed	493	116	49	70	33	0	761
Reversed	23	3	6	2	3	0	37
Remanded	22	18	31	25	12	0	108
Sentence Reduction	1	0	20	3	2	0	26
Reversed/Remanded	101	21	26	19	12	0	179
Reversed in Part	1	6	1	4	0	0	12
Remanded in Part	86	26	27	8	3	0	150
Anders/Motion to W/D	400	121	133	120	61	0	835
Vacated	20	18	4	4	1	0	47
Vac. In Part	250	32	10	16	1	0	309
Rem/Sent. Only	1	1	2	13	1	0	18
Misc. Withdraws	70	44	0	22	14	0	150
TOTAL:	1468	406	309	306	143	0	2632

OPINIONS (State Appeal)

Affirmed	0	0	4	0	6	0	10
Reversed	0	0	0	0	1	0	1
Remanded	0	0	0	0	1	0	1
Sentence Reduction	0	0	0	0	0	0	0
Reversed/Remanded	0	5	1	1	2	0	9
Reversed in Part	0	0	0	0	0	0	0
Remanded in Part	0	0	0	0	0	0	0
Anders/Motion to W/D	0	2	4	2	0	0	8
Vacated	0	0	0	0	0	0	0
Vac. In Part	0	0	0	0	0	0	0
Rem/Sent. Only	0	0	0	0	0	0	0
Misc. Withdraws	0	1	0	0	1	0	2
TOTAL:	0	8	9	3	11	0	31

**Office of the State Appellate Defender
Type of Appeals**

FY15

For The Period Of : 7/1/2014 To 6/30/2015

Appeal Type	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	SCU	TOTAL
Jury Trial	261	124	73	110	51	0	619
Guilty Plea	92	109	82	108	48	0	439
Bench Trial	640	54	51	45	18	0	808
Collateral Attack	453	126	109	149	75	0	912
State Appeal	5	12	10	3	17	0	47
Probation Revocation	5	6	18	32	8	0	69
Juvenile	33	6	13	12	7	0	71
Remands	15	5	3	0	0	0	23
State Habeas	0	0	0	0	0	0	0
Miscellaneous	1	26	45	47	22	0	141

TOTALS: 1505 468 404 506 246 0 3129

Office of the State Appellate Defender
 Appointments By County - FY2015

FY15

Total Appointments: 3129

Appellate Court District	Total Appointments By AC District	County Name	Total Appointments By County
1	1505		
		Cook	1505
2	468		
		Boone	24
		Carroll	3
		DeKalb	25
		DuPage	87
		JoDaviess	1
		Kane	101
		Kendall	8
		Lake	83
		Lee	6
		McHenry	23
		Ogle	4
		Stephenson	14
		Winnebago	89
3	404		
		Bureau	3
		Fulton	2
		Grundy	3
		Hancock	1
		Henry	4
		Iroquois	8
		Kankakee	26
		Knox	9
		LaSalle	29
		Marshall	1
		McDonough	3
		Mercer	1
		Peoria	90
		Rock Island	36
		Stark	3
		Tazewell	24
		Warren	2

Office of the State Appellate Defender
 Appointments By County
 FY 2015

Total Appointments: 3129

Appellate Court District	Total Appointments By AC District	County Name	Total Appointments By County
3	404		
		Whiteside	14
		Will	145
4	506		
		Adams	29
		Brown	3
		Cass	1
		Champaign	114
		Clark	1
		Coles	26
		Cumberland	1
		DeWitt	5
		Douglas	3
		Edgar	2
		Greene	3
		Jersey	3
		Livingston	30
		Logan	3
		Macon	77
		Mason	9
		McLean	98
		Menard	1
		Morgan	10
		Pike	1
		Sangamon	41
		Schuyler	3
		Scott	1
		Vermilion	34
		Woodford	7
5	246		
		Bond	2
		Christian	7
		Clay	3
		Clinton	10

Office of the State Appellate Defender
 Appointments By County
 FY 2015

Total Appointments: 3129

Appellate Court District	Total Appointments By AC District	County Name	Total Appointments By County
5	246		
		Crawford	2
		Edwards	1
		Effingham	6
		Fayette	6
		Franklin	9
		Hamilton	2
		Hardin	2
		Jackson	38
		Jefferson	3
		Johnson	3
		Lawrence	1
		Madison	29
		Marion	21
		Massac	5
		Montgomery	4
		Perry	1
		Randolph	5
		Saline	7
		Shelby	2
		St. Clair	64
		Wabash	2
		Washington	1
		Wayne	2
		Williamson	8

**Office of the State Appellate Defender
Caseload Information**

Statistics for Fiscal Year 2015

Agency Offices

	1st	2nd	3rd	4th	5th	PA	Total
Ending FY 2014 Cases Pending	2797	710	502	690	366	0	5076
Ending FY 2015 Appointments	1505	468	403	506	246	0	3128
Incoming Transfers	260	65	0	23	22	0	370
Closed Case	(1357)	(408)	(314)	(367)	(152)	0	(2598)
Outgoing Transfers	(21)	(44)	(90)	(167)	(48)	0	(370)
Adjustment for Reopened Cases	0	0	0	0	0	0	0
Total Cases Pending	3184	791	501	685	434	0	5606

Decisions Information

AC Decisions	1507	431	340	322	157	0	2757
AC Relief Granted	505	125	129	93	41	0	893
AC Percent Relief	33.5 %	29.0 %	37.9 %	28.9 %	26.1 %		32.4 %
Petitions for Leave to Appeal Granted	7	1	3	1	0	0	12
SC Decisions	13	5	2	3	0	0	23
SC Relief Granted	4	2	0	2	0	0	8
SC Percent Relief	30.8 %	40.0 %	00.0 %	66.7 %			34.8 %

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