

STATE'S ATTORNEYS APPELLATE PROSECUTOR



Patrick J. Delfino, Director

Brian J. Towne, Chairman

2012 ANNUAL REPORT

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STATE'S ATTORNEYS APPELLATE PROSECUTOR

Administrative Office • 725 South Second Street • Springfield, IL 62704 • 217-782-1628 • Fax 217-782-6305

PATRICK J. DELFINO
DIRECTOR

BRIAN J. TOWNE
CHAIRMAN

October 1, 2012

DEPUTY DIRECTORS
SECOND DISTRICT:
LAWRENCE M. BAUER

THIRD DISTRICT:
TERRY A. MERTEL

FOURTH DISTRICT:
ROBERT J. BIDERMAN

FIFTH DISTRICT:
STEPHEN E. NORRIS

BOARD OF GOVERNORS
FIRST DISTRICT:

ANITA ALVAREZ
STATE'S ATTORNEY
COOK COUNTY

SECOND DISTRICT:
JOSEPH BRUSCATO
STATE'S ATTORNEY
WINNEBAGO COUNTY

HENRY S. DIXON
STATE'S ATTORNEY
LEE COUNTY

THIRD DISTRICT:
JAMIE BOYD
STATE'S ATTORNEY
KANKAKEE COUNTY

TERENCE M. PATTON
STATE'S ATTORNEY
HENRY COUNTY

BRIAN J. TOWNE
STATE'S ATTORNEY
LASALLE COUNTY

FOURTH DISTRICT:
JOHN C. MILHISER
STATE'S ATTORNEY
SANGAMON COUNTY

CHRIS REIF
STATE'S ATTORNEY
MORGAN COUNTY

FIFTH DISTRICT:
JUSTIN HOOD
STATE'S ATTORNEY
HAMILTON COUNTY

BRENDAN F. KELLY
STATE'S ATTORNEY
ST. CLAIR COUNTY

Honorable Pat Quinn
Governor of Illinois
Room 207, Capitol Building
Springfield, Illinois 62706

Dear Governor Quinn:

Enclosed for your consideration is the Annual Report of the State's Attorneys Appellate Prosecutor's Office for fiscal year 2012, which is submitted to you pursuant to 725 Illinois Compiled Statutes 210/4.06.

The State's Attorney Appellate Prosecutor had another very productive year with a workload of 1,540 appellate filings. In addition, the Labor Unit represented 16 counties, our Tax Objection Division handled cases for 21 counties, and our Local Drug Prosecution Support Unit assisted in 4,006 criminal cases and 1,515 drug asset forfeiture cases.

I am also pleased to report that the Agency continued to provide direct assistance to State's Attorneys through its specialized prosecution services. The Special Prosecution Unit assisted with 482 new cases in 84 counties.

The Agency also conducted criminal justice training seminars, held four extensive trial advocacy courses, and posted new cases and legislation on the Agency's website for all Illinois State's Attorneys.

As Chairman, I am proud of the accomplishments of the Agency, the expertise of my fellow Board members, and the dedication of all Agency personnel.

Respectfully submitted,

Brian J. Towne
Chairman



STATE'S ATTORNEYS APPELLATE PROSECUTOR

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PATRICK J. DELFINO
DIRECTOR

BRIAN J. TOWNE
CHAIRMAN

DEPUTY DIRECTORS
SECOND DISTRICT:
LAWRENCE M. BAUER

September 5, 2012

THIRD DISTRICT:
TERRY A. MERTEL

FOURTH DISTRICT:
ROBERT J. BIDERMAN

Honorable Brian J. Towne
State's Attorney of LaSalle County
LaSalle County Courthouse
707 Etna Road, Room 251
Ottawa, Illinois 61350

FIFTH DISTRICT:
STEPHEN E. NORRIS

BOARD OF GOVERNORS
FIRST DISTRICT:

Dear Mr. Chairman:

ANITA ALVAREZ
STATE'S ATTORNEY
COOK COUNTY

Kindly find enclosed for your consideration the Annual Report of the State's Attorneys Appellate Prosecutor's Office for fiscal year 2012, which is submitted to you pursuant to 725 Illinois Compiled Statutes, 210/4.06.

SECOND DISTRICT:
JOSEPH BRUSCATO
STATE'S ATTORNEY
WINNEBAGO COUNTY

I am pleased to report that our Agency completed 1,540 appellate cases and continued to deliver the highest quality legal services to the State's Attorneys of Illinois.

HENRY S. DIXON
STATE'S ATTORNEY
LEE COUNTY

In addition, our Local Drug Prosecution Support Unit assisted in 4,006 criminal cases and 1,515 drug asset forfeiture cases; our Labor Unit serviced 16 counties; our Tax Objection Division handled cases in 21 counties; and our Special Prosecution Unit assisted with 482 cases in 84 counties.

THIRD DISTRICT:

JAMIE BOYD
STATE'S ATTORNEY
KANKAKEE COUNTY

We also conducted four intensive week-long trial advocacy courses, held specialized criminal justice seminars for prosecutors and other law enforcement personnel, and maintained our Agency website which features recent court decisions, legislation, and other pertinent information for Illinois State's Attorneys.

TERENCE M. PATTON
STATE'S ATTORNEY
HENRY COUNTY

BRIAN J. TOWNE
STATE'S ATTORNEY
LASALLE COUNTY

I am justly proud of the dedication and proficiency of our personnel and of the support of the Board of Governors. I look forward to the opportunity to be of future service to the State's Attorneys and the citizens of Illinois.

FOURTH DISTRICT:

JOHN C. MILHISER
STATE'S ATTORNEY
SANGAMON COUNTY

Very truly yours,

Patrick J. Delfino
Director

CHRIS REIF
STATE'S ATTORNEY
MORGAN COUNTY

FIFTH DISTRICT:

JUSTIN HOOD
STATE'S ATTORNEY
HAMILTON COUNTY

BRENDAN F. KELLY
STATE'S ATTORNEY
ST. CLAIR COUNTY

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I. OVERVIEW

The primary objective of the Office of the State's Attorneys Appellate Prosecutor is to deliver quality professional services to all participating counties in full compliance with its legislative mandate. This includes:

1. To represent the People of the State of Illinois on appeal in all cases which emanate from a county containing less than 3,000,000 inhabitants, when requested to do so and at the direction of the State's Attorney;
2. To prepare, file, and argue such appellate briefs in the Illinois Appellate Court with the advice and consent of the State's Attorney and, when requested and authorized to do so by the Attorney General, in the Supreme Court;
3. To assist State's Attorneys in the discharge of their duties under the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, the Narcotics Profit Forfeiture Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, the Illinois Public Labor Relations Act;
4. To provide trial assistance to State's Attorneys and to serve as Special Prosecutor when duly appointed by a court having jurisdiction with a court order stating the statutory provisions;
5. To assist State's Attorneys in the trial and appeal of tax objection cases;
6. To provide services in tax objection cases to staff attorneys and State's Attorneys;
7. To conduct training programs for State's Attorneys and law enforcement personnel including programs to reduce trauma for child witnesses in criminal proceedings; and
8. To provide a legal intern program.

The State's Attorneys retain exclusive control of appeals originating in their respective counties as well as the authority to control all documents in each individual case. The Agency files no documents in the reviewing courts until they are approved by the State's Attorneys otherwise responsible for prosecuting the appeal.

The participation of the State's Attorney in the program is completely voluntary. Counties that agree to participate are required to collectively finance one-third of the total appropriation approved by the General Assembly and the Governor with the exception of personal services expenses of the collective bargaining unit. The remaining two-thirds of the Agency's budget is appropriated from General Revenue Funds. Each county's portion is determined annually by the Agency and is based on population.

The Agency is governed by a Board of Governors consisting of ten State's Attorneys. The Cook County State's Attorney is a permanent member by statute; eight State's Attorneys are elected annually; and the tenth member is appointed each year by the other nine members.

Four District Offices have been established. They are located in Elgin (Second District), Ottawa (Third District), Springfield (Fourth District), and Mt. Vernon (Fifth District). Each Office is managed by a Deputy Director who supervises a staff of attorneys and clerical personnel. The Director is responsible for the overall supervision and coordination of the Agency and for providing all administrative services.

In addition to the primary duties of preparing, filing, and arguing appellate briefs, the Agency provides numerous other services to State's Attorneys and law enforcement personnel. The Agency's initial appellate responsibility focused on criminal cases.

However, effective August 9, 1981, the Agency's authorization was expanded to represent the People of the State of Illinois on appeal in juvenile cases, paternity cases, and cases arising under the Mental Health Development and Disabilities Code when requested to do so by the respective State's Attorney. Also effective on the same date, the Agency was given authority upon request to assist State's Attorneys in the trial and appeal of tax objection cases.

In addition, on August 18, 1982, the Agency was authorized to assist State's Attorneys on cases and appeals arising under the Narcotics Profit Forfeiture Act. Also, effective August 3, 1984, the Agency's authorization was again expanded to provide for assisting State's Attorneys in the discharge of their duties under the Illinois Public Labor Relations Act. Effective July 1, 1986, the Agency was legislatively mandated to conduct training programs for prosecutors and other law enforcement personnel to reduce trauma for child witnesses in criminal proceedings.

Effective January 1, 1988, the authority of the Agency was again expanded to permit the Agency to represent the People of the State of Illinois on appeal in all types of cases that emanate from a District containing less than 3,000,000 inhabitants when requested to do so, and at the direction of the State's Attorney otherwise responsible for prosecuting the appeal. On this same date, the Agency was also authorized to assist State's Attorneys in the full discharge of their duties under the Illinois Controlled Substances Act and the Narcotics Profit Forfeiture Act. To carry out this responsibility, the Agency created the Local Drug Prosecution Support Unit on May 1, 1988. This Unit receives funding from federal grants and the Agency matches monies.

On September 28, 1989, the Agency entered into a collective bargaining agreement with the American Federation of State, County and Municipal Employees Union. By this agreement, the Agency recognizes the Union as the sole and exclusive collective bargaining representative for Staff Attorneys and Legal Secretaries. On January 1, 1990, the authority of the Agency was expanded through the creation of general revenue appropriations for collective bargaining personal services and through the approval to permit the rollover of county funds.

Effective September 10, 1990, Public Act 86-1382 created the Drug Asset Forfeiture Procedure Act and amended the Cannabis Control Act and the Controlled Substances Act. These amendments authorized the Agency to receive a 12.5% share in the monies and sale proceeds of property forfeited and seized under the provisions of these Acts in counties under 3,000,000 inhabitants. They also authorized the Agency to use these funds in the investigation, prosecution, and appeal of cases arising under laws governing cannabis and controlled substances.

On July 16, 2002, the Agency was authorized to assist State's Attorneys in the discharge of their duties under the Cannabis Control Act and the Drug Asset Forfeiture Procedure Act. On this same date, the Agency was also authorized to provide trial assistance to State's Attorneys and to serve as Special Prosecutor when duly appointed by a court having jurisdiction with a court order stating the statutory provisions. On September 11, 2012, the Agency was further authorized to provide services to State's Attorneys under the Methamphetamine Control and Community Protection Act.

Effective May 28, 2010, the Agency was officially designated a judicial agency of state government.

II. BOARD OF GOVERNORS

The Office of the State's Attorneys Appellate Prosecutor has a membership of ten State's Attorneys who govern the Agency's functions. Eight State's Attorneys are elected to serve on the Board. The Cook County State's Attorney serves by statute, and one State's Attorney is appointed Member-At-Large by the other nine members. The Board members elect officers to preside during the two-year term. The Board officers during FY12 were:

Brian J. Towne, LaSalle County, Chairman (Elected June, 2012)
Michael J. Waller, Lake County, Chairman (Term ended June, 2012)
Kevin Lyons, Peoria County, Chairman (Resigned July, 2011)
Justin Hood, Hamilton County, Vice-Chairman (Elected, June, 2012)
John Milhiser, Sangamon County, Secretary (Elected June, 2012)
Thomas J. Brown, Livingston County, Secretary (Term ended June, 2012)

The State's Attorneys who served as members of the FY12 Board of Governors were:

First District:

Anita Alvarez, Cook County

Second District:

Joseph Bruscato, Winnebago County (Appointed Member-At-Large March, 2011;
Elected June, 2012)
Henry S. Dixon, Lee County (Elected June, 2011; Re-Elected June, 2012)
Michael J. Waller, Lake County (Term ended June, 2012)

Third District:

Jamie Boyd, Kankakee County (Appointed Member-At-Large June, 2012)
Terence M. Patton, Henry County (Elected May, 2011; Re-Elected June, 2012)
Brian J. Towne, LaSalle County (Elected September, 2011; Re-Elected June, 2012)
Kevin Lyons, Peoria County (Resigned July, 2011)

Fourth District:

John Milhiser, Sangamon County (Elected, June, 2012)
Chris Reif, Morgan County (Elected June, 2012)
Thomas J. Brown, Livingston County (Term ended June, 2012)
Matthew Goetten, Greene County (Term ended June, 2012)

Fifth District:

Justin Hood, Hamilton County (Elected December, 2009; Re-Elected June, 2012)
Brendan Kelly, St. Clair County (Elected June, 2012)
Michael Wepsiec, Jackson County (Term ended June, 2012)

BIOGRAPHIES

Anita Alvarez

Ms. Alvarez was sworn in as Cook County's first female and first Hispanic State's Attorney on December 1, 2008.

Ms. Alvarez was born and raised in Chicago. She attended Maria High School and received her undergraduate degree from Loyola University. Ms. Alvarez received her Juris Doctorate Degree from Chicago-Kent College of Law.

Ms. Alvarez began her career as an Assistant in the Cook County State's Attorney's Office in 1986. She served as Chief of Staff to the State's Attorney; Chief of the Special Prosecutions Bureau; Deputy Chief of the Narcotics Bureau; Supervisor of the Public Integrity Unit; and Chief Deputy State's Attorney, the third highest ranking post in the nation's second largest prosecutor's office.

Ms. Alvarez is a Past-President of the Chicago Bar Association. She was also a founding member of the National Hispanic Prosecutor's Association and served as its National President. She was chosen as a fellow in the 2004 class of Leadership of Greater Chicago, serving on the board from 2004-2006. She also serves on the Board of Trustees of Fenwick High School as well as staying active in alumnae activities for her alma mater, Maria High School.

In 2001, Ms. Alvarez was named Person of the Year by Chicago Lawyer Magazine and was honored for her work in the Girl X case by the Council for Disability Rights for precedent setting advocacy. In 2002, she was the recipient of the Professional Achievement Award from Chicago-Kent College of Law. In 2005, she was named Person of the Year by the Latin American Police Association and also named State's Attorney of the Year by the Illinois State Crime Commission.

She serves on the Board of Governors by statute.

Ms. Alvarez is married to Dr. James Gomez, and she and her husband are the proud parents of four children.

Jamie Boyd

State's Attorney Jamie Boyd was appointed by the Kankakee County Board in 2006, and elected to a full term in 2008.

Mr. Boyd was born and raised in Kankakee County and graduated from Bishop McNamara High School in 1980. He earned a Bachelor of Science degree from Eastern Illinois University in Charleston and his law degree from The John Marshall Law School in Chicago.

Prior to becoming State's Attorney, Mr. Boyd spent most of his legal career practicing in Kankakee County as a partner at the law firm of Ackman, Marek & Boyd Ltd. His experience in the field of criminal law includes work with juveniles, and handling misdemeanor, felony, and death penalty cases. Mr. Boyd has tried over 100 felony cases to verdict and has personally been counsel of record in several death penalty cases.

In addition to his 18 years of trial experience in the field of criminal law, Mr. Boyd's years in private practice have given him a wealth of knowledge and experience in matters ranging from real estate and probate to corporate law and general litigation. Mr. Boyd's clients have included various local businesses, organizations, and individuals. He devoted a significant amount of his practice to serving the public as counsel for multiple levels of local government, including villages, park districts, water districts, and fire protection districts.

Mr. Boyd is licensed to practice before the Illinois State Supreme Court, and the United States District Courts for the Northern and Central Districts of Illinois. He has served by appointment to the Illinois Supreme Court Committee on Capital Litigation as a screening committee member since its creation. He also serves a member of the Illinois State's Attorney's Association Legislative Affairs Committee.

Upon taking office, Mr. Boyd created the Major Crimes Task Force to combat drug and gang related crime in the county. He has provided special services, including counseling, financial assistance, and restitution to over 2,000 victims of crime and moved the Victim/Witness Unit out of the courthouse providing those individuals with a comfortable, secure location to prepare for trial. He has worked tirelessly and successfully to create a cooperative atmosphere amongst all levels of law enforcement in Kankakee County.

Mr. Boyd was appointed as the At-Large Member of the Board of Governors in June, 2012.

Mr. Boyd resides in rural Kankakee County with his wife and two youngest sons. His two grandchildren live in Decatur with his oldest son and daughter-in-law.

Thomas J. Brown

Thomas J. Brown was born in Streator, Illinois in 1953. He received his Bachelor's Degree from Illinois State University in 1976 and his Juris Doctorate Degree from the University of Toledo in 1981.

Mr. Brown briefly engaged in private practice before becoming an Assistant State's Attorney for Livingston County in September, 1982. He was appointed State's Attorney in 1991, elected in 1992, and reelected in 1996, 2000, 2004, and 2008.

Mr. Brown taught trial advocacy at Illinois State University from 1991 through 1999.

Mr. Brown is a member of the Illinois State Bar Association and has served on its Committee on Corrections and Sentencing. He is also a member of the National District Attorneys Association and the Livingston County Bar Association. Mr. Brown currently serves on the Illinois State's Attorneys Association's Executive Committee and is Past-President of the Illinois State's Attorneys Association. Mr. Brown has been on the Board of Governors since 2004 and served as Board Secretary.

His term ended in June, 2012.

He resides in Pontiac with his wife and two children.

Joseph Bruscato

Mr. Bruscato received his Bachelor's Degree from Marquette University. He also received his Juris Doctorate from the Marquette University School of Law.

Mr. Bruscato served as an Assistant District Attorney in Brown County, Wisconsin from 1987 to 1988. He then served as Assistant City Attorney in Green Bay Wisconsin from 1988 to 1989. He became Director of the Rockford Regional Office of the Attorney General from 1989-1993. Mr. Bruscato went into private practice from 1993-2000. He served as City Attorney for Rockford from 2000-2008.

Mr. Bruscato was elected to the State's Attorneys Office for Winnebago County in 2008. He is a member of the Illinois State's Attorneys Association and serves on the Executive and Legislative Committees.

He is President of the Carrie Lynn Center Board, Winnebago County's Child Advocacy Center, and Vice-President of the Northern Illinois Epilepsy Board.

He was appointed as the At-Large Member of the Board of Governors in March, 2011, and was elected as a Second District Board Member in 2012.

Mr. Bruscato resides in Rockford and has three children.

Henry S. Dixon

Henry Dixon received his Bachelor's Degree from the University of Notre Dame and his Juris Doctorate from The John Marshall Law School.

Mr. Dixon served in the U.S. army as a Ranger and paratrooper. He graduated from the U.S. Army Command and General Staff College and the U.S. Army War College. He retired as an Infantry Colonel with his active and National Guard service combined after 30 years of commissioned service.

He served as State's Attorney of Lee County from 1964-1968. He was a member of the Illinois Trial Lawyer's Association serving 6 years as an elected Manger on the Board of Managers. He is also a member of the Illinois State Bar Association, the American Bar Association, and the Illinois State's Attorneys Association.

Mr. Dixon had a private practice concentrating in general litigation, primarily civil, and occasionally criminal defense. Mr. Dixon has been licensed to practice in Illinois since 1964 and is a member of the trial bar for the U.S. District Court for the Northern District of Illinois. He has personally tried 267 jury trials.

Mr. Dixon was elected again to the Office of the State's Attorney of Lee County in 2008.

Mr. Dixon was elected to the Board of Governors in June, 2011, and again in 2012 for a full term.

He lives in Dixon with his wife Linda A. Giesen and has three children.

Matthew Goetten

Mr. Goetten grew up in Carrollton where he attended St. John's Elementary School and Carrollton High School. He received his Bachelor's Degree in Champaign from the University of Illinois and his Juris Doctorate Degree from Southern Illinois School of Law. He also received extensive legal training from the Army's Judge Advocate General's School in Charlottesville, Virginia.

Mr. Goetten was a business owner and educator in Carrollton. He also worked part-time as a human resource consultant in Champaign. He also served as a staff attorney and special prosecutor for the State's Attorneys Appellate Prosecutors' Office.

Mr. Goetten is a Judge Advocate General with the Illinois National Guard. He served a year-long deployment in Afghanistan in support of "Operating Enduring Freedom" where he acted as the Chief of Administrative Law for Task Force Phoenix.

He was elected as State's Attorney of Greene County in 2004 and 2008.

Mr. Goetten was elected to the Board of Governors in 2011 and resigned in 2012 to run for Congress.

He resides in Carrollton with his wife and two children.

Justin Hood

Mr. Hood was born in Chicago and moved to McLeansboro where he was raised. He attended grade school through high school in the Hamilton County School System. He received his Bachelor's Degree from Southern Illinois University Carbondale and his Juris Doctorate Degree from Southern Illinois University Law School.

Mr. Hood has been an Assistant State's Attorney for Jackson County, St. Clair County, and Franklin County. He has worked in every aspect of criminal prosecution.

Mr. Hood was elected Hamilton County State's Attorney in 2008.

Mr. Hood volunteers as a coach for the Hamilton County High School Trap Shooting Team and is a member of the First Methodist Church in McLeansboro. He is also a member of the local Rotary Chapter and local Farm Bureau chapter.

Mr. Hood is active in the local school system giving presentations on a variety of topics that range from license issues, drug and alcohol abuse, to sexual assault and domestic violence issues.

Mr. Hood was elected to the Board of Governors in December, 2009, and in June, 2012. He was elected to the position of Vice-Chairman of the Board in June, 2012.

He resides in McLeansboro with his wife and son.

Brendan F. Kelly

Brendan F. Kelly is the State's Attorney of St. Clair County, Illinois. A graduate of the University of Notre Dame and Saint Louis University School of Law, Mr. Kelly previously served as an Assistant State's Attorney for four years, prosecuting cases in the felony division, juvenile division, misdemeanor division, and child support enforcement division.

Mr. Kelly has had a wide range of experience with law enforcement. As a college student, Mr. Kelly volunteered with a non-profit group that worked with law enforcement combating child prostitution. During his military service as an officer in the United States Navy, Mr. Kelly conducted research on Israeli-Palestinian joint police patrols. As an Assistant State's Attorney, he served on the Illinois Bar Association's Criminal Justice Section Council, and he has also been a member of the Southern Illinois Law Enforcement Commission for several years.

As State's Attorney, Mr. Kelly established the Violent Crime Unit, through which the most heinous cases are pursued through vertical prosecution. Mr. Kelly also opened the Tracy Fogarty Domestic Violence Unit under which domestic violence prosecutions have increased 117%. Mr. Kelly also has established the St. Clair County Juvenile Justice Council, and as result of feedback from the community, he has doubled the number of prosecutors in his juvenile division. He has also begun working closely with school districts to fight parent-caused truancy to keep kids from becoming felons.

Mr. Kelly has charged over a dozen public corruption cases in the past year, and in 2011, he received the Illinois Mother's Against Drunk Driving Hero Award.

Mr. Kelly was elected to the Board of Governors in June, 2012.

He is married to Joanne and has two boys, Zac and Owen.

Kevin Lyons

Kevin Lyons was born in Peoria, Illinois. He received his Juris Doctorate Degree in 1981 from Drake University Law School where he served as clerk to the Attorney General of Iowa, writing appellate briefs for the Iowa Supreme Court.

Mr. Lyons engaged in the private practice of law in Peoria and served as Assistant Public Defender until 1988, when he was elected Peoria County State's Attorney. He was re-elected in 1992, 1996, 2000, 2004, and 2008.

Mr. Lyons has served as Chairman of the Illinois State Bar Association's Committee on Prisons and is Past Chairman of the ISBA Criminal Justice Council and former President of the Illinois State's Attorneys Association. In 2006, he was elected President of the Association of Government Attorneys in Capital Litigation, the nation's largest group of death penalty prosecutors. He also was the delegate on the Board of Directors for the National District Attorneys Association.

State's Attorney Lyons was a frequent lecturer throughout the country for the National College of District Attorneys and the National District Attorneys Association. He is licensed to practice law in Illinois, the United States District Court, and the United States Court of Appeals. Mr. Lyons is a member of the Peoria County Bar Association, the Illinois State Bar Association, and the American Bar Association. He became Chairman of the Board of Governors in October, 2010.

He resigned in July, 2011, to take a circuit judgeship in Peoria County.

John Milhiser

Mr. Milhiser was appointed to the position of State's Attorney September, 2010. He brings dedication and extensive courtroom experience to Sangamon County as its top prosecutor.

He is the son of a career Air Force pilot. He grew up moving around the country and overseas. Mr. Milhiser has made Sangamon County his home since graduating from the University of Illinois College of Law in 1997. He met his wife Gail, a Springfield native, at the University of Illinois.

Mr. Milhiser began his legal career at the Sangamon County State's Attorney's Office as an Assistant State's Attorney. After holding positions in juvenile, civil, and felony divisions, he left the office in 2003 to enter into private practice with the Springfield firm, Barber, Segatto, Hoffee, Wilke, and Cate, where he handled a variety of civil, family, and criminal matters. He returned to the State's Attorney's Office in 2008 as the First Assistant State's Attorney.

Mr. Milhiser has been Capital Litigation Trial Bar Counsel certified by the Illinois Supreme Court since 2003. He has lectured at a variety of Illinois Institute for Continuing Legal Education seminars. He has also lectured on ethics and served on the faculty of the National District Attorneys Association's New Prosecutor Bootcamp held at the National Advocacy Center in Columbia, South Carolina. From 2004 through 2009, Mr. Milhiser served as an adjunct professor at Springfield College in Illinois/Benedictine University where he taught courses in public speaking, state and local government and federal government. He also served for several years as the host of the Prairie Lawyer, a legal awareness television program sponsored by the Sangamon County Bar Association, which aired on Public Access Television.

He currently serves as the Secretary of the Executive Committee of the Illinois State's Attorneys Association.

He was elected to the Board of Governors in June, 2012.

Mr. Milhiser and his wife Gail, live in Springfield with their two daughters.

Terence Patton

Terence Patton received his Bachelor's Degree from Western Illinois University and his Juris Doctorate Degree from Southern Illinois University, Carbondale.

Mr. Patton was elected as State's Attorney of Henry County in 2000 and re-elected in 2004 and 2008.

Mr. Patton serves on the Braveheart Children's Advocacy Center Advisory Board, and previously served as President of the Board of Directors of the Advisory Board. He is President of the Henry County Bar Association and Chair of the ISBA Standing Committee on Corrections and Sentencing. He and his family attend St. Anthony's Catholic Church where he serves as Lector and Usher.

He was elected to the Board of Governors in May, 2011, and again in June, 2012 for a full term.

Mr. Patton lives in Atkinson with his wife and has two children.

Chris Reif

Mr. Reif was sworn in on December 1, 2008, as Morgan County State's Attorney.

He was born in Eldred, Illinois. His family moved to Carlinville, Illinois, and relocated to Jacksonville, Illinois, when Chris was eight years old. He has remained in Jacksonville through the present date. He attended Jacksonville High School and graduated in 1989. He then attended Illinois State University on a wrestling scholarship and graduated with a Bachelor of Science in Criminal Justice and a minor in Sociology in 1993. Mr. Reif was employed two years as a juvenile probation officer prior to returning to school at Southern Illinois University where he earned his Juris Doctorate Degree in 1998.

Mr. Reif has served as Morgan County Bar Association Secretary, Vice-President, and President. He is an active member of both the Morgan County Bar Association and the Illinois State Bar Association. In addition, he has served on several Morgan County Boards and is actively involved with many children's organizations. He is also a member of the Executive Committee of the Illinois State's Attorneys Association.

During Mr. Reif's seven years as Morgan County State's Attorney, he has picked 22 juries, including 11 involving Class X or murder. He also obtained ten first degree murder convictions including 6 by verdict either through jury or bench trials.

Mr. Reif was elected to the Board of Governors in June, 2012.

Mr. Reif was married to his wife Jennifer in 1999 and has four children, Cole 11, Anna 9, Colin 7, and Joe 4.

Brian J. Towne

Mr. Towne has been the LaSalle County State's Attorney since December, 2008.

A lifelong resident of LaSalle County, Mr. Towne has worked for the LaSalle County State's Attorney's Office since 1992. During this sixteen-year period, he worked in every division of the office, including traffic, juvenile, misdemeanor, and felony. He also served as chief spokesman in labor negotiations and arbitrations from 1996-2000.

A cum laude graduate of Western Illinois University, Mr. Towne received his Juris Doctorate degree from DePaul University College of Law in 1992. While attending DePaul, he also served as a Law Clerk for the City of Chicago Corporation Counsel's Office. He is a part-time instructor at Illinois Valley Community College, lecturing on the subjects of Criminal Law, Criminal Investigations, and Issues in Criminal Justice. He has taught at Illinois Valley Community College for approximately nine years.

Mr. Towne currently serves as Chairman of the Child Advocacy Center, Chairman of the Juvenile Justice Council, and is a member of the Family Violence Presentation Council Elder Abuse Training Team, the Illinois State's Attorneys Association's Executive Committee, and the LaSalle Drug Task Force Policy Board.

In 2002, with the creation of the Illinois Supreme Court Capital Litigation Trial Bar, Mr. Towne became the first LaSalle County lawyer to be lead counsel certified. He also wrote a portion of the training manual used in the State of Illinois to teach Sexual Assault Nurse Examiners.

He has served as President of the Illinois Valley Community College Chapter of Crime Stoppers and is a current member of the U.S. Supreme Court Trial Bar, the Illinois State Bar Association, the LaSalle County Bar Association, and the Prosecutor's Bar Association., Mr. Towne has also completed courses offered by the Association of Government Attorney's in Capital Litigation, the National College of District Attorneys, and the State's Attorney's Appellate Prosecutor.

Mr. Towne was elected to the Board of Governors in September, 2011, and was elected Chairman in June, 2012.

Michael J. Waller

Michael J. Waller received his Bachelor of Arts Degree from the University of Notre Dame in 1970 and his Juris Doctorate Degree from the University of Illinois in 1973, graduating with honors as a member of the Order of the Coif.

Mr. Waller served as an Assistant State's Attorney for Lake County from 1973 to 1979. From 1979 to 1986, he was in private practice in Waukegan. In 1986, he returned to the State's Attorney's Office as Chief Deputy. Mr. Waller was appointed State's Attorney in 1990, elected in 1992, and re-elected in 1996, 2000, 2004, and 2008.

Mr. Waller is the past-President of the NICASA as well as a Past-President of the Illinois State's Attorney's Association. He serves as Chairman of the Lake County Domestic Violence Council, Lake County Juvenile Justice Council, Lake County Sexual Assault Coordinating Council, and Lake County Criminal Justice Coordinating Committee. Mr. Waller is also a member of the Lake County Bar Association, the Illinois State Bar Association, and the National District Attorneys Association. He served as an appointed member of the Illinois Criminal Justice Information Authority from 1991 to 2004. He also served as an appointed member of Governor Ryan's Commission on Capital Punishment and was an appointed member of the Capital Punishment Reform Study Committee.

Mr. Waller advanced from Vice-Chairman to Chairman of the Board of Governors in November, 2011. He served until his term ended in June, 2012.

Mr. Waller resides in Waukegan with his wife, retired Circuit Court Judge Jane Drew Waller, and has two sons, Patrick and John, and one grandson, Patrick Michael.

Michael Wepsiec

Mr. Wepsiec received his Bachelor's Degree from Southern Illinois University, Carbondale. He received his Juris Doctorate from DePaul College University College of Law in Chicago.

Mr. Wepsiec clerked for a federal magistrate in Chicago from January, 1982, through January, 1985. He was the City Attorney for Carbondale prior to becoming an Assistant State's Attorney in 1985 in Jackson County for five and one-half years. He was appointed State's Attorney of Jackson County in 1993, elected in 1994, and re-elected in 1998, 2002, 2004, and 2008.

He has tried more than 200 cases in his career and has argued several cases before the Illinois Appellate Court, Fifth District in Mt. Vernon.

Mr. Wepsiec was elected to the Board of Governors in December, 2010, and served until his term ended in June, 2012.

III. THE DIRECTOR'S OFFICE

The Director's Office is located at 725 South Second Street, Springfield, Illinois.

The Director's Office promulgates and implements the rules and regulations governing the administrative and legal functions of the Agency. The Director's Office is responsible for all Agency administrative and managerial functions, legal policy and other extraordinary legal concerns, budgetary and legislative matters, and Agency publications. The following personnel served on the staff of the Director's Office during FY12:

Director:

Patrick J. Delfino

Associate Director/CLE Administrator:

Matthew P. Jones

Director's Secretary:

Isabel Jacobs

Labor Unit:

**Jack Knuppel - Administrator
Hettie Willoughby - Administrative
Secretary**

Personnel Officer/HR Officer:

Chad Hilligoss

Special Prosecution Unit:

**Charles R. Zalar – Administrator
Charles Colburn
Lorinda Lamken
Edwin Parkinson
David Rands
Michael Vujovich**

Chief Fiscal Officer:

Gloria Mundy

Assistant Fiscal Officer:

Jessica Mitchell

Deputy Fiscal Officer

Sarah Klein

Messenger:

James Hansen

Administrative Assistant:

Mary Lou Wagner

Patrick Delfino, Director

Patrick Delfino is a native of Chicago and a graduate of the University of Notre Dame Law School. He is an experienced trial and appellate attorney. Before coming to the Appellate Prosecutor's Office as Assistant Director, he served as a drug attorney and court specialist with the Illinois Law Enforcement Commission and as the Director of Planning and Special Projects of the Cook County State's Attorneys Office. Mr. Delfino was appointed Director of the Appellate Prosecutor's Office in December, 2008.

Mr. Delfino has taught criminal justice courses at college and law school and is the Executive Director of the Illinois State's Attorneys Association. He serves on the Illinois Criminal Justice Information Authority by statute and also serves on the Illinois Sex Offender Management Board, the Children's Justice Task Force of the Department of Children and Family Services, and on the Illinois Terrorism Task Force. He is a Past-President of the Illinois Academy of Criminology, and a member of the Chicago Bar Association, the Illinois State Bar Association, and the National District Attorneys Association.

He resides in Springfield with his daughter.

IV. THE DISTRICT OFFICES

Second District Office

The Second District Office is located at 2032 Larkin Avenue, Elgin, Illinois.

The Second Judicial District is comprised of 13 counties, all of which participated in the Appellate Prosecutor's program during FY12.

The Deputy Director supervises a total staff of 19: 16 Staff Attorneys and 3 Legal Secretaries. The following personnel served on the Second District staff during FY12:

Deputy Director:

Lawrence M. Bauer

Staff Attorneys:

David Bernhard

Mary Beth Burns

Diane Campbell

Aline Dias

Jay Paul Hoffman

Barry Jacobs

Scott Jacobson

Victoria Jozef

Kathryn Kohls

Joan Kripke

Richard London

Randy Psenicka

Matthew Schmidt

Kristin Schwind

Marshall Stevens

Sally Swiss

Legal Secretaries:

Jeanette Wars (Administrative)

Sandra Lorigan

Patricia Strom

During FY12, the Second District Office filed 319 original briefs, 7 supplemental briefs, 18 reply briefs, 10 petitions for rehearing, 12 petitions for leave to appeal, 32 confessions of error, 33 summary dispositions, and 35 cases were dismissed/consolidated/or other. In addition, 46 oral arguments were presented, and advice was rendered to State's Attorneys on 505 occasions.

Third District Office

The Third District Office is located at 628 Columbus Street, Ottawa, Illinois.

The Third Judicial District is comprised of 21 counties, all of which participated in the Appellate Prosecutor's program during FY12.

The Deputy Director supervises a total staff of 13: 10 Staff Attorneys and 3 Legal Secretaries. The following personnel served on the Third District staff during FY12:

Deputy Director:
Terry Mertel

Staff Attorneys:

Thomas Arado	Gary Gnidovec
Mark Austill	Robert Hansen
Nadia Chaudhry	Judith Kelly
Laura DeMichael	Richard Leonard
Dawn Duffy	Justin Nicolosi

Legal Secretaries:

Denise Barr (Administrative)
Mary Elizabeth Fox
Heather Sobkowich

During FY12, the Third District Office filed 298 original briefs, 4 supplemental briefs, 9 reply briefs, 11 petitions for rehearing, 20 petitions for leave to appeal, 8 confessions of error, 16 summary dispositions, and 12 were cases dismissed/consolidated/or other. In addition, 44 oral arguments were presented, and advice was rendered to State's Attorneys on 535 occasions.

Fourth District Office

The Fourth District Office is located at 725 South Second Street, Springfield, Illinois.

The Fourth Judicial District is comprised of 30 counties, 29 of which participated in the Appellate Prosecutor's program during FY12.

The Deputy Director supervises a total staff of 13: 11 Staff Attorneys and 2 Legal Secretaries. The following personnel served on the Fourth District staff during FY12:

Deputy Director:
Robert J. Biderman

Staff Attorneys:

Denise M. Ambrose	Linda S. McClain
Anastacia Brooks	Luke McNeil
Aimee Johnson (PT)	Perry L. Miller
Tim Londrigan (PT)	Kathy A. Shepard
James Majors	John Teefey
David Mannchen	

Legal Secretaries:
Shirley M. Bagby (Administrative)
Melissa Goetten

During FY12, the Fourth District Office filed 442 original briefs, 5 supplemental briefs, 8 reply briefs, 3 petitions for rehearing, 5 petitions for leave to appeal, 16 confessions of error, 1 summary disposition, and 2 cases were dismissed/consolidated/or other. In addition, 48 oral arguments were presented, and advice was rendered to State's Attorneys on 197 occasions.

Fifth District Office

The Fifth District Office is located at 730 East Illinois Highway, Suite 2, Mt. Vernon, Illinois.

The Fifth Judicial District is comprised of 37 counties, 35 of which participated in the Appellate Prosecutor's program during FY12.

The Deputy Director supervises a total staff of 10: 7 Staff Attorneys and 3 Legal Secretaries. The following personnel served on the Fifth District Staff during FY12:

Deputy Director:
Stephen E. Norris

Staff Attorneys:

Whitney Atkins	David Sanchez
Jennifer Camden	Neha Sharma
Patrick Daly	Kelly Stacey
Rebecca McCormick	Kevin Sweeney
Sharon Shanahan	Timothy Ting

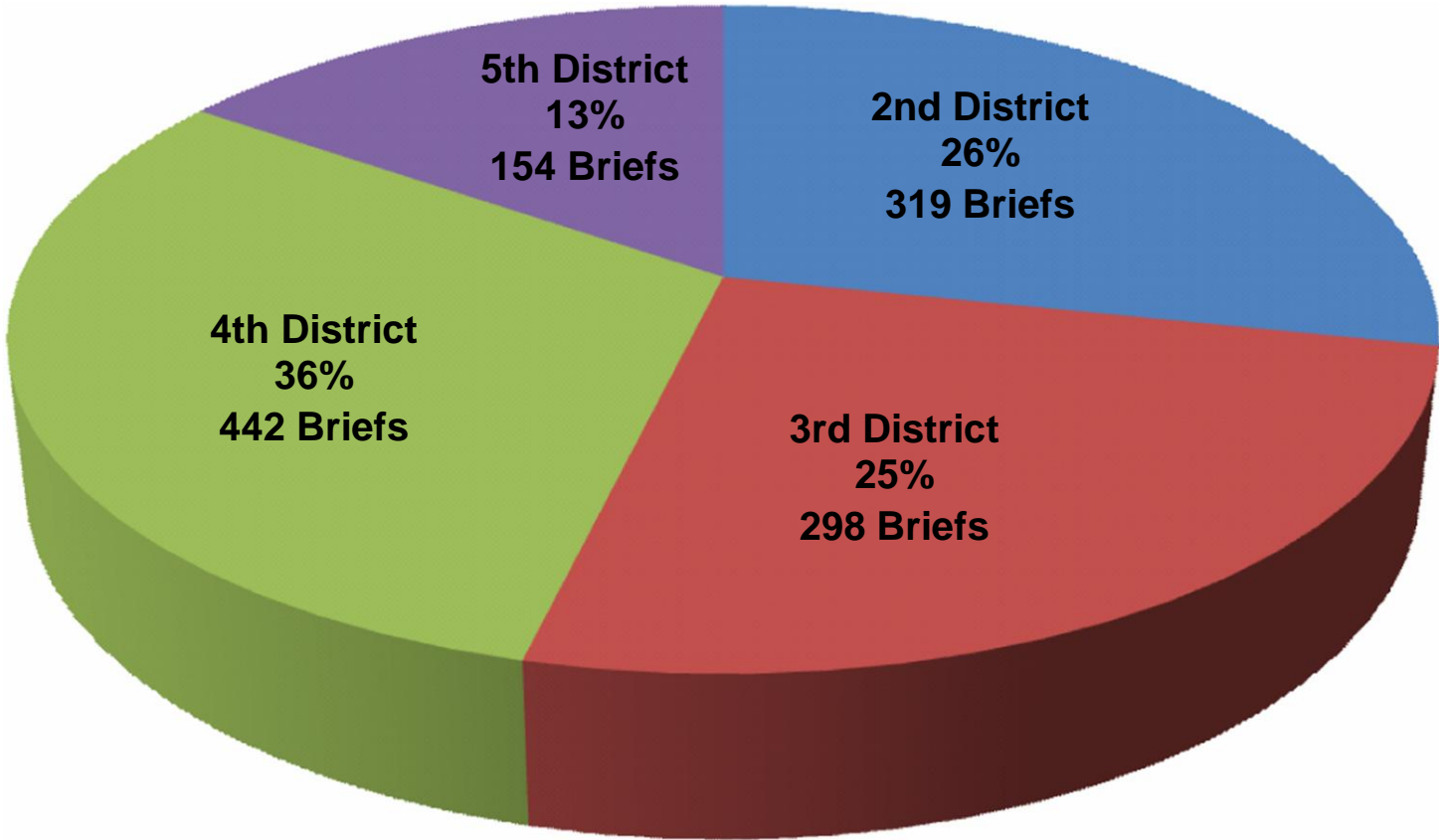
Legal Secretaries:
Joanie Cooper (Administrative)
Janet Schumm
Marilyn Allen

During FY12, the Fifth District Office filed 154 original briefs, 7 supplemental briefs, 8 reply briefs, 6 petitions for rehearing, 12 petitions for leave to appeal, 6 confessions of error, 5 summary dispositions, and 16 cases were dismissed/consolidated/or other. In addition, 113 oral arguments were presented, and advice was rendered to State's Attorneys on 419 occasions.

**V. FY12
STATE'S ATTORNEYS APPELLATE PROSECUTOR
STATISTICAL ANALYSIS**

	SECOND DISTRICT	THIRD DISTRICT	FOURTH DISTRICT	FIFTH DISTRICT	TOTAL
ORIGINAL BRIEFS FILED	319	298	442	154	1,213
SUPPLEMENTAL BRIEFS FILED	7	4	5	7	23
REPLY BRIEFS FILED	18	9	8	8	43
PETITIONS FOR REHEARING	10	11	3	6	30
PETITIONS FOR LEAVE TO APPEAL	12	20	5	12	49
CONFESSIONS OF ERROR	32	8	16	6	62
SUMMARY DISPOSITIONS FILED	33	16	1	5	55
CASES DISMISSED/ CONSOLIDATED/OTHER	35	12	2	16	65
ORAL ARGUMENTS	46	44	48	113	251
ADVICE CALLS	505	535	197	419	1,656

FY12 AGENCY PRODUCTION



VI. COUNTY PARTICIPATION BY APPELLATE DISTRICT

The following 98 counties participated in the State's Attorneys Appellate Prosecutors Office in FY12:

SECOND DISTRICT (13)

Boone
Carroll
DeKalb
DuPage
JoDaviess
Kane
Kendall
Lake
Lee
McHenry
Ogle
Stephenson
Winnebago

THIRD DISTRICT (21)

Bureau
Fulton
Grundy
Hancock
Henderson
Henry
Iroquois
Kankakee
Knox
LaSalle
Marshall
McDonough
Mercer
Peoria
Putnam
Rock Island
Stark
Tazewell
Warren
Whiteside
Will

FOURTH DISTRICT (29)

Adams
Brown
Calhoun
Cass
Champaign
Clark
Coles
DeWitt
Douglas
Edgar
Ford
Greene
Jersey
Livingston
Logan
Macon
Macoupin
Mason
McLean
Menard
Morgan
Moultrie
Piatt
Pike
Sangamon
Schuyler
Scott
Vermilion
Woodford

FIFTH DISTRICT (35)

Bond
Christian
Clay
Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Gallatin
Hamilton
Hardin
Jackson
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Montgomery
Perry
Pope
Pulaski
Randolph
Richland
Saline
Shelby
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

VII. THE LABOR UNIT

The Labor Unit was created in FY85 to provide services to counties under the new Illinois Public Labor Relations Act by enabling legislation effective August 3, 1984.

State's Attorneys may request representation for their elected officials and county boards in all forms of labor relations, including conducting pre-election information campaigns, collective bargaining negotiations, grievances, unfair labor practice charges, mediation, arbitration, and other cases before the State Labor Relations Board and circuit and appellate courts as required.

The following personnel served on the Labor Unit Staff during FY12:

Adminstrator:

Jack Knuppel

Administrative Secretary:

Hettie Willoughby

Mr. Knuppel represented 7 client counties as Special Assistant State's Attorney, and 5 contractual attorneys rendered service to 9 counties.

In addition, Mr. Knuppel served as the chief Agency negotiator and counsel for all collective bargaining matters arising under the Collective Bargaining Agreement between the Agency and Council 31 of the American Federation of State, County, and Municipal Employees.

LABOR UNIT PARTICIPATION

Client Counties

1. Calhoun
2. Crawford
3. Lee
4. Macoupin
5. Morgan
6. Perry
7. Shelby

Contractual Counties

1. Bureau
2. Greene
3. Henry
4. Iroquois
5. Knox
6. Logan
7. McDonough
8. Sangamon
9. Tazewell

VIII. THE LOCAL DRUG PROSECUTION SUPPORT UNIT

The Local Drug Prosecution Support Unit of the State's Attorneys Appellate Prosecutor was created on May 1, 1988, with funding from a federal grant and Agency match monies. The State's Attorneys Appellate Prosecutor's Act, as amended, effective, January 1, 1988, charges the Agency with assisting the State's Attorneys with narcotics related prosecutions at their request. The Local Drug Prosecution Support Unit fulfills this responsibility. In FY12, the Local Drug Prosecution Support Unit consisted of two components:

1. District Drug Attorneys

A drug attorney was assigned to each of the four downstate Appellate Districts and served the counties in these Districts upon the request of the State's Attorney. They assisted each other when their individual caseloads became too heavy to ensure that all State's Attorneys were served on an as-needed basis. They also worked closely with the appropriate MEG Unit or Task Force. The following personnel served on the Drug Unit in FY12:

Kim Roegge	Second District/Third District
Chad Miller/Bryant Hitchings	Fourth District
Ralph Fowler	Fifth District

2. Priority County Component

Excluding counties receiving direct federal grant funding, the Agency contracted with eleven counties having the highest number of drug-related arrests to employ Assistant State's Attorneys to specialize in drug-related prosecutions. These counties are:

- | | |
|--------------|----------------|
| 1. Champaign | 7. Peoria |
| 2. Jefferson | 8. Rock Island |
| 3. Kankakee | 9. Sangamon |
| 4. Macon | 10. Tazewell |
| 5. Madison | 11. Winnebago |
| 6. McLean | |

During FY12, the Local Drug Prosecution Support Unit assisted in opening 4,006 criminal cases and closing 3,260 criminal cases. In addition 528 cases were nolle prossed/not guilty. The Unit assisted in opening 1,515 civil cases and closing 1,353 cases. The closed cases resulted in the forfeiture of \$1,754,521.45 in United States Currency and other assets valued at \$669,388.87.

We continued to see an increase of cases involving production, distribution, manufacturing, and importation of cocaine, cannabis, and heroin. These include both MEG/Task Force and non-MEG/Task Force cases. Our MEG/Task Force cases are directly related to the activity and success of these units.

The current grant format of contractual and Agency drug attorneys has proven to be the most efficient and effective utilization of grant funds. It allows us to focus directly on counties needing full-time assistance and also to respond to other counties on an as-needed basis.

IX. CONTINUING LEGAL EDUCATION UNIT

In FY12, the CLE Unit of the Agency conducted 13 directly sponsored programs and co-sponsored 5 additional programs in cooperation with the Illinois State Police. This increased activity occurred despite additional budget pressures in part due to the elimination of the Capital Litigation Trust Fund which funded one of the major training programs for experienced prosecutors throughout Illinois. Because of our goal of providing a continuum of training options for prosecutors of various experience levels, we replaced the Capital Litigation Program with the Violent Crimes Conference and the Forensic Science Program, both of which included national speakers to assure that Illinois prosecutors are well equipped to address emerging issues in courtrooms today.

The result was an increase in the number of programs offered, the number of prosecutors trained, the number of hours provided, the number of counties served, and the number of overall attorney hours of training provided. By any measure, there were dramatic increases in productivity by the CLE Unit this year.

The following personnel served on the Continuing Legal Education Unit staff during FY12:

**Associate Director/CLE Director:
Matthew P. Jones**

**Administrative Assistant:
Mary Lou Davis**

There were a number of highlights to this year's efforts:

- 1. Introduction of a new Advanced Trial Ad problem complete with new evidence developed in collaboration with the students and administration of the University of Illinois College of Law. The students portrayed victims, defendants, and witnesses in the new social media driven case problem. We were also fortunate to collaborate with the Illinois State Police to exploit their crime scene expertise to ensure that the case problem was as realistic as possible.**
- 2. Development of a newly created Executive Leadership and Management Program for elected (or appointed) State's Attorneys. This first in the nation program was developed with the expertise and collaboration of the University of Illinois Institute of Government and Public Affairs, Office of Public Affairs and Office of Public Leadership. It featured nationally prominent presenters with the goal of providing the chief executive prosecutors for each county with the kind of leadership and management training usually reserved for Fortune 500 corporate executives.**
- 3. The Unit redeveloped a Forensic Science for Litigators program with the Illinois State Police after reviewing the participant evaluations for the prior Forensic Science program conducted in 2011. In response to those evaluations, we focused more on the practical application of in-state technologies. In addition, to the outstanding representative of technologies (familial DNA and synthetic drugs) outside their expertise but relevant to Illinois prosecutors.**

4. Also, to replace the Capital Litigation Seminar, the Unit developed a Violent Crimes Conference with a diverse national faculty, including Dr, Michael Welner, a nationally recognized criminal forensic psychiatrist and author of the Depravity Scale. This program, along with presentations by Assistant U.S. Attorneys, jurists, and social media prosecutors presented cutting edge information on the prosecution of violent crimes.

As the attached chart shows, the CLE continues our mission to offer a continuum of training options to make Illinois prosecutors the most ethically aware, best prepared trial attorneys possible, using the most cost effective means available.

FY12 TRAINING SEMINARS

Date	Program	Attorneys	Hours	Counties	Attorney Hours
July, 2011	Hot Tips	79	7.25	22	572.25
August, 2011	Courtroom Visuals B	44	11.5	15	506
	Courtroom Visuals A	27	4.50	11	121.5
September, 2011	Basic Trial Advocacy	31	29	15	899
October, 2011	Advanced Trial Advocacy	22	25	6	550
November, 2011	Asset Forfeiture	2	6.5	2	13
February, 2012	Executive Leadership	26	16	26	416
	Courtroom Visuals B	34	12	11	408
	Courtroom Visuals A	26	4.5	7	117
March, 2012	Asset Forfeiture	18	6	14	108
	Basic Trial Advocacy	30	28.75	15	862.5
April, 2012	Violent Crimes Conference	58	16.75	17	971.5
	Prosecutor Survival	24	10.25	14	246
May, 2012	Advanced Trial Advocacy	25	26	15	650
June, 2012	Ethics for All	130	6	39	780
	Forensics	27	21	11	567
	Asset Forfeiture	9	6	7	54
	Asset Forfeiture	14	6	9	84
Total:	18 Programs	626	243		7,926.25

X. SPECIAL PROSECUTION UNIT

The Special Prosecution Unit of the Agency consists of six experienced trial attorneys who assist in prosecuting criminal cases when requested to do so by and at the direction of the State's Attorney and when duly appointed by a court having jurisdiction. The following personnel served on the Special Prosecution Unit Staff during FY12:

Administrator:

Charles R. Zalar

Unit Attorneys:

Charles Colburn

Lorinda Lamken

Edwin Parkinson

David Rands

Michael Vujovich

If a conflict of interest arises in a State's Attorneys office, and the State's Attorney wants an independent, detached review and prosecution by an outside person, or if special assistance is needed due to the complexity of a case, the Agency makes the services of the Special Prosecution Unit available.

The Unit has been particularly active in downstate Illinois where personnel and financial resources are more limited than in the more populous counties. Trial assistance has been provided in numerous murder cases and cases dealing with official misconduct of public officials as well as numerous other criminal and civil matters when the State's Attorney was unable to prosecute.

The State's Attorneys have found the services of the Unit to be particularly helpful to them. Frequently, when the Unit is asked to assist, the cases involve complex issues, and trial experience is an absolute necessity.

The Special Prosecution Unit has become a valuable resource to the State's Attorneys of Illinois. The combination of a Unit of experienced trial prosecutors with legal and technical expertise and the Agency's Appellate Staff Attorneys provide the State's Attorneys with needed expert assistance.

During FY12, the Special Prosecution Unit provided assistance to State's Attorneys on 482 cases in 84 counties.

During FY12, the Special Prosecution Unit provided assistance to the following counties:

- | | | |
|----------------|----------------|-----------------|
| 1. Adams | 29. Henry | 57. Moultrie |
| 2. Bond | 30. Jackson | 58. Ogle |
| 3. Boone | 31. Jefferson | 59. Peoria |
| 4. Brown | 32. Jersey | 60. Piatt |
| 5. Bureau | 33. Johnson | 61. Pike |
| 6. Calhoun | 34. Kane | 62. Putnam |
| 7. Christian | 35. Kankakee | 63. Richland |
| 8. Clark | 36. Kendall | 64. Rock Island |
| 9. Clay | 37. Knox | 65. Saline |
| 10. Clinton | 38. Lake | 66. Sangamon |
| 11. Coles | 39. LaSalle | 67. Scott |
| 12. Crawford | 40. Lawrence | 68. Schuyler |
| 13. Cumberland | 41. Lee | 69. Shelby |
| 14. DeKalb | 42. Livingston | 70. Stark |
| 15. DeWitt | 43. Logan | 71. St. Clair |
| 16. Douglas | 44. Macon | 72. Stephenson |
| 17. DuPage | 45. Macoupin | 73. Union |
| 18. Edgar | 46. Madison | 74. Vermilion |
| 19. Edwards | 47. Marion | 75. Wabash |
| 20. Effingham | 48. Marshall | 76. Warren |
| 21. Fayette | 49. Mason | 77. Washington |
| 22. Ford | 50. Massac | 78. Wayne |
| 23. Franklin | 51. McDonough | 79. White |
| 24. Fulton | 52. McHenry | 80. Whiteside |
| 25. Gallatin | 53. McLean | 81. Will |
| 26. Greene | 54. Mercer | 82. Williamson |
| 27. Grundy | 55. Monroe | 83. Winnebago |
| 28. Hancock | 56. Morgan | 84. Woodford |

XI. TAX OBJECTION DIVISION

The tax objection service of the State's Attorneys Appellate Prosecutor is invaluable for State's Attorneys confronted with specialized and complex cases before the courts, the Property Tax Appeal Board, or the Department of Revenue. Particularly in the smaller counties, State's Attorneys lack the specialized experience to handle these cases even if they could find the time from their ongoing criminal and civil responsibilities. During FY12, tax objection services were provided to the following counties:

	<u>County</u>	<u>Matters</u>		<u>County</u>	<u>Matters</u>
1.	Bond	1	12.	Marshall	1
2.	Boone	4	13.	Marion	11
3.	Bureau	1	14.	Mason	17
4.	Carrol	8	15.	Moultrie	3
5.	Christian	2	16.	Pike	18
6.	Coles	1	17.	Putnam	3
7.	Crawford	2	18.	St. Clair	1
8.	DeWitt	4	19.	Scott	1
9.	Fulton	3	20.	Tazewell	1
10.	Grundy	1	21.	Williamson	1
11.	Jefferson	1			

TOTAL: 85 Matters

XII. FY12 APPROPRIATION BILL

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2012:

For Personal Services:

Payable from General Revenue Fund for Collective Bargaining Unit	3,448,400
Payable from General Revenue Fund for Administrative Unit	880,900
Payable from State's Attorney Appellate Prosecutor's County Fund	757,050

For State Contribution to the State Employees' Retirement System Pick Up:

Payable from General Revenue for Collective Bargaining Unit	137,800
Payable from General Revenue for Administrative Unit	35,200
Payable from State's Attorneys Appellate Prosecutor's County Fund	30,300

For State Contribution to the State Employees' Retirement System:

Payable from General Revenue Fund for Collective Bargaining Unit	0
Payable from General Revenue Fund for Administrative Unit	0
Payable from State's Attorneys Appellate Prosecutor's County Fund	258,850

For State Contribution to Social Security:

Payable from General Revenue Fund for Collective Bargaining Unit	263,800
Payable from General Revenue Fund for Administrative Unit	67,400

Payable from State's Attorneys Appellate Prosecutor's County Fund	57,950
For County Reimbursement to State for Group Insurance:	
Payable from State's Attorneys Appellate Prosecutor's County Fund	157,500
For Contractual Services:	
Payable from General Revenue Fund	468,600
Payable from State's Attorneys Appellate Prosecutor's County Fund	652,135
For Contractual Services for Tax Objection Casework:	
Payable from General Revenue Fund	98,700
Payable from State's Attorneys Appellate Prosecutor's Fund	35,328
For Contractual Services for Rental of Real Property:	
Payable from General Revenue Fund	240,200
Payable from State's Attorneys Appellate Prosecutor's County Fund	143,597
For Travel:	
Payable from General Revenue Fund	25,000
Payable from State's Attorneys Appellate Prosecutor's County Fund	15,000
For Commodities:	
Payable from General Revenue Fund	19,000
Payable from State's Attorneys Appellate Prosecutor's County Fund	10,000
For Printing:	
Payable from General Revenue Fund	8,000
Payable from State's Attorneys Appellate Prosecutor's County Fund	4,600
For Equipment:	
Payable from General Revenue Fund	50,000
Payable from State's Attorneys Appellate Prosecutor's County Fund	40,900

For Electronic Data Processing:

Payable from General Revenue Fund	32,500
Payable from State's Attorneys Appellate Prosecutor's County Fund	31,400

For Telecommunications:

Payable from General Revenue Fund	35,900
Payable from State's Attorneys Appellate Prosecutor's Fund	40,100

For Operation of Automotive Equipment:

Payable from General Revenue Fund	21,600
Payable from State's Attorneys Appellate Prosecutor's County Fund	16,000

For Law Intern Program:

Payable from General Revenue Fund	40,000
Payable from State's Attorneys Appellate Prosecutor's County Fund	27,400

For Continuing Legal Education:

Payable from General Revenue Fund	125,000
Payable from Continuing Legal Education Trust Fund	150,000

For Legal Publications:

Payable from General Revenue Fund	2,500
Payable from State's Attorneys Appellate Prosecutor's County Fund	13,900

For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:

For Personal Services:

Payable from General Revenue Fund	125,100
Payable from State's Attorneys Appellate Prosecutor's County Fund	68,300

For State Contribution to the State Employees' Retirement System Pick Up:

Payable from General Revenue Fund	5,000
Payable from State's Attorneys Appellate Prosecutor's County Fund	2,800

For State Contribution to the State Employees' Retirement System:

Payable from General Revenue Fund	0
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	24,200
For Contribution to Social Security:	
Payable from General Revenue Fund	9,600
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	5,300
For County Reimbursement to State for Group Insurance:	
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	15,000
For Contractual Services:	
Payable from General Revenue Fund	7,700
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	278,615
For Travel:	
Payable from General Revenue Fund	1,500
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	1,200
For Commodities:	
Payable from General Revenue Fund	1,000
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	900
For Equipment:	
Payable from General Revenue Fund	1,000
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	1,500
For Operation of Automotive Equipment:	
Payable from General Revenue Fund	1,500
Payable from State's Attorneys Appellate	
Prosecutor's County Fund	1,200
For Expenses Pursuant to Narcotics Profit Forfeiture Act:	
Payable from Narcotics Profit Forfeiture Fund	0
For Expenses Pursuant to Drug Asset Forfeiture Procedure Act:	
Payable from Narcotics Profit Forfeiture Fund	1,350,000

For Expenses Pursuant to P.A.84-1 340,
 which requires the Office of the State’s Attorneys
 Appellate Prosecutor to conduct
 training programs for Illinois State’s Attorneys,
 Assistant State’s Attorneys and Law Enforcement
 Officers on techniques and methods of eliminating or
 reducing the trauma of testifying in criminal
 proceedings for children who serve as witnesses in such
 proceedings;
 and other authorized criminal justice
 training programs:

Payable from General Revenue Fund 60,000

For Expenses Related to federally assisted
 Programs to assist local
 State’s Attorneys including special appeals, drug
 related cases and cases arising under the Narcotics
 Profit Forfeiture Act on the request of the State’s
 Attorney:

Payable from Special Federal Grant
 Project Fund 2,200,000

For Local Matching Purposes:

Payable from State’s Attorneys Appellate
 Prosecutor’s County Fund 0

For State Matching Purposes:

Payable from General Revenue Fund 85,800

For Expenses Pursuant to Grant Agreements
 For Training Grant Programs:

Payable from General Revenue Fund 100,000

For Expenses Pursuant to the Capital
 Crimes Litigation Act:

Payable from Capital Litigation
 Trust Fund 600,000

For Appropriation to the State Treasurer
 For Expenses incurred by State’s Attorneys other
 than Cook County:

Payable from the Capital Litigation
 Trust Fund 1,000,000

For Appropriation to the State’s Attorneys

**Appellate Prosecutor for a grant to the
Cook County State’s Attorney for expenses
incurred in filing appeals in Cook County 2,000,000**

**For Appropriation to the State’s Attorneys
Appellate Prosecutor for Federal Grants 100,000**

**(Total, \$16,389,725; General Revenue Fund, \$8,398,700; Office of the State’s Attorneys Appellate
Prosecutor’s County Fund, \$2,691,025; Continuing Legal Education Trust Fund, \$150,000; Narcotics
Profit Forfeiture Fund, \$1,350,000; Special Federal Grant Project Funds, \$2,200,000; Capital Litigation
Trust Fund, \$1,600,000)**

**XIV. STATE'S ATTORNEYS APPELLATE PROSECUTOR'S ACT
725 ILLINOIS COMPILED STATUTES 21 0/1, ET. SEQ.**

AN ACT in relation to the provision of certain services for State's Attorneys, amending and repealing Acts and parts of Acts in connection therewith.

210/1. Short title

Section 1. This Act may be cited as the State's Attorneys Appellate Prosecutor's Act.

210/2. Definitions

Section 2. In this Act, unless the context clearly requires a different meaning, the following definitions apply:

- (1) "Board" means the board of governors of the Office of the State's Attorneys Appellate Prosecutor;**
- (2) "Member" means a member of the board;**
- (3) "Director" means the Director of the Office of the State's Attorneys Appellate Prosecutor; and**
- (4) "District" means a judicial district as defined in "An Act establishing the Judicial Districts", approved May 13, 1963, as now or hereafter amended;**
- (5) "State" means the State of Illinois; and**
- (6) "Office" means the Office of the State's Attorneys Appellate Prosecutor. 210/3. Creation - Membership - Term - Election - Quorum - Compensation - Vacancies Sec. 3. There is created the Office of the State's Attorneys Appellate Prosecutor as a judicial agency of state government.**

(a) The Office of the State's Attorneys Appellate Prosecutor shall be governed by a board of governors which shall consist of 10 members as follows:

- (1) Eight State's Attorneys, 2 to be elected from each District containing less than 3,000,000 inhabitants;**
- (2) The State's Attorney of Cook County; and**
- (3) One State's Attorney to be annually appointed by the other 9 members.**

(b) Voting for elected members shall be by District with each of the State's Attorneys voting from their respective district. Each board member must be duly elected or appointed and serving as State's Attorney in the district from which he was elected or appointed.

(c) Elected members shall serve for a term of 2 years commencing upon their election and until their successors are duly elected or

appointed and qualified.

- (d) An annual election of members of the board shall be held within 30 days prior or subsequent to the beginning of the fiscal year, and the board shall certify the results to the Secretary of State.
- (e) The board shall promulgate rules of procedure for the election of its members and the conduct of its meetings and shall elect a Chairman and a Vice-Chairman and such other officers as it deems appropriate. The board shall meet at least once every 3 months, and in addition thereto as directed by the Chairman, or upon the special call of any 5 members of the board, in writing, sent to the Chairman, designating the time and place of the meeting.
- (f) Five members of the board shall constitute a quorum for the purpose of transacting business.
- (g) Members of the board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.
- (h) A position shall be vacated by either a member's resignation, removal or inability to serve as State's Attorney.
- (i) Vacancies on the board of elected members shall be filled within 90 days of the occurrence of the vacancy by a special election held by the State's Attorneys in the district where the vacancy occurred. Vacancies on the board of the appointed member shall be filled within 90 Days of the occurrence of the vacancy by a special election by the members. In the case of a special election, the tabulation and certification of the results may be conducted at any regularly scheduled quarterly or special meeting called for that purpose. A member elected or appointed to fill such position shall serve for the unexpired term of the member whom he is succeeding. Any member may be re-elected or re-appointed for additional terms.

21 0/4. Powers and Duties

Sec. 4. The board and the Office have the powers and duties enumerated in Sections 210/4.01 through 4.10.

Sec. 210/4.01 Cases represented on appeal - Duties under Public Labor Relations Act - Tax objections

Sec. 4.01. The Office and all attorneys employed thereby may represent the People of the State of Illinois on appeal in all cases which emanate from a county containing less than 3,000,000 inhabitants, when requested to do so and at the direction of the State's Attorney, otherwise

responsible for prosecuting the appeal, and may, with the advice and consent of the State's Attorney prepare, file and argue such appellate briefs in the Illinois Appellate Court and, when requested and authorized to do so by the Attorney General, in the Illinois Supreme Court. The Office may also assist County State's Attorneys in the discharge of their duties under the Illinois Controlled Substances Act, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, the Drug Asset Forfeiture Procedure Act, the Narcotics Profit Forfeiture Act, and the Illinois Public Labor Relations Act, including negotiations conducted on behalf of a county or pursuant to an intergovernmental agreement as well as in the trial and appeal of said cases and of tax objections, and the counties which use services relating to labor relations shall reimburse the Office on pro-rated shares as determined by the board based upon the population and number of labor relations cases of the participating counties.

In addition, the Office and all attorneys employed by the Office may also assist State's Attorneys in the discharge of their duties in the prosecution and trial of other cases when requested to do so by, and at the direction of, the State's Attorney otherwise responsible for the case. In addition, the Office and all attorneys employed by the Office may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction. To be effective, the order appointing the Office or its attorneys as Special Prosecutor must (i) identify the case and its subject matter and (ii) state that the Special Prosecutor serves at the pleasure of the Attorney General, who may substitute himself or herself as the Special Prosecutor when, in his or her judgment, the interest of the people of the State so requires. Within 5 days after receiving a copy of an order from the court appointing the Office of any of its attorneys as a Special Prosecutor, the Office must forward a copy of the order to the Springfield office of the Attorney General.

210/4.02. Appointment of the Director

Sec. 4.02. The board shall appoint a Director.

210/4.03. Advise the Director - Operation of office

Sec. 4.03. The board shall advise the Director and shall establish policies for the operation of the office.

210/4.04 Establishment of district offices

Sec. 4.04. The board shall establish an Office in each District containing less than 3,000,000 inhabitants.

210/4.05 Approval of budget - Number of employees

Sec. 4.05. The board shall approve or modify an annual budget submitted to it by the Director and establish the number of employees.

210/4.06 Annual report

Sec. 4.06. The board shall submit an annual report to the General Assembly and Governor regarding the operation of the Office of the State's Attorney Appellate Prosecutor.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

210/4.07 Acceptance and expenditure of gifts and services – Contract

Sec. 4.07. The Office may accept and expend monies, gifts, grants and services from any public or private source; contract or enter into agreements with educational institutions or any Illinois county, the state of Illinois or federal agencies.

210/4.08 Law students as legal assistants and interns

Sec. 4.08. The Office may establish programs, alone or in conjunction with law schools, for the purpose utilizing law students as legal assistants and interns.

210/04.09 Administration of Act

Sec. 4.09. The board shall provide for such rules and regulations as may be required for the administration of this Act.

210/4.10 Training programs - Dissemination of current case and legislative information - Continuing legal education trust fund

Sec. 4.10. The Office may conduct and charge tuition for training programs for State's Attorneys, Assistant State's Attorneys and other law enforcement officers. The Office shall conduct training programs for Illinois State's Attorneys, Assistant State's Attorneys and law enforcement officers on techniques and methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings. In addition, the Office may publish, disseminate and sell publications and newsletters which digest current Appellate and Supreme Court cases and legislative developments of importance to prosecutors and law enforcement officials. The monies collected by the Office from the programs and publications provided for in this Section shall be deposited in the Continuing Legal Education Trust Fund, which special fund is hereby created in the State Treasury. In addition, such gifts or grants of money as the Office may secure from any public or private source for the purposes described in this Section shall be deposited in the Continuing Legal Education Trust Fund. The General Assembly shall make appropriations from the Continuing Legal Education Trust Fund for the expenses of the Office incident to conducting the programs and publishing the material provided for in this Section.

210/5. Oath of office

Sec. 5. The Director and all attorneys employed by the Office of the State's Attorneys Appellate Prosecutor shall take the oath of office in like manner as Assistant State's Attorneys. 210/6. Organization

Sec. 6. The Office is to be organized in the following manner:

- (a) The staff of the Office of the State's Attorneys Appellate Prosecutor shall consist of a Director, 4 Deputy Directors, Staff Attorneys and such other administrative, secretarial and clerical employees as may be necessary.**
- (b) The Director and all Office Attorneys must be licensed to practice law in the State of Illinois. All full-time legal personnel shall devote full time to their duties and may not engage in the private practice of law, except as provided in Section 7.02.**
- (c) The Director and such other employees as may be hired hereunder shall not be subject to the provisions of the Illinois Personnel Code.**

210/7. Powers and Duties of Director

Sec. 7. The Director has the powers and duties enumerated in Section 7.01 through 7.06.

210/7.01. Appointment of the Director

Sec. 7.01. The Director shall be appointed by and serve at the pleasure of the board.

210/7.02. Hiring of employees - Compensation – Limitations

Sec. 7.02. The Director may, with the concurrence of the board, hire such employees, including part-time employees, as are necessary to carry out Office duties, and the Director shall establish rates of compensation therefore within the limits of the appropriations made by the General Assembly and such other funds as may be available. All Attorneys hired as part-time employees who devote 50% or more of their time to Office duties are prohibited from the private practice of law.

210/7.03 Organization of office and duties of employees

Sec. 7.03. The Director may, with the concurrence of the board, promulgate regulations, instructions and orders consistent with this Act further defining the organization of the Office and duties of the employees.

210/7.04 Reports

Sec. 7.04. The Director shall submit reports to the board on the operation of his office at each meeting. The Director shall submit a comprehensive report to the board at the end of each fiscal year, and the board may require the Director to submit additional or amended reports on any phase of the operation of his office.

210/7.05. Annual budget

Sec. 7.05. The Director shall submit an annual budget for the approval of the board.

210/7.06. Employment of investigators

Sec. 7.06. The Director may hire no more than 0 investigators to provide investigative services in criminal cases and tax objection cases for staff counsel and county state's attorneys. Investigators may be authorized by the board to carry tear gas gun projectors or bombs, pistols, revolvers, stun guns, tasers or other firearms.

Subject to the qualifications set forth below, investigators shall be peace officers and shall have all the powers possessed by policemen in cities and by sheriffs; provided, that investigators shall exercise such powers anywhere in the State only after contact and in cooperation with the appropriate local law enforcement agencies.

No investigator shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Local Governmental Law Enforcement Officers Training Board or such board waives the training requirement by reason of the investigator's prior law enforcement experience or training or both.

The board shall not waive the training requirement unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, state or federal law enforcement agency, 2 of which shall have been in an investigatory capacity.

210/8. Prosecution of appeals

Sec. 8. Nothing herein contained shall be construed to abrogate or diminish the rights of State's Attorneys to prosecute appeals in any case.

210/9. State's attorneys appellate prosecutor's county fund

Sec. 9. There is created a special fund in the State Treasury designated as the State's Attorneys Appellate Prosecutor's County Fund. It shall be funded from contributions collected from the counties in the program, other than money received from the counties for the programs and publications authorized by Section 4.10 of this Act. The contributions shall be based on prorated shares as determined by the board based on the populations of the participating counties. This fund is to be used exclusively for the expenses of the Office.

210/9.01. Appropriation for expenses

Sec. 9.01. The General Assembly shall appropriate money for the expenses of the Office, other than the expenses of the Office incident to the programs and publications authorized by Section 4.10 of this Act, one-third from the State's Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, except for employees in the collective bargaining unit, for which all personal services expenses shall be paid from the General Revenue Fund.

210/9.02. Allocation of county expenses

Sec. 9.02. Within 30 days after the appropriation becomes law, the board shall allocate the county shares of the expenses to the participating counties in proportion to population.

210/9.03. Reduction of county contributions

Sec. 9.03. If there is an unobligated balance remaining in the State's Attorneys Appellate Prosecutor's County Fund at the end of a fiscal year, that sum shall be rolled over for use in the ensuing fiscal year, and shall be considered by the board in allocating the county shares of the expenses to the participating counties.

210/9.04. (Repealed).

(Source P.A. 84-1062. Repealed by P.A. 96-900, Eff. 5-28-10.)

210/9.05. Determination of population

Sec. 9.05. For the purposes of Sections 9 through 9.04, population shall be determined by the last available federal census.

210/10. (Repealed).

(Source P.A. 84-1062. Repealed by P.A. 96-900, Eff. 5-28-10.)

210/11. Application of Administrative Procedure

Sec. 11. The provisions of the "Illinois Administrative Procedure Act", as now or hereafter amended, are hereby expressly adopted and incorporated herein as though a part of this Act, and shall apply to all administrative rules and procedures of the Office of the State's Attorneys Appellate Prosecutor under this Act.