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2018 IL App (3d) 160513-U

Order filed December 14, 2018

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2018

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of the 14th Judicial Circuit, Henry County, Illinois,
Plaintiff-Appellee,)	
v.)	Appeal No. 3-16-0513
SKYLER J. PUCKETT,)	Circuit No. 14-CF-195
Defendant-Appellant.)	Honorable Jeffrey W. O'Connor, Judge, Presiding.

PRESIDING JUSTICE CARTER delivered the judgment of the court.
Justices O'Brien and Schmidt concurred in the judgment.

ORDER

- ¶ 1 *Held:* Circuit court properly imposed fines in resentencing defendant upon revocation of his probation.
- ¶ 2 Defendant, Skyler J. Puckett, appeals following the revocation of his probation for aggravated criminal sexual abuse. He argues that the circuit court's sentencing order is unclear with respect to his monetary obligations and requests that we remand the matter so the circuit court can make a clarification. We find the sentencing order to be clear and therefore reject defendant's request.

¶ 3

I. BACKGROUND

¶ 4

Defendant pled guilty on September 18, 2014, to two counts of aggravated criminal sexual abuse (720 ILCS 5/11-1.60(d) (West 2014)). The circuit court sentenced defendant to a term of 48 months' probation. The sentencing order also imposed \$1000 in fines on each count, a \$200 sexual assault fine, a \$500 sex offender fine, and a number of compensatory fees.

¶ 5

On May 21, 2015, the State filed a petition to revoke defendant's probation, in which it alleged that defendant failed to complete sex offender treatment, failed to complete a substance abuse evaluation, tested positive for cannabis, and was in arrears on his fines and fees. Defendant admitted that he used cannabis in violation of the terms of his probation. The court accepted defendant's admission, revoked his probation, and sentenced him to concurrent terms of three years' imprisonment on both counts. The sentencing order also stated:

“It is further ordered that the defendant shall pay all outstanding monies owed, including \$500.00 probation fees and \$150.00 drug testing fees to the Henry County Circuit Clerk's Office and \$517.92 for a Sex Offender Evaluation, payable to Henry County Court Services.”

A payment status information sheet generated for this appeal shows defendant owing a number of monetary assessments, including those fines imposed by the court's original sentencing order.

¶ 6

II. ANALYSIS

¶ 7

Defendant asserts on appeal that the circuit court's sentencing order upon revocation of his probation “did not expressly impose or reimpose any fines.” He also asserts, however, that “the record of [defendant's] outstanding financial obligations is unclear.” He thus requests that this court remand the matter so the circuit court may enter an order clarifying those obligations.

More specifically, he asks that it be remanded for the circuit court to clarify that it did not impose any fines.

¶ 8 Defendant argues that the clerk-created payment status information sheet, which shows that he still owes certain fines, “illustrates the risk” that the circuit court’s language could be construed as authorizing the imposition of fines. Of course, following our supreme court’s decision in *People v. Vara*, 2018 IL 121823, ¶ 23, the appellate court lacks jurisdiction to review actions taken by the circuit clerk, including the creation of a payment status information sheet. The *Vara* court opined that “[a]ny questions as to the accuracy of the data entries included in the payment status information must be resolved through the cooperation of the parties and the circuit clerk or by the circuit court in a *mandamus* proceeding.” *Id.* ¶ 31. Defendant does not dispute the effect of *Vara*, and insists that he raises the payment status information sheet only for illustrative purposes.

¶ 9 Initially, it is unclear that this court has the authority to grant defendant the relief he seeks. Illinois Supreme Court Rule 615(b), titled “Powers of the Reviewing Court,” states:

“On appeal, the reviewing court may:

(1) reverse, affirm, or modify the judgment or order from which the appeal is taken;

(2) set aside, affirm, or modify any or all of the proceedings subsequent to or dependent upon the judgment or order from which the appeal is taken;

(3) reduce the degree of the offense of which the appellant was convicted;

(4) reduce the punishment imposed by the trial court; or

(5) order a new trial.”

Notably absent from the above list is a remand for the circuit court to explain its own judgment. Moreover, defendant here does not merely seek a remand that would allow the circuit court to clarify its order. Defendant actually urges us to interpret that order—finding that the court did *not* impose any fines—and remand with instructions that the circuit court “clarify” its own order in accordance with our interpretation. Defendant has cited no case law in which such a remedy has ever been applied by the appellate court.

¶ 10 In any event, we need not decide whether such a remedy is feasible, because we find that the circuit court’s sentencing order is clear, and in no need of any further clarification. The order serves to reimpose the fines originally imposed when defendant was first sentenced to probation. The court’s reference to “all outstanding monies owed” is plainly a reference to those fines (and fees) originally imposed at defendant’s first sentencing hearing and still unpaid at the time of resentencing. Indeed, it is unclear what else the phrase “all outstanding monies owed” could refer to, if not defendant’s original monetary assessments.

¶ 11 When a court revokes a defendant’s probation, an entirely new sentence is imposed. *People v. Gazelle*, 165 Ill. 2d 93, 97 (1995). Consequently, when probation is revoked, a defendant is no longer subject to the original conditions of probation, including any monetary assessments. See *People v. Moore*, 2013 IL App (3d) 110474, ¶ 8. Thus, in the present case, defendant would only be obligated to pay the fines in question if the circuit court reimposed them at sentencing upon revocation of probation. Of course, the court did exactly that when it included in its written order the directive that defendant would continue to owe any fines still outstanding at the time of revocation.

¶ 12 In reaching this conclusion, we reject defendant’s reliance on *People v. Warren*, 2016 IL App (4th) 120721-B, and *People v. Larue*, 2014 IL App (4th) 120595. In *Warren*, the circuit

court ordered that the defendant “pay all fines, fees, and costs as authorize by statute.” *Warren*, 2016 IL App (4th) 120721-B, ¶ 55. The Fourth District found that the court’s broad statement served to improperly delegate its power to impose a sentence to the circuit clerk, rather than imposing any specific fines itself. *Id.* ¶¶ 88-89. Similarly, in *Larue*, the circuit court only ordered that the defendant pay “all costs of prosecution.” *Larue*, 2014 IL App (4th) 120595, ¶ 56. The Fourth District found that language did not amount to the specific imposition of fines, and that the court had instead improperly delegated that task to the clerk. *Id.*

¶ 13 Defendant argues that the order in the present case is akin to those in *Warren* and *Larue* in that it is not an “express order” imposing fines. Defendant continues: “If a court fails to expressly specify the financial obligations that it imposes on a defendant, the clerk is left to exercise its [*sic*] own discretion and interpret the court’s order so that he or she can effectuate it.” The court’s sentencing order in this case, however, did not afford the clerk any discretion. While it is true that the order itself did not contain a list of imposed fines, it implicitly referenced an existing document—defendant’s original probation order—that did list a number of imposed fines. The court clearly indicated that those fines would be reimposed, less any payments that he had made to that point. The clerk was given no discretion in the matter, and the court did not delegate its power to impose fines as part of defendant’s sentence.

¶ 14 III. CONCLUSION

¶ 15 The judgment of the circuit court of Henry County is affirmed.

¶ 16 Affirmed.