

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

COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2012

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2012

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STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2012

AGENCY OFFICIALS

State Appellate Defender

Michael J. Pelletier

Deputy State Appellate Defender

David P. Bergschneider

Deputy State Appellate Defender

Patricia Unsinn

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

November 28, 2012

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 62864
(618) 244-8471
5thDistrict@osad.state.il.us

EXPUNGEMENT UNIT
Springfield Office
(866) 431-4907
Expungement.springfield@osad.state.il.us
Chicago Office
(866) 787-1776
Expungement.chicago@osad.state.il.us

Honorable William G. Holland
Auditor General
State of Illinois
Iles Park Plaza
740 East Ash
Springfield, IL 62703-3154

Dear Mr. 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, 2012. Based on this evaluation, we assert that during the years ended June 30, 2012, and June 30, 2011, the Office has materially complied with the assertions below.

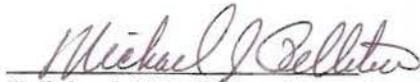
- A. The Office has obligated, expended, received and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Office has obligated, expended, received and used public funds of the State in accordance with any limitations, 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 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.

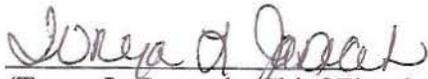
Yours very truly,

Office of the State Appellate Defender



Michael J. Pelletier

(Michael J. Pelletier, State Appellate Defender)



Tonya L. Janecek

(Tonya L. Janecek, Chief Fiscal Officer)

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2012

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' REPORT

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	0	1
Repeated findings	0	1
Prior recommendations implemented or not repeated	1	6

SCHEDULE OF FINDINGS

The Office of the State Appellate Defender did not have any current findings.

PRIOR FINDINGS NOT REPEATED

<u>Item No.</u>	<u>Page</u>	<u>Description</u>
A	9	Inadequate Controls Over Employees' Activity and Timekeeping Reports

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2012

EXIT CONFERENCE

The Office of the State Appellate Defender waived an exit conference in correspondence dated November 13, 2012.

SPRINGFIELD OFFICE:
ILES PARK PLAZA
740 EAST ASH • 62703-3154
PHONE: 217/782-6046
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MICHAEL A. BILANDIC BLDG. • SUITE S-900
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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, 2012. 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.

Our examination was conducted 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, 2012.

Internal Control

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 in an entity's internal control 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.

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

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 for the years ended June 30, 2012 and June 30, 2011 in Schedules 1 through 9 and the Analysis of Operations Section 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 June 30, 2012 and June 30, 2011 accompanying supplementary information in Schedules 1 through 9. However, we do not express an opinion on the accompanying supplementary information.

We have not applied procedures to the June 30, 2010 accompanying supplementary information in Schedules 1 through 9 and in the Analysis of Operations Section, and accordingly, we do not express an opinion or provide any assurance on it.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, Office 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

November 28, 2012

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
PRIOR FINDINGS NOT REPEATED
For the Two Years Ended June 30, 2012

A. **FINDING** (Inadequate Controls Over Employees' Activity and Timekeeping Reports)

During the prior examination period, the Office of the State Appellate Defender (Office) did not exercise adequate internal control over employees' activity and timekeeping reports.

During the current examination period, the Office improved controls over the employees' activity and timekeeping reports. The Office discontinued use of the system used during the prior examination period and implemented a new system for recording employees' activities and timekeeping. The auditors did not note any significant exceptions during employee testing of the new timekeeping system. (Finding Code No. 10-1, 08-2)

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2012

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 Appropriations, Expenditures and Lapsed Balances – Fiscal Year 2012
 - Schedule of Appropriations, Expenditures and Lapsed Balances – Fiscal Year 2011
 - 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 (Not Examined):
 - Agency Functions and Planning Program (Not Examined)
 - Average Number of Employees (Not Examined)
 - 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 to the June 30, 2012 and June 30, 2011 accompanying supplementary information in Schedules 1 through 9. However, the accountants do not express an opinion on the supplementary information. The accountants' report also states that they have not applied procedures to the Analysis of Operations Section, and accordingly, they do not express an opinion or provide any assurance on it.

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
For The Fiscal Year Ended June 30, 2012

P.A. 97-0063 FISCAL YEAR 2012	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
APPROPRIATED FUNDS					
General Revenue Fund - 001					
General Operations:					
	\$ 15,744,400	\$ 14,724,541	\$ 45,312	\$ 14,769,853	\$ 974,547
	1,126,600	1,068,328	3,466	1,071,794	54,806
	2,172,100	1,994,298	121,678	2,115,976	56,124
	85,500	64,671	1,958	66,629	18,871
	45,900	32,733	300	33,033	12,867
	46,400	30,927	74	31,001	15,399
	67,900	43,380	14,784	58,164	9,736
	800,000	670,296	123,583	793,879	6,121
	161,200	142,340	12,149	154,489	6,711
	242,100	213,387	3,911	217,298	24,802
	67,000	57,321	6,830	64,151	2,849
Total General Operations	<u>\$ 20,559,100</u>	<u>\$ 19,042,222</u>	<u>\$ 334,045</u>	<u>\$ 19,376,267</u>	<u>\$ 1,182,833</u>

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
For The Fiscal Year Ended June 30, 2012

P.A. 97-0063 FISCAL YEAR 2012	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
General Revenue Fund - 001 (Cont.)					
Post Conviction Unit:					
Personal Services	\$ 543,900	\$ 462,542	\$ 5,780	\$ 468,322	\$ 75,578
State Contributions to Social Security	41,600	33,077	443	33,520	8,080
Contractual Services	178,500	110,111	777	110,888	67,612
Travel	15,000	1,943	164	2,107	12,893
Commodities	2,600	875	-	875	1,725
Printing	1,600	670	-	670	930
Equipment	5,000	58	-	58	4,942
Electronic Data Processing	54,300	10,666	17	10,683	43,617
Telecommunications	8,500	6,232	72	6,304	2,196
Total Post Conviction Unit	<u>\$ 851,000</u>	<u>\$ 626,174</u>	<u>\$ 7,253</u>	<u>\$ 633,427</u>	<u>\$ 217,573</u>
Violent Crimes Appeals Unit - State Matching Portion:					
Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases	<u>\$ 65,000</u>	<u>\$ 63,969</u>	<u>\$ -</u>	<u>\$ 63,969</u>	<u>\$ 1,031</u>
Total Fund 001	<u><u>\$ 21,475,100</u></u>	<u><u>\$ 19,732,365</u></u>	<u><u>\$ 341,298</u></u>	<u><u>\$ 20,073,663</u></u>	<u><u>\$ 1,401,437</u></u>

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
For The Fiscal Year Ended June 30, 2012

P.A. 97-0063 FISCAL YEAR 2012	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
State Appellate Defender Federal Trust Fund - 117					
Violent Crimes Appeals Unit - Federal Portion:					
Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases					
	\$ 210,000	\$ 197,191	\$ -	\$ 197,191	\$ 12,809
TOTAL ALL APPROPRIATED FUNDS	\$ 21,685,100	\$ 19,929,556	\$ 341,298	\$ 20,270,854	\$ 1,414,246

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
For The Fiscal Year Ended June 30, 2012

P.A. 97-0063 FISCAL YEAR 2012	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
NON-APPROPRIATED FUNDS					
State Appellate Defender Federal Trust Fund - 117					
Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority		\$ 2,946	\$ -	\$ 2,946	
TOTAL NON-APPROPRIATED FUNDS		<u>\$ 2,946</u>	<u>\$ -</u>	<u>\$ 2,946</u>	
GRAND TOTAL ALL FUNDS		<u>\$ 19,932,502</u>	<u>\$ 341,298</u>	<u>\$ 20,273,800</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, 2011

P.A. 96-0956 FISCAL YEAR 2011	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period Expenditures July 1 to December 31	Total Expenditures 18 Months Ended December 31	Balances Lapsed December 31
APPROPRIATED FUNDS					
General Revenue Fund - 001					
Operational Expenses	\$ 21,191,800	\$ 19,201,445	\$ 283,915	\$ 19,485,360	\$ 1,706,440
Awards, Grants, Operational Expenses, State Matching Grant Purposes, and Permanent Improvements	407,200	293,239	2,444	295,683	111,517
Total Fund 001	<u>\$ 21,599,000</u>	<u>\$ 19,494,684</u>	<u>\$ 286,359</u>	<u>\$ 19,781,043</u>	<u>\$ 1,817,957</u>
State Appellate Defender Federal Trust Fund - 117					
Operational Expenses, Awards, Grants, State Matching Grant Purposes, and Permanent Improvements	<u>\$ 210,000</u>	<u>\$ 185,521</u>	<u>\$ (1,332)</u>	<u>\$ 184,189</u>	<u>\$ 25,811</u>

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
For The Fiscal Year Ended June 30, 2011

P.A. 96-0956 FISCAL YEAR 2011	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period Expenditures July 1 to December 31	Total Expenditures 18 Months Ended December 31	Balances Lapsed December 31
Capital Litigation Trust Fund - 614					
Expenses Incurred in Providing Assistance to Trial Attorneys	\$ 4,434,385	\$ 3,008,934	\$ (20,327)	\$ 2,988,607	\$ 1,445,778
TOTAL ALL APPROPRIATED FUNDS	<u>\$ 26,243,385</u>	<u>\$ 22,689,139</u>	<u>\$ 264,700</u>	<u>\$ 22,953,839</u>	<u>\$ 3,289,546</u>
NON-APPROPRIATED FUNDS					
State Appellate Defender Federal Trust Fund - 117					
Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority		\$ 2,468	\$ -	\$ 2,468	
TOTAL NON-APPROPRIATED FUNDS		<u>\$ 2,468</u>	<u>\$ -</u>	<u>\$ 2,468</u>	
GRAND TOTAL ALL FUNDS		<u>\$ 22,691,607</u>	<u>\$ 264,700</u>	<u>\$ 22,956,307</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
COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
For the Fiscal Years Ended June 30,

	2012	2011	2010
	P.A. 97-0063	P.A. 96-0956	P.A. 96-0046
General Revenue Fund - 001			
Appropriations (Net of Transfers)	\$ 21,475,100	\$ 21,599,000	\$ 21,599,000
<u>Expenditures</u>			
General Operations:			
Personal Services	\$ 14,769,853	\$ -	\$ 15,686,671
State Contributions to Social Security	1,071,794	-	1,139,696
Contractual Services	2,115,976	-	-
Travel	66,629	-	-
Commodities	33,033	-	-
Printing	31,001	-	-
Equipment	58,164	-	-
Electronic Data Processing	793,879	-	-
Telecommunications	154,489	-	-
Expungement Information Program	217,298	-	-
Public Defender Training Program	64,151	-	-
Awards, Grants, Operational Expenses, State Matching Grant Purposes, and Permanent Improvements	-	295,683	329,728
Operational Expenses	-	19,485,360	3,378,829
Total General Operations	<u>\$ 19,376,267</u>	<u>\$ 19,781,043</u>	<u>\$ 20,534,924</u>
Post Conviction Unit:			
Personal Services	\$ 468,322	\$ -	\$ -
State Contributions to Social Security	33,520	-	-
Contractual Services	110,888	-	-
Travel	2,107	-	-
Commodities	875	-	-
Printing	670	-	-
Equipment	58	-	-
Electronic Data Processing	10,683	-	-
Telecommunications	6,304	-	-
Total Post Conviction Unit	<u>\$ 633,427</u>	<u>\$ -</u>	<u>\$ -</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,

	2012	2011	2010
	P.A. 97-0063	P.A. 96-0956	P.A. 96-0046
General Revenue Fund - 001 (Cont.)			
Violent Crimes Appeals Unit - State Matching Portion:			
Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases	\$ 63,969	\$ -	\$ -
Total Expenditures Fund 001	\$ 20,073,663	\$ 19,781,043	\$ 20,534,924
Lapsed Balances	<u>\$ 1,401,437</u>	<u>\$ 1,817,957</u>	<u>\$ 1,064,076</u>
State Appellate Defender Federal Trust Fund -117			
Appropriations (Net of Transfers)	\$ 210,000	\$ 210,000	\$ 210,000
<u>Expenditures</u>			
Violent Crimes Appeals Unit - Federal Portion:			
Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases	\$ 197,191	\$ 184,189	\$ 161,602
Lapsed Balances	<u>\$ 12,809</u>	<u>\$ 25,811</u>	<u>\$ 48,398</u>
Capital Litigation Trust Fund - 614			
Appropriations (Net of Transfers)	\$ -	\$ 4,434,385	\$ 3,230,213
<u>Expenditures</u>			
Expenses Incurred in Providing Assistance to Trial Attorneys Under Item (c) (5) of Section 10 of the State Appellate Defender Act	\$ -	\$ 2,988,607	\$ 2,721,333
Lapsed Balances	<u>\$ -</u>	<u>\$ 1,445,778</u>	<u>\$ 508,880</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,

	2012	2011	2010
	P.A. 97-0063	P.A. 96-0956	P.A. 96-0046
TOTAL ALL APPROPRIATED FUNDS			
Appropriations (Net of Transfers)	\$ 21,685,100	\$ 26,243,385	\$ 25,039,213
Total Expenditures	\$ 20,270,854	\$ 22,953,839	\$ 23,417,859
Lapsed Balances	\$ 1,414,246	\$ 3,289,546	\$ 1,621,354
NON-APPROPRIATED FUNDS			
State Appellate Defender Federal Trust Fund -117			
Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority	\$ 2,946	\$ 2,468	\$ 25,360
TOTAL NON-APPROPRIATED FUNDS	\$ 2,946	\$ 2,468	\$ 25,360

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
SCHEDULE OF CHANGES IN STATE PROPERTY
For the Two Years Ended June 30, 2012

Balance at July 1, 2010	\$ 2,736,477
Additions	186,652
Deletions	(98,873)
Net Transfers	<u>(380,612)</u>
Balance at June 30, 2011	<u><u>\$ 2,443,644</u></u>
Balance at July 1, 2011	\$ 2,443,644
Additions	73,747
Deletions	(134,521)
Net Transfers	<u>(117,767)</u>
Balance at June 30, 2012	<u><u>\$ 2,265,103</u></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,

General Revenue Fund - 001	<u>2012</u>	<u>2011</u>	<u>2010</u>
Miscellaneous Receipts	\$ 395	\$ 189	\$ 11,765
Prior Year Refunds	<u>1,647</u>	<u>271</u>	<u>337</u>
TOTAL	<u>\$ 2,042</u>	<u>\$ 460</u>	<u>\$ 12,102</u>
State Appellate Defender Federal Trust Fund - 117			
U.S. Department of Justice - Illinois Criminal Justice Information Authority	<u>\$ 229,435</u>	<u>\$ 187,070</u>	<u>\$ 174,526</u>
Capital Litigation Trust Fund - 614			
Prior Year Refunds	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 23</u>
TOTAL RECEIPTS - ALL FUNDS	<u><u>\$ 231,477</u></u>	<u><u>\$ 187,530</u></u>	<u><u>\$ 186,651</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,

General Revenue Fund - Fund 001	<u>2012</u>	<u>2011</u>
Receipts per Department Records	\$ 2,042	\$ 460
Add: Deposits in Transit, Beginning of Year	-	-
Less: Deposits in Transit, End of Year	<u>-</u>	<u>-</u>
Deposits Recorded by the Comptroller	<u><u>\$ 2,042</u></u>	<u><u>\$ 460</u></u>
State Appellate Defender Trust Fund - Fund 117		
Receipts per Department Records	\$ 229,435	\$ 187,070
Add: Deposits in Transit, Beginning of Year	-	-
Less: Deposits in Transit, End of Year	<u>-</u>	<u>-</u>
Deposits Recorded by the Comptroller	<u><u>\$ 229,435</u></u>	<u><u>\$ 187,070</u></u>

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES
For the Two Years Ended June 30, 2012

The following is a summary of explanations for significant variations in expenditures. Variations between fiscal years were considered significant if greater than \$10,000 and 20%.

ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS 2012 AND 2011

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

Personal Services, State Contributions to Social Security, Contractual Services, Travel, Commodities, Printing, Equipment, Electronic Data Processing, Telecommunications, Expungement Information Program, Public Defender Training Program, Awards, Grants, Operational Expenses, State Matching Grant Purposes and Permanent Improvements, Operational Expenses and Expenses Related to Federally Assisted Programs to Work on Drug and Violent Crimes Appeals Cases

In Fiscal Year 2012, the appropriation process was changed for operating expenses that were paid from the General Revenue Fund (GRF). The Office of the State Appellate Defender (Office) received appropriations by specific line item rather than via the lump sum appropriation method utilized in Fiscal Year 2011. The Office received Fiscal Year 2012 line item appropriations for General Operations, the Post Conviction Unit and the Violent Crimes Appeals Unit. The Office spent a total of \$19,781,043 from the GRF during Fiscal Year 2011 and a total of \$20,073,663 from the GRF during Fiscal Year 2012, resulting in an overall year to year variance of less than two percent.

CAPITAL LITIGATION TRUST FUND (614)

Expenses Incurred in Providing Assistance to Trial Attorneys Under Item (c)(5) of Section 10 of the State Appellate Defender Act

The Office did not receive an appropriation nor expend funds related to the Capital Litigation Trust Fund during Fiscal Year 2012 due to the abolishment of the death penalty, the closing of the Capital Trial Assistance Unit, and the reduction of staff in the Post Conviction Unit.

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES
For the Two Years Ended June 30, 2012

ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS 2011 AND 2010

GENERAL REVENUE FUND (001) – General Operations

Personal Services, State Contribution to Social Security, Awards, Grants, Operational Expenses, State Matching Grant Purposes and Permanent Improvements, and Operational Expenses

In Fiscal Year 2010, the Office received General Revenue Fund (GRF) line item appropriations for Personal Services, State Contributions to Social Security, Awards, Grants, Operational Expenses, State Matching Grant Purposes and Permanent Improvements, and Operational Expenses. For Fiscal Year 2011, all GRF appropriations were combined into the lump sum appropriation line items of Awards, Grants, Operational Expenses, State Matching Grant Purposes and Permanent Improvements, and Operational Expenses. The Office spent a total of \$20,534,924 from the GRF during Fiscal Year 2010 and a total of \$19,781,043 from the GRF during Fiscal Year 2011, resulting in an overall year to year variance of less than four percent.

STATE APPELLATE DEFENDER FEDERAL TRUST FUND (117)

Refund of Unused Federal Funds to the Illinois Criminal Justice Information Authority

In Fiscal Year 2010, the Office returned a greater amount of unused federal funds to the Illinois Criminal Justice Information Authority due to fewer than anticipated expenditures from a federal grant. During Fiscal Year 2011, the expenditures from the federal grant returned to previously anticipated levels.

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS
For the Two Years Ended June 30, 2012

The following is a summary of explanations for significant variations in receipts. Variations between fiscal years were considered significant if greater than \$1,000 and 20%.

ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2011 AND 2012

General Revenue Fund – 001

Prior Year Refunds

The increase is due to a refund of a duplicate payment from a vendor during Fiscal Year 2012.

State Appellate Defender Federal Trust Fund - 117

U.S. Department of Justice – Illinois Criminal Justice Information Authority (ICJIA)

The increase is due to the timing of grant receipts received from ICJIA. During Fiscal Year 2011, the Office of the State Appellate Defender (Office) requested \$50,000 during the fourth quarter, and due to a delay, those funds were not received by the Office until Fiscal Year 2012.

ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2010 AND 2011

General Revenue Fund – 001

Miscellaneous Receipts

The decrease is due to trade-in rebates totaling \$11,500 received from upgrading copy machines during Fiscal Year 2010. No transactions like this occurred during Fiscal Year 2011.

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING
For the Two Years Ended June 30, 2012

The following is a summary of explanations for significant lapse period spending. Lapse period spending was considered significant if 20% or greater of total expenditures for the fiscal year occurred during the lapse period.

FISCAL YEAR 2012

General Revenue Fund (001)

Equipment

The Office ordered furniture in May 2012 for new staff in the Elgin office that was not fully received, installed, and paid for until the lapse period.

FISCAL YEAR 2011

We did not note any instances of significant lapse period spending during Fiscal Year 2011.

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
ANALYSIS OF OPERATIONS
(NOT EXAMINED)
For the Two Years Ended June 30, 2012

AGENCY FUNCTIONS AND PLANNING PROGRAM

FUNCTIONS

The Office of the State Appellate Defender (Office) 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 his second four-year term, effective January 1, 2012.

The Office is comprised of the following district offices:

Administrative Office State Appellate Defender Michael Pelletier 400 W. Monroe Suite 202 Springfield, Illinois	First District Office Deputy Defender Alan D. Goldberg 203 N. LaSalle 24 th Floor Chicago, Illinois	Second District Office Deputy Defender Thomas A. Lilien One Douglas Avenue Second Floor Elgin, Illinois
Third District Office Deputy Defender Peter A. Carusona 1100 Columbus Street Ottawa, Illinois	Fourth District Office Deputy Defender Karen Munoz 400 W. Monroe Suite 303 Springfield, Illinois	Fifth District Office Deputy Defender Johannah B. Weber 909 Water Tower Circle Mt. Vernon, Illinois

In March 2011, Governor Pat Quinn signed legislation that abolished the death penalty in Illinois. In effect, the Supreme Court Unit, the Capital Trial Assistance Unit, and the Capital Post Conviction Unit offices were closed. The Supreme Court Unit was responsible for handling death penalty cases which were appealed directly from the Circuit Court to the Illinois Supreme Court. The Capital Trial Assistance Unit was to ensure that indigent defendants facing the death penalty received the assistance of zealous, dedicated attorneys, armed with resources adequate to properly investigate and defend their cases at trial and at sentencing. The Capital Post Conviction Unit was responsible for providing trial and appellate representation in capital post-conviction proceedings. Each district office has a Deputy Defender who is responsible for the administration and supervision of that office.

STATE OF ILLINOIS
OFFICE OF THE STATE APPELLATE DEFENDER
ANALYSIS OF OPERATIONS
(NOT EXAMINED)
For the Two Years Ended June 30, 2012

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, 2012 were:

- Thomas M. Breen, Chairman
- Thomas F. 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
(NOT EXAMINED)
For the Two Years Ended June 30, 2012

AVERAGE NUMBER OF EMPLOYEES

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

<u>Division</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Administrative Office	14	14	14
First District Office	121	120	120
Second District Office	26	24	23
Third District Office	19	20	20
Fourth District Office	26	24	26
Fifth District Office	17	17	16
Supreme Court Unit	–	6	7
Capital Post Conviction Unit	8	13	12
Capital Trial Assistance Unit	–	20	23
Expungement Unit	3	3	3
IT Department	5	5	5
Total Average Full-Time Employees	<u>239</u>	<u>266</u>	<u>269</u>

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

Caseload Activity

	<u>2012</u>	<u>2011</u>	<u>2010</u>
Cases Pending at Beginning of Year	4,800	4,685	4,887
<u>Plus Cases:</u>			
Appointed	3,172	3,153	2,928
Re-opened	3	4	4
<u>Less Cases:</u>			
Closed	(3,049)	(3,042)	(3,071)
Consolidated*	-	-	(63)
	<u>4,926</u>	<u>4,800</u>	<u>4,685</u>
Cases Pending at Year-end			
Average Cost per Case Closed**	<u>\$6,587</u>	<u>\$7,490</u>	<u>\$7,535</u>

*The Office stopped tracking the number of consolidated cases in Fiscal Year 2011. The amount of consolidated cases is immaterial to the Office.

**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)
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>2012</u>	<u>2011</u>	<u>2010</u>
Number of Original Briefs	1,747	1,763	1,885
Number of Anders Briefs	476	390	427
Number of Death Penalty Briefs	–	–	3
Motions to Withdraw/Dismiss Filed	520	491	436
Summary Motions Filed	<u>251</u>	<u>174</u>	<u>193</u>
Total	<u><u>2,994</u></u>	<u><u>2,818</u></u>	<u><u>2,944</u></u>