

NOTICE
Decision filed 10/17/18. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2018 IL App (5th) 150264-U

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

NO. 5-15-0264

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Saline County.
)	
v.)	No. 14-CF-334
)	
SHANNON Z. HALE,)	Honorable
)	Walden E. Morris,
Defendant-Appellant.)	Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Presiding Justice Barberis and Justice Cates concurred in the judgment.

ORDER

¶ 1 *Held:* Because, pursuant to the ruling of the Illinois Supreme Court in *People v. Vara*, 2018 IL 121823, we lack jurisdiction to consider the defendant’s contention that the circuit clerk of Saline County improperly levied assessments against the defendant, as reflected on a payment status information sheet with which the defendant has supplemented the record on appeal, we dismiss the defendant’s appeal.

¶ 2 The defendant, Shannon Z. Hale, contends in this direct appeal that the circuit clerk of Saline County improperly imposed fines against him that could be imposed only by an order of the circuit court, and takes issue with the amounts of certain permissible assessments against him, also computed by the circuit clerk. All of the assessments with which he takes issue are itemized on a payment status information sheet certified by the circuit clerk after this appeal was

initiated. We allowed the defendant to supplement the record on appeal with that document. For the following reasons, we now dismiss the defendant's appeal.

¶ 3

FACTS

¶ 4 Following a jury trial, the defendant was convicted of two counts of aggravated battery. He was subsequently sentenced to five years in the Illinois Department of Corrections on each count, to be served concurrently, followed by two years of mandatory supervised release. Although at sentencing the trial judge did not specify the fines, fees, or costs to be imposed, he stated from the bench that the defendant was to "pay all statutorily mandated fines, fees, and costs," and was to "be given credit for time served." In the written judgment and sentence, which was entered on June 8, 2015, there likewise was no listing of fines or fees, although the defendant was ordered to pay "court costs" and was awarded presentence detention credit for 169 days. No other court order exists that specifies fines, fees, or costs to be imposed upon the defendant.

¶ 5 The defendant filed a timely notice of appeal and thereafter requested and received from this court permission to supplement the record on appeal with a document certified by the Saline County circuit clerk and captioned as "Payment Status Information." The document purports to assess 20 charges against the defendant, in the total amount of \$1435.20, itemized on the document as follows: (1) Clerk - \$120, (2) State's Attorney - \$50, (3) Sheriff - \$223, (4) Court - \$50, (5) Automation - \$50, (6) Judicial Security - \$50, (7) Witness Fees - \$104, (8) Document Storage - \$50, (9) Medical Costs - \$10, (10) DNA Identification - \$250, (11) Lump Sum Surcharge - \$25, (12) Clerk Op Deduction - \$0.25, (13) Drug Court - \$4.75, (14) Child Advocacy Fee - \$10, (15) SA Collections - \$331.20, (16) State Police Ops - \$50, (17) SA Automation Fee - \$2, (18) Probation Ops Fee - \$10, (19) ISP Merit Board - \$15, and (20) CASA - \$30. In his briefs on appeal, the defendant takes issue with some of these assessments, in most

cases contending they are improper fines rather than permissible fees or costs, but also contesting the amounts, computed by the circuit clerk, of certain permissible assessments. He does not contest his conviction and sentence, aside from the disputed assessments.

¶ 6

ANALYSIS

¶ 7 On June 1, 2018, the Illinois Supreme Court filed its ruling in *People v. Vara*, 2018 IL 121823. On September 24, 2018, the Illinois Supreme Court denied the defendant’s petition for rehearing therein. In *Vara*, the Illinois Supreme Court held that this court does not have jurisdiction to consider the appeal of a defendant who does not contest his or her conviction and sentence, but instead attacks only monetary assessments levied by the circuit clerk, as reflected on a payment status information sheet with which the defendant has supplemented the record on appeal. *Id.* ¶¶ 20, 23. The *Vara* court reasoned that “[t]he recording of a fine is a clerical, ministerial function,” rather than a judgment, and that accordingly “the improper recording of a fine is not subject to direct review by the appellate court.” *Id.* ¶ 23. The *Vara* court also ruled that it was improper for this court to allow the defendant to supplement the record on appeal with the payment status information sheet, because the sheet “is not part of the common-law record or the report of proceedings of [the] defendant’s criminal prosecution” and does not constitute a permissible supplemental record under the relevant Illinois Supreme Court rules. *Id.* ¶ 22. The *Vara* court ultimately ruled that the defendant’s appeal must be dismissed for lack of jurisdiction. *Id.* ¶ 30.

¶ 8 Factually, the case at bar is in relevant part virtually identical to *Vara*. Like *Vara*, it involves a defendant who challenges, on appeal, not his conviction or sentence but only monetary assessments levied against him, and on the basis only of a payment status information sheet that was certified by the circuit clerk and was added by the defendant, with this court’s

permission, to the record on appeal as a supplement. Accordingly, we find the case at bar to be controlled by *Vara*, which dictates that we must dismiss this appeal for lack of jurisdiction.

¶ 9

CONCLUSION

¶ 10 For the foregoing reasons, we dismiss the defendant's appeal. We note, however, that the *Vara* court pointed out that a defendant who wishes to challenge assessments made by the circuit clerk via a payment status information sheet is not without a remedy: "Any 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.

¶ 11 Appeal dismissed.