

**STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER**

**COMPLIANCE EXAMINATION**

For the Two Years Ended June 30, 2010

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2010

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STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2010

**AGENCY OFFICIALS**

**OFFICE OF THE STATE APPELLATE DEFENDER**

State Appellate Defender	Michael J. Pelletier
Deputy State Appellate Defender	David P. Bergschneider
Deputy State Appellate Defender (effective 6/1/10)	Patricia Unsinn
Deputy State Appellate Defender (3/1/10 through 5/31/10)	Vacant
Deputy State Appellate Defender (7/1/08 through 2/28/10)	Daniel D. Yuhas
Chief Fiscal Officer/Human Resource Director	Tonya Janecek

Agency administrative office is located at:

400 W. Monroe  
Suite 202  
Springfield, Illinois



**OFFICE OF THE STATE APPELLATE DEFENDER  
ADMINISTRATIVE OFFICE**

400 West Monroe • Suite 202  
PO Box 5240  
Springfield, Illinois 62705-5240  
Telephone: 217/782-7203 • Fax: 217/782-5385  
www.state.il.us/defender/ • E-mail: osad@osad.state.il.us

**MICHAEL J. PELLETIER**  
STATE APPELLATE DEFENDER

**DAVID P. BERGSCHNEIDER**  
**PATRICIA UNSINN**  
DEPUTY STATE APPELLATE DEFENDERS

MANAGEMENT ASSERTION LETTER

April 29, 2011

**AGENCY OFFICES:**

**FIRST JUDICIAL DISTRICT**  
203 North LaSalle Street, 24th Floor  
Chicago, IL 60601  
(312) 814-5472  
1stDistrict@osad.state.il.us

**SECOND JUDICIAL DISTRICT**  
One Douglas Avenue  
2nd Floor  
Elgin, IL 60120  
(847) 695-8822  
2ndDistrict@osad.state.il.us

**THIRD JUDICIAL DISTRICT**  
1100 Columbus Street  
Ottawa, IL 61350  
(815)434-5531  
3rdDistrict@osad.state.il.us

**FOURTH JUDICIAL DISTRICT**  
400 West Monroe Street, 3rd Floor  
Springfield, IL 62704  
(217) 782-3654  
4thDistrict@osad.state.il.us

**FIFTH JUDICIAL DISTRICT**  
909 Water Tower Circle  
Mt. Vernon, IL 62854  
(618) 244-8471  
5thDistrict@osad.state.il.us

**CAPITAL POST-CONVICTION UNIT**  
20 North Clark Street, 26th Floor  
Chicago, IL 60602  
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**EXPUNGEMENT UNIT**  
Springfield Office  
(866) 431-4907  
Expungement.springfield@osad.state.il.us  
Chicago Office  
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Expungement.chicago@osad.state.il.us

Honorable William G. Holland  
Auditor General  
Iles Park Plaza  
740 East Ash Street  
Springfield, IL 62703

Dear Auditor General Holland:

We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the Office of the State Appellate Defender (Office). We are responsible for and we have established and maintained an effective system of internal controls over compliance requirements. We have performed an evaluation of the Office's compliance with the following assertions during the two-year period ended June 30, 2010. Based on this evaluation, we assert that during the years ended June 30, 2009 and June 30, 2010, the Office has materially complied with the assertions below.

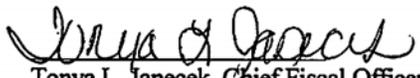
- A. The Office has obligated, expended, received and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Office has obligated, expended, received and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Office has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.
- D. State revenues and receipts collected by the Office are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate and in accordance with law.

E. Money or negotiable securities or similar assets handled by the agency on behalf of the State or held in trust by the Office have been properly and legally administered, and the accounting and recordkeeping relating thereto is proper, accurate and in accordance with law.

Yours very truly,

Office of the State Appellate Defender

  
Michael J. Pelletier, State Appellate Defender

  
Tonya L. Janecek, Chief Fiscal Officer

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2010

**COMPLIANCE REPORT**

**SUMMARY**

The compliance testing performed during this examination was conducted in accordance with *Government Auditing Standards* and in accordance with the Illinois State Auditing Act.

**ACCOUNTANTS' REPORTS**

The Independent Accountants' Report on State Compliance, on Internal Control Over Compliance and on Supplementary Information for State Compliance Purposes does not contain scope limitations, disclaimers, or other significant non-standard language.

**SUMMARY OF FINDINGS**

<u>Number of</u>	<u>Current</u>	<u>Prior</u>
Findings	<u>Report</u>	<u>Report</u>
Findings	1	7
Repeated findings	1	1
Prior recommendations implemented or not repeated	6	1

Details of findings are presented in a separate section of this report.

**SCHEDULE OF FINDINGS**

<u>Item No.</u>	<u>Page</u>	<u>Description</u>	<u>Finding Type</u>
FINDINGS (STATE COMPLIANCE)			
10-1	9	Inadequate controls over employees' activity and timekeeping reports	Significant Deficiency and Noncompliance

**SCHEDULE OF FINDINGS, continued**

PRIOR FINDINGS NOT REPEATED

<u>Item No.</u>	<u>Page</u>	<u>Description</u>
A	10	Inadequate control over travel expenditures
B	10	Employee performance evaluations not conducted timely
C	10	Failure to adopt administrative rules
D	10	Inadequate controls over State property
E	11	Failure to conduct sexual harassment prevention training
F	11	Noncompliance with the Capital Crimes Litigation Act

**EXIT CONFERENCE**

The State Appellate Defender waived an exit conference in correspondence dated April 12, 2011. Responses to the findings and recommendations were provided by Tonya Janecek, Chief Fiscal Officer, on April 25, 2011.

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OFFICE OF THE AUDITOR GENERAL  
WILLIAM G. HOLLAND

INDEPENDENT ACCOUNTANTS' REPORT ON STATE COMPLIANCE,  
ON INTERNAL CONTROL OVER COMPLIANCE, AND ON  
SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

Honorable William G. Holland  
Auditor General  
State of Illinois

Compliance

We have examined the State of Illinois, Office of the State Appellate Defender's (Office) compliance with the requirements listed below, as more fully described in the Audit Guide for Financial Audits and Compliance Attestation Engagements of Illinois State Agencies (Audit Guide) as adopted by the Auditor General, during the two years ended June 30, 2010. The management of the Office is responsible for compliance with these requirements. Our responsibility is to express an opinion on the Office's compliance based on our examination.

- A. The Office has obligated, expended, received, and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Office has obligated, expended, received, and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Office has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.
- D. State revenues and receipts collected by the Office are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate and in accordance with law.
- E. Money or negotiable securities or similar assets handled by the Office on behalf of the State or held in trust by the Office have been properly and legally administered and the accounting and recordkeeping relating thereto is proper, accurate, and in accordance with law.

We conducted our examination in accordance with attestation standards established by the American Institute of Certified Public Accountants; the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States; the Illinois State Auditing Act (Act); and the Audit Guide as adopted by the Auditor General pursuant to the Act; and, accordingly, included examining, on a test basis, evidence about the Office's compliance with those requirements listed in the first paragraph of this report and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Office's compliance with specified requirements.

In our opinion, the Office complied, in all material respects, with the compliance requirements listed in the first paragraph of this report during the two years ended June 30, 2010. However, the results of our procedures disclosed instances of noncompliance, which are required to be reported in accordance with criteria established by the Audit Guide, issued by the Illinois Office of the Auditor General and which are described in the accompanying schedule of findings as item 10-1.

### **Internal Control**

The management of the Office is responsible for establishing and maintaining effective internal control over compliance with the requirements listed in the first paragraph of this report. In planning and performing our examination, we considered the Office's internal control over compliance with the requirements listed in the first paragraph of this report as a basis for designing our examination procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Audit Guide issued by the Illinois Office of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Office's internal control over compliance.

A *deficiency* in an entity's internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct noncompliance with the requirements listed in the first paragraph of this report on a timely basis. A *material weakness over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance such that there is a reasonable possibility that material noncompliance with a requirement listed in the first paragraph of this report will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, we identified certain deficiencies in internal control over compliance that we considered to be significant deficiencies as described in the accompanying schedule of findings as item 10-1. A *significant deficiency over compliance* is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

As required by the Audit Guide, immaterial findings excluded from this report have been reported in a separate letter.

The Office's response to the finding identified in our examination is described in the accompanying schedule of findings. We did not examine the Office's response and, accordingly, we express no opinion on the response.

### **Supplementary Information for State Compliance Purposes**

Our examination was conducted for the purpose of forming an opinion on compliance with the requirements listed in the first paragraph of this report. The accompanying supplementary information as listed in the table of contents as Supplementary Information for State Compliance Purposes is presented for purposes of additional analysis. We have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the 2010 and 2009 Supplementary Information for State Compliance Purposes, except for information on the Service Efforts and Accomplishments on which we did not perform any procedures. However, we do not express an opinion on the supplementary information.

We have not applied procedures to the 2008 Supplementary Information for State Compliance Purposes, and accordingly, we do not express an opinion thereon.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, agency management, and the Office's Board of Commissioners, and is not intended to be and should not be used by anyone other than these specified parties.



BRUCE L. BULLARD, CPA

Director of Financial and Compliance Audits

April 29, 2011

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF FINDINGS**  
For the Two Years Ended June 30, 2010

10-1. **FINDING** (Inadequate controls over employees' activity and timekeeping reports)

The Office of the State Appellate Defender (Office) did not exercise adequate internal control over employees' activity and timekeeping reports.

The Office used an electronic calendar system to record, in half-hour increments, the location and specific work completed by its professional staff. This system generates monthly activity reports for purposes of employee oversight and case management. The Office also tracks employee attendance through a timekeeping system which records the time employees log into and out of the system each day. We tested one month of activities for six employees from one division, and noted discrepancies between the activity reports and timekeeping records for four of six (67%) employees. There were eight instances where the activity report did not include all activities of the employee's day according to their timekeeping report. In addition, there were five instances where the timekeeping report did not include as much time as the employee claimed on their activity report.

The Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires all State agencies to establish and maintain a system, or systems, of internal fiscal and administrative controls to provide assurance that funds and resources are safeguarded against waste, loss, unauthorized use, and misappropriation. The Office's Policies and Procedures Manual states that all professional staff are required to complete and submit accurate reports, including activity reports, to the State Appellate Defender, with a copy to the Deputy Defender. In addition, good internal controls require monitoring be conducted to ensure that all activity and timekeeping reports are correct, complete and agree with each other.

Office management stated that some of the discrepancies noted during our testing were due to oversight or clerical error, and the other discrepancies were due to employees not keeping up with their timekeeping responsibilities.

Failure to ensure the accuracy of employee activity and attendance reporting limits the monitoring usefulness of the reports and increases the risk the Office is paying for services not rendered by an employee. (Finding Code No. 10-1, 08-2)

**RECOMMENDATION**

We recommend the Office implement the necessary controls to ensure that all activity reports and timekeeping reports are accurate, complete and reconcile to one another.

**OFFICE RESPONSE**

Consistent with the auditor's recommendation we will take steps to make sure the calendar system is accurate and complete and the time recorded in both Kronos and the calendar system reconcile with one another.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**PRIOR FINDINGS NOT REPEATED**  
For the Two Years Ended June 30, 2010

A. **FINDING** (Inadequate control over travel expenditures)

During the prior examination, the Office did not exercise adequate control over its travel expenditures.

During the current examination, the Office improved their control over travel expenditures. We did not note any exceptions or instances of inadequate controls for the sample of vouchers tested. (Finding Code No. 08-1)

B. **FINDING** (Employee performance evaluations not conducted timely)

During the prior examination, the Office did not conduct employee performance evaluations timely.

During the current examination, we noted that the Office improved their control over employee performance evaluations and conducted the sample of evaluations tested in a timely manner. (Finding Code No. 08-3)

C. **FINDING** (Failure to adopt administrative rules)

During the prior examination period, the Office of the State Appellate Defender (Office) did not adopt any administrative rules as required by the Illinois Administrative Procedure Act (5 ILCS 100/5 et seq.). Also, the Office did not adopt rules related to the expungement program as required by the State Appellate Defender Act (725 ILCS 105/10.6e).

During the current examination period, the Office worked with the Joint Committee on Administrative Rules (JCAR) in order to adopt administrative rules to comply with the above statutes. This process was finalized in December of 2010, and the formal rules were published in Volume 35, Issue 1 of the Illinois Register dated January 3, 2011. (Finding Code No. 08-4)

D. **FINDING** (Inadequate controls over State property)

During the prior examination period, the Office of the State Appellate Defender (Office) did not exercise adequate control over the recording and reporting of State property.

During the current examination period, we noted no instances of inadequate control over the recording and reporting of State property. (Finding Code No. 08-5)

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**PRIOR FINDINGS NOT REPEATED, CONTINUED**  
For the Two Years Ended June 30, 2010

E. **FINDING** (Failure to conduct sexual harassment prevention training)

During the prior examination period, the Office of the State Appellate Defender (Office) did not provide sexual harassment prevention training for all employees as a component of all ongoing or new employee training programs.

During the current examination period, we noted that the Office implemented a sexual harassment training policy requiring all new employees to take an online sexual harassment prevention training course within 10 days of initial employment. In addition, the Office required all current employees to take the online course as part of an ongoing sexual harassment prevention training. (Finding Code No. 08-6)

F. **FINDING** (Noncompliance with the Capital Crimes Litigation Act)

During the prior examination period, the Office of the State Appellate Defender (Office) did not make its annual appropriation requests from the Capital Litigation Trust Fund (Trust Fund) as required by statute for the following items:

- Expenses incurred by the Office in representing petitioners incurred in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963;
- Expenses incurred by the Office in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases; and
- Expenses incurred by the Office for the representation of those petitioners by attorneys approved by or contracted with the Office.

During the current examination period, the Office began requesting appropriations from the Trust Fund for the purposes listed above, as required. (Finding Code No. 08-7)

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2010

**SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES**

**SUMMARY**

Supplementary Information for State Compliance Purposes presented in this section of the report includes the following:

- Fiscal Schedules and Analysis:

- Schedule of Expenditures of Federal Awards
- Notes to the Schedule of Expenditures of Federal Awards
- Schedule of Appropriations, Expenditures and Lapsed Balances
- Comparative Schedule of Net Appropriations, Expenditures and Lapsed Balances
- Schedule of Changes in State Property
- Comparative Schedule of Cash Receipts
- Reconciliation Schedule of Cash Receipts to Deposits Remitted to the State Comptroller
- Analysis of Significant Variations in Expenditures
- Analysis of Significant Variations in Receipts
- Analysis of Significant Lapse Period Spending

- Analysis of Operations:

- Agency Functions and Planning Program
- Average Number of Employees
- Service Efforts and Accomplishments (Not Examined)

The accountants' report that covers the Supplementary Information for State Compliance Purposes presented in the Compliance Report Section states the auditors have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General, except for information on the Service Efforts and Accomplishments on which they did not perform any procedures. However, the accountants do not express an opinion on the supplementary information.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
For the Year Ended June 30,  
(in thousands)

<b><u>FISCAL YEAR 2010</u></b>	Federal	Pass-Through	
<u>Federal Grantor/Program Title</u>	<u>CFDA</u>	<u>Entity Identifying</u>	<u>Federal</u>
	<u>No.</u>	<u>Number</u>	<u>Expenditures</u>
U.S. Department of Justice Pass Through from Illinois Criminal Justice Information Authority			
Edward Byrne Justice Assistance Grant Program:			
Systemic Sentencing Appeals	16.738	408106	\$ 126
Systemic Sentencing Issues Appeals Project	16.738	407106	<u>35</u>
<b>Total Expenditures of Federal Awards</b>			<b><u><u>\$ 161</u></u></b>

<b><u>FISCAL YEAR 2009</u></b>	Federal	Pass-Through Entity	
<u>Federal Grantor/Program Title</u>	<u>CFDA</u>	<u>Identifying Number</u>	<u>Federal</u>
	<u>No.</u>		<u>Expenditures</u>
U.S. Department of Justice Pass Through from Illinois Criminal Justice Information Authority			
Edward Byrne Memorial Formula Grant Program:			
Systemic Sentencing Appeals	16.738	405106	\$ 51
Systemic Sentencing Issues Appeals Project	16.738	407106	<u>129</u>
<b>Total Expenditures of Federal Awards</b>			<b><u><u>\$ 180</u></u></b>

Note: The accompanying notes to the Schedule of Expenditures of Federal Awards are an integral part of this schedule.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
For the Two Years Ended June 30, 2010

**1. Significant Accounting Policies**

(a) Basis of Presentation

The accompanying Schedule of Expenditures of Federal Awards presents all the federal financial assistance programs of the State of Illinois, Office of the State Appellate Defender (Office), for the two years ended June 30, 2010.

(b) Basis of Accounting

The accompanying Schedule of Expenditures of Federal Awards is prepared on the cash basis of accounting.

**2. Description of Grant Programs**

The following is a brief description of the grant programs included in the Schedule of Expenditures of Federal Awards:

*Byrne Justice Assistance Grant Program – CFDA #16.738*

Grant  
Identification  
Number:

Program Title:

405106/ 407106/ 408106	<u>Systemic Sentencing Appeals</u> – The agency received 75% federal funds passed through the Illinois Criminal Justice Information Authority, and the Office provided 25% matching funds during Fiscal Year 2009 and 2010. The purpose of this program is to provide funding for attorneys to work on cases that involve sentencing issues.
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STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
For the Two Years Ended June 30, 2010

**3. Pass Through and Subrecipient Awards**

The Office received funds passed through the Illinois Criminal Justice Information Authority. The Office did not provide any awards to subrecipients.

**4. Noncash Awards**

The Office did not receive any noncash awards.

**5. Cash Returned to Grantor**

The Office returned \$4,000 and \$25,000 of unused funds to the Illinois Criminal Justice Information Authority during Fiscal Years 2009 and 2010, respectively.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For The Fiscal Year Ended June 30, 2010

P.A. 96-0046 FISCAL YEAR 2010	Appropriations (Net of Transfers)	Expenditures Through June 30	Approximate Lapse Period Expenditures July 1 to August 31	Approximate Total Expenditures 14 Months Ended August 31	Approximate Balances Lapsed August 31
<b>APPROPRIATED FUNDS</b>					
<b><u>General Revenue Fund - 001</u></b>					
Personal Services	\$ 16,312,500	\$ 15,686,064	\$ 607	\$ 15,686,671	\$ 625,829
State Contributions to Social Security	1,247,900	1,139,502	194	1,139,696	108,204
Operational Expenses, Awards, Grants, State Matching Grant Purposes, and Permanent Improvements	407,200	316,296	13,432	329,728	77,472
Operational Expenses	<u>3,631,400</u>	<u>3,061,026</u>	<u>317,803</u>	<u>3,378,829</u>	<u>252,571</u>
Total Fund 001	<u>\$ 21,599,000</u>	<u>\$ 20,202,888</u>	<u>\$ 332,036</u>	<u>\$ 20,534,924</u>	<u>\$ 1,064,076</u>

Note A: Appropriations, expenditures, and lapsed balances were obtained from Office records and have been reconciled to records of the State Comptroller.

Note B: Expenditure amounts are vouchers approved for payment by the Office and submitted to the State Comptroller for payment to the vendor.

Note C: Approximate lapse period expenditures do not include interest payments approved for payment by the Office and submitted to the Comptroller for payment after August.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For The Fiscal Year Ended June 30, 2010

P.A. 96-0046 FISCAL YEAR 2010	Appropriations (Net of Transfers)	Expenditures Through June 30	Approximate Lapse Period Expenditures July 1 to August 31	Approximate Total Expenditures 14 Months Ended August 31	Approximate Balances Lapsed August 31
<b><u>State Appellate Defender Federal</u></b>					
<b><u>Trust Fund - 117</u></b>					
Operational Expenses, Awards, Grants, State Matching Grant Purposes, and Permanent Improvements	\$ 210,000	\$ 161,602	\$ -	\$ 161,602	\$ 48,398
<b><u>Capital Litigation Trust Fund - 614</u></b>					
Operational Expenses, Awards, Grants, State Matching Grant Purposes, and Permanent Improvements	\$ 3,230,213	\$ 2,669,634	\$ 51,699	\$ 2,721,333	\$ 508,880
<b>TOTAL ALL APPROPRIATED FUNDS</b>	<b>\$ 25,039,213</b>	<b>\$ 23,034,124</b>	<b>\$ 383,735</b>	<b>\$ 23,417,859</b>	<b>\$ 1,621,354</b>
 <b>NON-APPROPRIATED FUNDS</b>					
<b><u>State Appellate Defender Federal Trust Fund - 117</u></b>					
Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority		\$ 25,360	\$ -	\$ 25,360	
<b>TOTAL NON-APPROPRIATED FUNDS</b>		<b>\$ 25,360</b>	<b>\$ -</b>	<b>\$ 25,360</b>	
 <b>GRAND TOTAL ALL FUNDS</b>		<b>\$ 23,059,484</b>	<b>\$ 383,735</b>	<b>\$ 23,443,219</b>	

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For The Fiscal Year Ended June 30, 2009

P.A. 95-0731 FISCAL YEAR 2009	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period Expenditures July 1 to August 31	Total Expenditures 14 Months Ended August 31	Balances Lapsed August 31
<b>APPROPRIATED FUNDS</b>					
<b>General Revenue Fund - 001</b>					
General Operations:					
Personal Services	\$ 13,698,000	\$ 13,419,091	\$ 135	\$ 13,419,226	\$ 278,774
State Contribution to State					
Employees' Retirement System	2,883,800	2,828,537	100	2,828,637	55,163
State Contributions to Social Security	989,510	979,130	37	979,167	10,343
Contractual Services	1,884,322	1,819,649	37,301	1,856,950	27,372
Travel	86,800	63,750	1,970	65,720	21,080
Commodities	40,000	34,929	1,454	36,383	3,617
Printing	38,600	35,077	3,477	38,554	46
Equipment	59,400	48,478	8,689	57,167	2,233
Electronic Data Processing	761,864	646,500	102,143	748,643	13,221
Telecommunications	154,756	137,022	15,409	152,431	2,325
Expungement Information Program	250,200	242,070	5,976	248,046	2,154
Public Defender Training Program	20,000	19,748	97	19,845	155
Total General Operations	<u>\$ 20,867,252</u>	<u>\$ 20,273,981</u>	<u>\$ 176,788</u>	<u>\$ 20,450,769</u>	<u>\$ 416,483</u>

Note A: Appropriations, expenditures, and lapsed balances were obtained from Office records and have been reconciled to records of the State Comptroller.

Note B: Expenditure amounts are vouchers approved for payment by the Office and submitted to the State Comptroller for payment to the vendor.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For The Fiscal Year Ended June 30, 2009

P.A. 95-0731 FISCAL YEAR 2009	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period Expenditures July 1 to August 31	Total Expenditures 14 Months Ended August 31	Balances Lapsed August 31
<b><u>General Revenue Fund - 001 (Cont.)</u></b>					
Post Conviction Unit:					
Personal Services	\$ 810,000	\$ 691,800	\$ -	\$ 691,800	\$ 118,200
State Contribution to State					
Employees' Retirement System	174,144	145,718	-	145,718	28,426
State Contributions to Social Security	61,965	51,327	-	51,327	10,638
Contractual Services	172,942	128,070	4,280	132,350	40,592
Travel	25,000	12,541	418	12,959	12,041
Commodities	3,000	2,461	404	2,865	135
Printing	3,000	1,417	-	1,417	1,583
Equipment	10,500	6,356	3,188	9,544	956
Electronic Data Processing	14,300	4,526	2,077	6,603	7,697
Telecommunications	16,900	8,468	675	9,143	7,757
Total Post Conviction Unit	<u>\$ 1,291,751</u>	<u>\$ 1,052,684</u>	<u>\$ 11,042</u>	<u>\$ 1,063,726</u>	<u>\$ 228,025</u>
Violent Crimes Appeals Unit - State Matching Portion:					
Expenses Related to Federally Assisted					
Programs to Work on Drug and Violent					
Crimes Appeals Cases	\$ 63,176	\$ 62,169	\$ -	\$ 62,169	\$ 1,007
Violent Crimes Appeals Unit - Federal Portion:					
Federal Trust Fund	3,716	3,715	-	3,715	1
Total Violent Crimes Appeals Unit	<u>\$ 66,892</u>	<u>\$ 65,884</u>	<u>\$ -</u>	<u>\$ 65,884</u>	<u>\$ 1,008</u>
Total Fund 001	<u>\$ 22,225,895</u>	<u>\$ 21,392,549</u>	<u>\$ 187,830</u>	<u>\$ 21,580,379</u>	<u>\$ 645,516</u>
<b><u>State Appellate Defender Federal</u></b>					
<b><u>Trust Fund - 117</u></b>					
Violent Crimes Appeals Unit - Federal Portion:					
Expenses Related to Federally Assisted					
Programs to Work on Drug and Violent					
Crimes Appeals Cases	\$ 200,000	\$ 179,430	\$ -	\$ 179,430	\$ 20,570
Refund to ICJIA	13,716	3,715	-	3,715	10,001
Total Fund 117	<u>\$ 213,716</u>	<u>\$ 183,145</u>	<u>\$ -</u>	<u>\$ 183,145</u>	<u>\$ 30,571</u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For The Fiscal Year Ended June 30, 2009

P.A. 95-0731 FISCAL YEAR 2009	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period Expenditures July 1 to August 31	Total Expenditures 14 Months Ended August 31	Balances Lapsed August 31
<b><u>Capital Litigation Trust Fund - 614</u></b>					
Expenses Incurred in Providing Assistance to Trial Attorneys Under Item ( c ) (5) of Section 10 of the State Appellate Defender Act	\$ 3,080,099	\$ 2,615,790	\$ 22,229	\$ 2,638,019	\$ 442,080
Total Fund 614	<u>\$ 3,080,099</u>	<u>\$ 2,615,790</u>	<u>\$ 22,229</u>	<u>\$ 2,638,019</u>	<u>\$ 442,080</u>
<b><u>Budget Relief Fund - 678</u></b>					
General Operations:					
Personal Services	\$ 1,108,605	\$ 401,064	\$ -	\$ 401,064	\$ 707,541
State Contribution to State Employees' Retirement System	183,322	84,480	-	84,480	98,842
State Contributions to Social Security	35,695	29,910	-	29,910	5,785
Contractual Services	119,839	109,157	-	109,157	10,682
Commodities	1,100	571	401	972	128
Electronic Data Processing	93,562	69,213	15,602	84,815	8,747
Total General Operations	<u>\$ 1,542,123</u>	<u>\$ 694,395</u>	<u>\$ 16,003</u>	<u>\$ 710,398</u>	<u>\$ 831,725</u>
Post Conviction Unit:					
Personal Services	\$ 12,472	\$ -	\$ -	\$ -	\$ 12,472
State Contribution to State Employees' Retirement System	2,066	-	-	-	2,066
State Contributions to Social Security	954	-	-	-	954
Contractual Services	38,244	12,756	8,763	21,519	16,725
Equipment	4,000	1,545	195	1,740	2,260
Electronic Data Processing	2,250	1,538	-	1,538	712
Total Post Conviction Unit	<u>\$ 59,986</u>	<u>\$ 15,839</u>	<u>\$ 8,958</u>	<u>\$ 24,797</u>	<u>\$ 35,189</u>
Total Fund 678	<u>\$ 1,602,109</u>	<u>\$ 710,234</u>	<u>\$ 24,961</u>	<u>\$ 735,195</u>	<u>\$ 866,914</u>
<b>TOTAL ALL APPROPRIATED FUNDS</b>	<u>\$ 27,121,819</u>	<u>\$ 24,901,718</u>	<u>\$ 235,020</u>	<u>\$ 25,136,738</u>	<u>\$ 1,985,081</u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For The Fiscal Year Ended June 30, 2009

P.A. 95-0731 FISCAL YEAR 2009	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period Expenditures July 1 to August 31	Total Expenditures 14 Months Ended August 31	Balances Lapsed August 31
<b>NON-APPROPRIATED FUNDS</b>					
<b><u>State Appellate Defender Federal Trust Fund - 117</u></b>					
Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority		\$ 230	\$ -	\$ 230	
<b>TOTAL NON-APPROPRIATED FUNDS</b>		<u>\$ 230</u>	<u>\$ -</u>	<u>\$ 230</u>	
<b>GRAND TOTAL ALL FUNDS</b>		<u>\$ 24,901,948</u>	<u>\$ 235,020</u>	<u>\$ 25,136,968</u>	

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For the Fiscal Years Ended June 30,

	Fiscal Year		
	2010	2009	2008
	P.A. 96-0046	P.A. 95-0731	P.A. 95-0348
<b>General Revenue Fund - 001</b>			
Appropriations (Net of Transfers)	\$ 21,599,000	\$ 22,225,895	\$ 21,880,677
<u>Expenditures</u>			
General Operations:			
Personal Services	\$ 15,686,671	\$ 13,419,226	\$ 13,630,351
State Contribution to State			
Employees' Retirement System	-	2,828,637	2,260,947
State Contributions to Social Security	1,139,696	979,167	989,953
Contractual Services	-	1,856,950	2,090,046
Travel	-	65,720	76,013
Commodities	-	36,383	43,132
Printing	-	38,554	42,479
Equipment	-	57,167	68,341
Electronic Data Processing	-	748,643	762,473
Telecommunications	-	152,431	154,878
Expungement Information Program	-	248,046	234,296
Public Defender Training Program	-	19,845	19,917
Operational Expenses, Awards, Grants,			
Permanent Improvements	329,728	-	-
Operational Expenses	3,378,829	-	-
Total General Operations	<u>\$ 20,534,924</u>	<u>\$ 20,450,769</u>	<u>\$ 20,372,826</u>
Post Conviction Unit:			
Personal Services	\$ -	\$ 691,800	\$ 732,060
State Contribution to State			
Employees' Retirement System	-	145,718	121,279
State Contributions to Social Security	-	51,327	53,613
Contractual Services	-	132,350	161,676
Travel	-	12,959	28,299
Commodities	-	2,865	2,788
Printing	-	1,417	858
Equipment	-	9,544	5,787
Electronic Data Processing	-	6,603	34,910
Telecommunications	-	9,143	14,553
Total Post Conviction Unit	<u>\$ -</u>	<u>\$ 1,063,726</u>	<u>\$ 1,155,823</u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For the Fiscal Years Ended June 30,

	Fiscal Year		
	2010	2009	2008
	P.A. 96-0046	P.A. 95-0731	P.A. 95-0348
Violent Crimes Appeals Unit - State Matching Portion:			
Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases	\$ -	\$ 62,169	\$ 63,636
Violent Crimes Appeals Unit - Federal Portion:			
Federal Trust Fund	-	3,715	-
Total Violent Crimes Appeals Unit	<u>\$ -</u>	<u>\$ 65,884</u>	<u>\$ 63,636</u>
 Total Expenditures Fund 001	<u>\$ 20,534,924</u>	<u>\$ 21,580,379</u>	<u>\$ 21,592,285</u>
 Lapsed Balances	<u>\$ 1,064,076</u>	<u>\$ 645,516</u>	<u>\$ 288,392</u>
 <b>State Appellate Defender Federal Trust Fund - 117</b>			
Appropriations (Net of Transfers)	<u>\$ 210,000</u>	<u>\$ 213,716</u>	<u>\$ 300,000</u>
 <u>Expenditures</u>			
Violent Crimes Appeals Unit - Federal Portion:			
Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases	\$ 161,602	\$ 179,430	\$ 201,553
Refund to ICJIA	<u>-</u>	<u>3,715</u>	<u>-</u>
Lapsed Balances	<u>\$ 48,398</u>	<u>\$ 30,571</u>	<u>\$ 98,447</u>
 <b>Capital Litigation Trust Fund - 614</b>			
Appropriations (Net of Transfers)	<u>\$ 3,230,213</u>	<u>\$ 3,080,099</u>	<u>\$ 2,922,843</u>
 <u>Expenditures</u>			
Expenses Incurred in Providing Assistance to Trial Attorneys Under Item ( c ) (5) of Section 10 of the State Appellate Defender Act	<u>\$ 2,721,333</u>	<u>\$ 2,638,019</u>	<u>\$ 2,630,636</u>
Lapsed Balances	<u>\$ 508,880</u>	<u>\$ 442,080</u>	<u>\$ 292,207</u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For the Fiscal Years Ended June 30,

	Fiscal Year		
	2010	2009	2008
	P.A. 96-0046	P.A. 95-0731	P.A. 95-0348
<b>Budget Relief Fund - 678</b>			
Appropriations (Net of Transfers)	\$ -	\$ 1,602,109	\$ -
<u>Expenditures</u>			
General Operations:			
Personal Services	-	401,064	-
State Contribution to State			
Employees' Retirement System	-	84,480	-
State Contributions to Social Security	-	29,910	-
Contractual Services	-	109,157	-
Commodities	-	972	-
Electronic Data Processing	-	84,815	-
Total General Operations	<u>\$ -</u>	<u>\$ 710,398</u>	<u>\$ -</u>
Post Conviction Unit:			
Personal Services	\$ -	\$ -	\$ -
State Contribution to State			
Employees' Retirement System	-	-	-
State Contributions to Social Security	-	-	-
Contractual Services	-	21,519	-
Equipment	-	1,740	-
Electronic Data Processing	-	1,538	-
Total Post Conviction Unit	<u>\$ -</u>	<u>\$ 24,797</u>	<u>\$ -</u>
Total Fund 678	<u>\$ -</u>	<u>\$ 735,195</u>	<u>\$ -</u>
Lapsed Balances	<u>\$ -</u>	<u>\$ 866,914</u>	<u>\$ -</u>
<b>TOTAL ALL APPROPRIATED FUNDS</b>			
<b>Appropriations (Net of Transfers)</b>	<u>\$ 25,039,213</u>	<u>\$ 27,121,819</u>	<u>\$ 25,103,520</u>
<b>Total Expenditures</b>	<u>\$ 23,417,859</u>	<u>\$ 25,136,738</u>	<u>\$ 24,424,474</u>
<b>Lapsed Balances</b>	<u>\$ 1,621,354</u>	<u>\$ 1,985,081</u>	<u>\$ 679,046</u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
For the Fiscal Years Ended June 30,

	Fiscal Year		
	2010	2009	2008
	P.A. 96-0046	P.A. 95-0731	P.A. 95-0348
<b>NON-APPROPRIATED FUNDS</b>			
<b><u>State Appellate Defender Federal Trust Fund - 117</u></b>			
Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority	\$ 25,360	\$ 230	\$ 3,458
<b>TOTAL NON-APPROPRIATED FUNDS</b>	<b><u>\$ 25,360</u></b>	<b><u>\$ 230</u></b>	<b><u>\$ 3,458</u></b>

NOTE: Fiscal Year 2010 expenditures and related lapsed balances do not reflect any interest payments approved for payment by the Office and submitted to the Comptroller for payment after August.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SCHEDULE OF CHANGES IN STATE PROPERTY**  
For the Two Years Ended June 30, 2010

Balance at July 1, 2008	\$ 2,412,792
Additions	308,316
Deletions	(11,011)
Net Transfers	<u>(182,042)</u>
Balance at June 30, 2009	<u>\$ 2,528,055</u>
Balance at July 1, 2009	\$ 2,528,055
Additions	317,126
Deletions	(68,236)
Net Transfers	<u>(40,468)</u>
Balance at June 30, 2010	<u>\$ 2,736,477</u>

Note: The above schedule has been derived from Office records which have been reconciled to property reports submitted to the Office of the Comptroller.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**COMPARATIVE SCHEDULE OF CASH RECEIPTS**  
For the Fiscal Years Ended June 30,

<b><u>General Revenue Fund - 001</u></b>	<u>2010</u>	<u>2009</u>	<u>2008</u>
Miscellaneous Receipts	\$ 11,765	\$ 610	\$ 154
Prior Year Refunds	<u>337</u>	<u>845</u>	<u>5,145</u>
<b>TOTAL</b>	<u>\$ 12,102</u>	<u>\$ 1,455</u>	<u>\$ 5,299</u>
<b><u>State Appellate Defender Federal Trust Fund - 117</u></b>			
U.S. Department of Justice – Illinois			
Criminal Justice Information Authority	\$ 174,526	\$ 146,961	\$ 189,529
Prior Year Refunds	-	-	-
Prior Year Warrant Voids	<u>-</u>	<u>-</u>	<u>-</u>
<b>TOTAL</b>	<u>\$ 174,526</u>	<u>\$ 146,961</u>	<u>\$ 189,529</u>
<b><u>Capital Litigation Trust Fund - 614</u></b>			
Miscellaneous Receipts	\$ -	\$ 17	\$ 30
Prior Year Refunds	<u>23</u>	<u>572</u>	<u>174</u>
<b>TOTAL</b>	<u>\$ 23</u>	<u>\$ 589</u>	<u>\$ 204</u>
<b>TOTAL RECEIPTS - ALL FUNDS</b>	<u><u>\$ 186,651</u></u>	<u><u>\$ 149,005</u></u>	<u><u>\$ 195,032</u></u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**RECONCILIATION SCHEDULE OF CASH RECEIPTS TO DEPOSITS**  
**REMITTED TO THE STATE COMPTROLLER**  
For the Fiscal Years Ended June 30,

<b><u>General Revenue Fund – 001</u></b>	<u>2010</u>	<u>2009</u>
Receipts per Office Records	\$ 12,102	\$ 1,455
Add: Deposits in Transit, Beginning of Year	-	17
Less: Deposits in Transit, End of Year	-	-
Deposits Recorded by the Comptroller	<u>\$ 12,102</u>	<u>\$ 1,472</u>

<b><u>State Appellate Defender Trust Fund – 117</u></b>		
Receipts per Office Records	\$ 174,526	\$ 146,961
Add: Deposits in Transit, Beginning of Year	-	-
Less: Deposits in Transit, End of Year	-	-
Deposits Recorded by the Comptroller	<u>\$ 174,526</u>	<u>\$ 146,961</u>

<b><u>Capital Litigation Trust Fund – 614</u></b>		
Receipts per Office Records	\$ 23	\$ 589
Add: Deposits in Transit, Beginning of Year	-	-
Less: Deposits in Transit, End of Year	-	-
Deposits Recorded by the Comptroller	<u>\$ 23</u>	<u>\$ 589</u>

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES**  
For the Two Fiscal Years Ended June 30, 2010

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS 2010 AND 2009**

**GENERAL REVENUE FUND (001) – General Operations, Post Conviction Unit, and Violent Crimes Appeals Unit**

State Contributions to State Employees’ Retirement System, Contractual Services, Travel, Commodities, Printing, Equipment, Electronic Data Processing, Telecommunications, Expungement Information Program, Public Defender Training Program, and Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases

In FY10, the appropriation process was changed for operating expenses that were paid from the General Revenue Fund (GRF). The Office received 2 lump sum appropriations for operational expenses and professional and artistic services, rather than individual appropriations designated for specific purposes. The Office also received 1 appropriation for all personal service related costs.

**BUDGET RELIEF FUND (678) – General Operations and Post Conviction Unit**

Personal Services, State Contribution to State Employees’ Retirement System, State Contributions to Social Security, Contractual Services, Commodities, Equipment, and Electronic Data Processing

The Office received appropriations from the Budget Relief Fund during Fiscal Year 2009 to help the Office address operational needs. The Office did not receive any appropriations from the Budget Relief Fund during Fiscal Year 2010.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES**  
For the Two Fiscal Years Ended June 30, 2010

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS  
2009 AND 2008**

**GENERAL REVENUE FUND (001) – General Operations**

State Contribution to State Employees' Retirement System

State contributions to State Employees' Retirement System expenditures increased during Fiscal Year 2009 due to the required contribution percentage increasing from 16.561% in Fiscal Year 2008 to 21.049% in Fiscal Year 2009.

**GENERAL REVENUE FUND (001) – Post Conviction Unit**

State Contribution to State Employees' Retirement System

State contributions to State Employees' Retirement System expenditures increased during Fiscal Year 2009 due to the required contribution percentage increasing from 16.561% in Fiscal Year 2008 to 21.049% in Fiscal Year 2009.

Travel

Travel expenditures decreased from Fiscal Year 2008 to Fiscal Year 2009 due to an agency-wide effort to reduce travel and conduct more interviews via telephone and email, rather than in person. In addition, an agency-wide conference held during Fiscal Year 2008 was not repeated in Fiscal Year 2009.

Electronic Data Processing

Electronic data processing expenditures decreased from Fiscal Year 2008 to Fiscal Year 2009 because the Office purchased a significant number of pieces of computer equipment during Fiscal Year 2008 to replace older, outdated items. Purchases of this type were not repeated during Fiscal Year 2009.

Telecommunications

Telecommunications expenditures decreased during Fiscal Year 2009 due to the implementation of stricter guidelines for the acceptance of collect calls from persons being represented by the Office.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES**  
For the Two Fiscal Years Ended June 30, 2010

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS  
2009 AND 2008, continued**

**BUDGET RELIEF FUND (678) – General Operations**

Personal Services, State Contribution to State Employees' Retirement System, State Contributions to Social Security, Contractual Services, Commodities, and Electronic Data Processing

The Office received appropriations from the Budget Relief Fund during Fiscal Year 2009 to help the Office address operational needs, after the Office's appropriations from the General Revenue Fund were significantly reduced between Fiscal Years 2008 and 2009. Expenditures that were paid from the General Revenue Fund only during Fiscal Year 2008 were divided and paid from both the General Revenue Fund and the Budget Relief Fund during Fiscal Year 2009.

**BUDGET RELIEF FUND (678) – Post Conviction Unit**

Contractual Services, Equipment, and Electronic Data Processing

The Office received appropriations from the Budget Relief Fund during Fiscal Year 2009 to help the Office address operational needs, after the Office's appropriations from the General Revenue Fund were significantly reduced between Fiscal Years 2008 and 2009. Expenditures that were paid from the General Revenue Fund only during Fiscal Year 2008 were divided and paid from both the General Revenue Fund and the Budget Relief Fund during Fiscal Year 2009.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS**  
For the Two Fiscal Years Ended June 30, 2010

Significant variances in receipts were determined to be changes of \$1,000 and at least 20% between fiscal years, and are explained below.

**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2009 AND 2010**

**General Revenue Fund – 001**

Miscellaneous Receipts

The increase is due to trade-in rebates totaling \$11,000 received from upgrading three copy machines in its Chicago office locations during Fiscal Year 2010. No transactions like this occurred during Fiscal Year 2009.

**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2008 AND 2009**

**General Revenue Fund – 001**

Prior Year Refunds

There were 3 salary refunds in the amount of \$5,145 that were processed by the Office of the State Appellate Defender (Office) during Fiscal Year 2008 relating to Fiscal Year 2005 payrolls. The Office did not receive or process any prior year refunds of this magnitude during Fiscal Year 2009.

**State Appellate Defender Federal Trust Fund - 117**

U.S. Department of Justice – Illinois Criminal Justice Information Authority

During Fiscal Year 2008, the Office requested and received all grant funds in the same fiscal year. However, during Fiscal Year 2009, the Office requested \$46,000 during the fourth quarter, and due to a delay, those funds were not received by the Office until Fiscal Year 2010.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING**  
For the Two Fiscal Years Ended June 30, 2010

**FISCAL YEAR 2010**

We did not note any instances of significant lapse period spending during Fiscal Year 2010.

**FISCAL YEAR 2009**

**GENERAL REVENUE FUND (001) – Post Conviction Unit**

Equipment

Office furniture was ordered late in Fiscal Year 2009 to replace furniture that was in poor condition. The items and related invoice were not received and processed until August 2009.

Electronic Data Processing

License upgrades and equipment items were ordered late in Fiscal Year 2009. The items and related invoices were not received and processed until July 2009. In addition, two invoices for Statistical Services Revolving Fund services rendered during Fiscal Year 2009 were received late in the fiscal year and were processed during the lapse period.

**BUDGET RELIEF FUND (678) – General Operations**

Commodities

General office supplies were ordered to replenish stock. The invoice related to this purchase was received and processed during July 2009.

**BUDGET RELIEF FUND (678) – Post Conviction Unit**

Contractual Services

An invoice for services rendered by an expert during Fiscal Year 2009 was not submitted to the Office until the lapse period. The invoice, totaling \$8,500, was then processed.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF OPERATIONS**  
For the Two Years Ended June 30, 2010

**AGENCY FUNCTIONS AND PLANNING PROGRAM**

**FUNCTIONS**

The Office of the State Appellate Defender was created on August 18, 1972 through the State Appellate Defender Act (725 ILCS 105/10). The primary function of the Office is to represent indigent persons on appeal in criminal cases when appointed by the Illinois Supreme Court, the Appellate Court, or the Circuit Court.

Mr. Michael J. Pelletier is the State Appellate Defender and was appointed by the Illinois Supreme Court to serve a four-year term, effective January 1, 2008.

The Office is comprised of the following district offices and special units:

**Administrative Office**  
State Appellate Defender  
Michael Pelletier

400 W. Monroe  
Suite 202  
Springfield, Illinois

**Third District Office**  
Deputy Defender  
Robert Agostinelli

1100 Columbus Street  
Ottawa, Illinois

**Supreme Court Unit**  
Deputy Defender  
Charles Schiedel

400 W. Monroe  
Suite 303  
Springfield, Illinois

20 N. Clark, 28<sup>th</sup> Floor  
Chicago, Illinois

**First District Office**  
Deputy Defender  
Alan D. Goldberg

203 N. LaSalle  
24<sup>th</sup> Floor  
Chicago, Illinois

**Fourth District Office**  
Deputy Defender  
Gary R. Peterson

400 W. Monroe  
Suite 303  
Springfield, Illinois

**Capital Post Conviction Unit**  
Deputy Defender  
Anne Carlson

20 N. Clark, 28<sup>th</sup> Floor  
Chicago, Illinois

**Second District Office**  
Deputy Defender  
Thomas Lilien

2010 Larkin Avenue  
Elgin, Illinois

**Fifth District Office**  
Deputy Defender  
Johannah B. Weber

117 North Tenth Street  
Suite 300  
Mount Vernon, Illinois

**Capital Trial Assistance Unit**  
Deputy Defender  
Cheryl Bormann

400 W. Monroe  
Suite 303  
Springfield, Illinois

20 N. Clark, 28<sup>th</sup> Floor  
Chicago, Illinois

300 West Main  
Suite 500  
Belleville, Illinois

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**ANALYSIS OF OPERATIONS**  
For the Two Years Ended June 30, 2010

The Supreme Court Unit is responsible for handling death penalty cases which are appealed directly from the Circuit Court to the Illinois Supreme Court. The Capital Post Conviction Unit is responsible for providing trial and appellate representation in capital post-conviction proceedings. The Capital Trial Assistance Unit is to ensure that indigent defendants facing the death penalty receive the assistance of zealous, dedicated attorneys, armed with resources adequate to properly investigate and defend their cases at trial and at sentencing. Each District Office, the Supreme Court Unit, the Capital Post Conviction Unit, and the Capital Trial Assistance Unit have a Deputy Defender who is responsible for the administration and supervision of that office.

### **PLANNING PROGRAM**

The Office's formal planning program is limited because its activities throughout the year are contingent upon the number of appeals cases to which they are appointed. The Office's mission is to provide each client appointed by the Courts with high quality legal services and maintain a staff that is dedicated to its clients' interests and improvement of the criminal justice system.

The Office conducts much of its planning in conjunction with the budget process. Deputy Defenders from each division participate in planning and executing their office's budget. The Chief Fiscal Officer prepares and monitors the agency-wide budget using this information. The State Appellate Defender advises on and approves the budget. The State Appellate Defender holds frequent meetings with the Deputy Defenders to assess the budget, monitor caseload progress, and to ensure that each division is operating effectively. The Office has documented policies and procedures to ensure attorneys are achieving minimum standards of quality and productivity.

The Office monitors the caseloads handled by the courts and maintains statistical records of all cases handled by each district office, both as a historical record and as a guideline for future expected activity.

### **BOARD OF COMMISSIONERS**

The Office has a Board of Commissioners that meets semi-annually. The Board approves the Office's operational budget and the number of employees. The Board also advises and recommends policies for the operation of the Office. The members of the Board as of June 30, 2010 were:

- Thomas M. Breen, Chairman
- Thomas Sullivan, Jr.
- Honorable David R. Donnersberger
- Honorable Charles R. Hartman
- Honorable Abishi C. Cunningham, Jr.
- David Reid Clark
- Honorable Michael P. Toomin
- Honorable Scott D. Drazewski
- Honorable Dennis Middendorff

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**AVERAGE NUMBER OF EMPLOYEES**  
For the Years Ended June 30, 2010

AVERAGE NUMBER OF EMPLOYEES

The following table, prepared from Agency records, presents the average number of employees, by function, for the Fiscal Years ended June 30,

<u>Division</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>
Administrative Office	14	17	13
First District Office	120	113	117
Second District Office	23	23	22
Third District Office	20	20	20
Fourth District Office	26	23	25
Fifth District Office	16	15	15
Supreme Court Unit	7	7	9
Capital Post Conviction Unit	12	11	12
Capital Trial Assistance Unit	23	24	24
Expungement Unit	3	3	2
Information Technology Department	5	5	5
Total Average Full-Time Employees	269	261	264

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SERVICE EFFORTS AND ACCOMPLISHMENTS (NOT EXAMINED)**  
For the Years Ended June 30,

	<u>Caseload Activity</u>		
	<u>2010</u>	<u>2009</u>	<u>2008</u>
Cases Pending at Beginning of Year	4,887	5,026	5,168
<u>Plus Cases:</u>			
Appointed	2,928	3,046	3,081
Re-opened	4	48	52
<u>Less Cases:</u>			
Closed	(3,071)	(3,161)	(3,185)
Consolidated	(63)	(72)	(90)
	<u>4,685</u>	<u>4,887</u>	<u>5,026</u>
Cases Pending at Year-end			
Average Cost per Case Closed*	<u>\$7,535</u>	<u>\$7,892</u>	<u>\$7,566</u>

\*Average Cost per Case Closed is calculated as total non-capitalized expenditures divided by the number of cases closed during the fiscal year.

STATE OF ILLINOIS  
OFFICE OF THE STATE APPELLATE DEFENDER  
**SERVICE EFFORTS AND ACCOMPLISHMENTS (NOT EXAMINED), CONTINUED**  
For the Years Ended June 30,

Briefs Filed

The following presents the number and type of briefs filed by the Office of the State Appellate Defender.

	<u>2010</u>	<u>2009</u>	<u>2008</u>
Number of Original Briefs	1,885	1,700	1,791
Number of Anders Briefs	427	437	468
Number of Death Penalty Briefs	3	3	5
Motions to Withdraw/Dismiss Filed	436	531	527
Summary Motions Filed	<u>193</u>	<u>228</u>	<u>246</u>
Total	<u><u>2,944</u></u>	<u><u>2,899</u></u>	<u><u>3,037</u></u>