No. 122495

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, -vs- DENNIS CLARK Defendant-Appellant	)))))))))))	Appeal from the Appellate Court of Illinois, No. 1-15-0740. There on appeal from the Circuit Court of Cook County, Illinois , No. 13 CR 21421. Honorable Rickey Jones, Judge Presiding.

REPLY BRIEF FOR DEFENDANT-APPELLANT

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REPLY BRIEF FOR DEFENDANT-APPELLANT

The appellate court erroneously held the following charges are fees and are therefore not subject to offset by Dennis Clark's $5 per day presentence incarceration credit: $2 Public Defender Records Automation; $2 State's Attorney Records Automation; $190 Felony Complaint Filed, (Clerk); $15 Automation (Clerk); and $15 Document Storage (Clerk).

The question before this Court is whether a charge that has a theoretical compensatory purpose is a fee when it is clear that the charge either demonstrates a prospective purpose, was intended to also fund various non-criminal expenses, or was a means to keep sales and property taxes down. It is the State's position that if an assessment has any compensatory purpose, it is a fee. Clark's position is that when an assessment contains any of the attributes mentioned above, or a combination thereof, even if it has a nominal compensatory purpose, the assessment is a fine because it was not actually intended to reimburse for a cost of prosecution. See *e.g.*, *People v. Camacho,* 2016 IL App (1st) 140604, ¶¶ 50, 56, *citing People v. Jones*, 223 Ill. 2d 569, 600 (2006) (charges containing a prospective

purpose are fines and do not reimburse the state for a cost of prosecution). As the Illinois Statutory Court Fee Task Force, which is composed of bipartisan representation from all three branches of Illinois government, has found, "[a]ssessments imposed for a particular purpose should be limited to the types of court proceedings that are related to that purpose[and m]onies raised by assessments intended for a specific purpose should be used only for that purpose." See Statutory Court Fee Task Force, *Illinois Court Assessments: Findings and Recommendations for Addressing Barriers to Access to Justice and Additional Issues Associated With Fees and Other Court Costs in Civil, Criminal, and Traffic Proceedings*, at 32, (June 2016), http:www. illinoiscourts.gov/2016_Statutory_ Court_Fee_ Task_Force_ Report.pdf., [hereinafter "Statutory Court Fee Task Force"]. All of the charges in this case embody noncompensatory purposes.

The State concedes that the assessments at issue are mandatory, contingent upon conviction, generate general revenue, and can be used for purposes unrelated to criminal prosecutions – all of which, according to the State, "may suggest a charge is noncompensatory". (St. Br. 6-13) The State, however, looks at these factors in isolation to argue that each factor individually does not rebut its interpretation of a nominal compensatory purpose, and essentially asks this Court to ignore these attributes and end its analysis after only considering the State's own interpretation. (St. Br. 6-13) These factors must be considered when analyzing whether a charge is a fine or a fee. Indeed, this Court has repeatedly stated that contingency upon conviction and to whom payment is made are factors considered when making such a determination. *Jones*, 223 Ill. 2d at 600; *People v. Graves*, 235 Ill. 2d 244,

251 (2009). Moreover, "in determining the intent of the legislature, th[is C]ourt may properly consider not only the language of the statute, but also the reason and necessity for the law, the evils sought to be remedied, and the purpose to be achieved." *In re Detention of Lieberman*, 201 Ill. 2d 300, 308 (2002).

The State asserts that in determining whether a charge is a fine or a fee, it does not matter if an assessment generates general revenue for the county, or if the revenue generated is not earmarked to defray the cost of prosecution it theoretically recoups. (St. Br. 10-13) To determine if the purpose of a charge was intended to be compensatory, it is essential to consider how the legislature has allocated the use of funds generated by an assessment. Indeed, such consideration would be a consistent extension of this Court's analysis in *Jones* and *Graves*, which considered to whom payment is made. *Jones*, 223 Ill. 2d at 600; *Graves*, 235 Ill. 2d at 251.

The State's hypothetical regarding the imposition of an electricity charge is a perfect example of why this Court should follow the money generated by an assessment in determining the legislature's true intent. (St. Br. 11) If the money is not followed to the extent that it can be, the legislature can essentially act under the guise that a charge is compensatory, when it is actually intended for other purposes, thereby revealing its noncompensatory, punitive nature. See Statutory Court Fee Task Force, *supra* p. 2, at 18 ("[T]here must be a mechanism to ensure that the system does not impose unreasonable financial obligations to fund other governmental services, and that court assessments are not simply an alternate and hidden form of taxation.").

To the extent that the authorizing statutes can be construed as having both a nominally compensatory purpose, as well as clear noncompensatory, *i.e.* punitive, purposes, they are ambiguous and the rule of lenity should apply. When construing criminal statutes, the rule of lenity requires that any ambiguity must be resolved in the manner which favors the accused, but it "must not be stretched so far as to defeat the legislature's intent." *Jones*, 223 Ill. 2d at 581; *People v. Gutman*, 2011 IL 110338, ¶ 12. Finding the charges at issue to be fines does not defeat the legislature's intent because the charges can continue to be assessed to finance non-criminal aspects of the court system and generate general revenue. It simply means that they will be offset by a defendant's presentence credit[1] and that the financing of Illinois Courts will not fall on the backs of criminal defendants, who are primarily indigent and lack the resources to provide such financing. See *People v. Perez*, 2014 IL 115927, ¶ 9 (courts may consider the consequences of construing a statute one way or another); Caroline Wolf Harlow, Bureau of Justice Statistics,

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[1] Enrolled House Bill 4594, which creates the Criminal and Traffic Assessment Act to consolidate monetary assessments imposed in criminal cases was passed in both the House and Senate and sent to the Governor on June 29, 2018. 100th Ill. Gen Assem., House Bill 4594, 2018 Sess.; see Bill Status of House Bill 4594, http://www.ilga.gov/legislation/BillStatus.asp?DocNum=4594&GAID=14&DocTypeID=HB&LegId=109548&SessionID=91&GA=100#actions. While H.B. 4594 repeals the statutes at issue in this case, it specifically incorporates the Automation (Clerk), Document Storage (Clerk), Public Defender Records Automation, and State Attorney Records Automation charges in the scheduled assessments, to which presentence credit applies. See 100th Ill. Gen Assem., House Bill 4594, 2018 Sess. (proposed eff. July 1, 2019) art. 5, §5-20 (Credit; Time Served; Community Service); art. 15 (Assessment Schedules); art. 905, §905-43(repealing 55 ILCS 5/3-4012 (Public Defender Records Automation), 55 ILCS 5/4-2002.1 (State's Attorney Records Automation)); art. 905,§905-27 (repealing 705 ILCS/27.2a (Felony Complaint Filed), 705 ILCS 27.3a (Automation (Clerk)), 705 ILCS 27.3c (Document Storage Clerk))), http://www.ilga.gov/legislation/100/B/PDF/10000HB4594eng.pdf.

U.S. Dept. of Justice, Defense Counsel in Criminal Cases (Nov. 2000), https://www.bjs.gov/content/pub/ pdf/dccc.pdf (more than 80% of criminal defendants charged with felonies in State courts are indigent); Statutory Court Fee Task Force, *supra* p. 2, at 34. ("it is unjust and unwise to burden indigent criminal defendants with court assessments that are beyond their ability to pay and that create a disproportionate and counterproductive barrier to their reentry into society.").

(a) Public Defender Records Automation - Response to State's Issue (II)(E)

The State concedes that Public Defender Records Automation charge is a fine. (St. Br. 23); (Op. Br.11-16)

(b) State's Attorney Records Automation - Response to State's Issue (II)(D)

The State argues that the State's Attorney Records Automation charge is a fee because it seeks to recoup a cost incurred in every criminal prosecution, (St. Br. 21), however, it completely ignores that the legislature has designated that the assessment be used for record automation systems generally. (Op. Br. 17) The State, like the appellate court in *People v. Reed,* upon which it relies, apparently assumes that this charge only funds the automated record keeping systems related to criminal prosecutions. (St. Br. 21), *citing Reed*, 2016 IL App (1st) 140498, ¶ 16. The State's Attorney's function, however, is not limited to prosecuting criminal cases. The State's Attorney "defends county office holders and employees in lawsuits," litigates civil matters (such as medical, civil rights, labor and employment, worker's compensation, and real estate taxation matters),

and initiates cases seeking delinquent child support payments – none of which is related to criminal prosecutions. See *Cook County State's Attorney Civil Actions Bureau*, https://www. cookcountystatesattorney.org/ civil-actions-bureau (last accessed June 28, 2018). Because the legislature has not designated that the records automation charge collected in criminal cases be used for the automation of records related to criminal prosecutions, but instead for the automated record keeping systems of State's Attorney's office generally, this charge is not compensatory. Moreover, the fact that this charge is not assessed against unsuccessful civil litigants and is only imposed upon conviction of criminal defendants establishes that it is punitive.

While the State argues that this charge is compensatory because it funds hardware, software, and personnel, it concedes that the legislature's designation of expenditures for research and development of automated record keeping systems "do[es] not necessarily compensate the State's Attorney" for costs of prosecution. (St. Br. 22) The State tries to draw a distinction between the purpose of imposing a charge and the allocation of proceeds from the charge, claiming that the latter is simply a "budgetary decision" and not reflective of the purpose of the charge. (St. Br. 22) The legislature's allocation of funds, however, is essential to determining its purpose. See *Camacho,* 2016 IL App (1st) 140604, ¶¶ 50, 56, *citing Jones,* 223 Ill. 2d at 600 (because the State's Attorney Records Automation charge contains a prospective purpose unrelated to a cost of prosecution, it is a fine); see Statutory Court Fee Task Force, supra p. 2.

In addition, the State's concession supports Clark's argument that the statute

is ambiguous. Clark maintains that this charge was not intended to reimburse the State for a cost of prosecution. However, insofar as this statute can be construed to have a nominally compensatory purpose as well as apparent noncompensatory purposes, under the rule of lenity, this Court should find that it is offset by a defendant's presentence credit. See *supra* pp. 4-5. Finding the State's Attorney Records Automation charge to be a fine is consistent with the legislature's intent; the State's Attorney will continue to receive funding through this charge to finance their various record keeping systems, whether they be current or future systems. It would simply mean that a defendant's presentence credit would be used to satisfy this fine.

(c) Felony Complaint Filed, (Clerk) - Response to State's Issue (II)(B)

The State argues the legislative history of the statute authorizing the Felony Complaint charge establishes that it is based on the approximate cost of handling felony complaints. (St. Br. 16), *citing* 87th Ill. Gen. Assem., House Proceedings, June 28, 1991, at 79-80 (statements of Rep. Lechowicz). Notably, the legislative history the State relies on is from 1991 when the charge was initially enacted and was a flat rate of $125, rather than the legislative history of the statutory amendment allowing counties to charge up to $190 - the version of the statute applicable in this case. 705 ILCS 105/27.2a(w)(1)(A) (1992); 705 ILCS 105/27.2a(w)(1)(A) (2002).

Even assuming *arguendo* that the $125 Felony Complaint Filed charge had a compensatory purpose in 1991, it is clear that in 2001 when the legislature

amended the statute to allow a maximum amount of $190 to be charged, it was simply a means of passing a hidden tax under the guise of being a fee. As the remarks at the legislative debates addressed in Clark's opening brief establish, the increase in this charge was intended to finance the court system as a whole, generate general revenue for the affected counties, and reduce sales and real estate taxes in those counties. (Op. Br. 22-24) In fact, Senator Dillard, the Senate sponsor of the bill that increased the charge "admit[ted]...that perhaps not all of the money is going to go back to the judiciary" and that this legislation was "just trying to give local governments the tools to hold down real estate taxes." 92nd Gen. Assem., Senate Proceedings, November 15, 2001, at 10-11, 14 (statements of Senator Dillard); 92nd Gen. Assem., Senate Proceedings, November 28, 2001, at 100 (statements of Senator Dillard).

The State argues that the legislature's comments that assessing the increased filing charge, which allows "them to spend their limited tax dollars on other matters or even reduce taxes," "recoup[s]...from... defendants the clerk's costs incurred during defendants' prosecutions" and does not "indicate a punitive intent." (St. Br. 18), *citing* 92nd Gen. Assem., Senate Proceedings, Nov. 28, 2001, at 100 (statements of Senator Dillard). Nowhere in the legislative history is there any discussion that the actual cost of "handling felony complaints," as the State calls it, had gone up, such that the increase reflected the legislature's intent to recoup the costs incurred by the Clerk's office. (St. Br. 16) It is clear from the legislative remarks that allowing the counties to charge up to $190 (an additional $65) was simply to finance the judiciary as a whole and to pay for court security and metal

detectors, which is funded by another assessment and is therefore not related to the purpose of recovering costs.[2] (Op. Br. 23), *Carter v. City of Alton*, 2015 IL App (5th) 130544, ¶ 26 ("To the extent that cities receive funds from fees charged by the State, fees that duplicate those funds are not reasonably related to the purpose of recovering costs.").

Finally, the State argues that because the legislature repeatedly used the words fee and cost in the statute authorizing the Felony Complaint Filed charge, it is a fee. (St. Br. 16) In support of its argument, the State cites *Jones* for the proposition that fees and costs are synonymous. (St. Br. 16), *citing Jones*, 223 Ill. 2d at 582, n.1. As this Court has made clear, labels used by the legislature is not controlling and cannot overcome the actual attributes of the charge. *Jones*, 223 Ill. 2d at 599-600. Moreover, the footnote in *Jones* to which the State cites does not support the its position. It was because the facts of *Jones* did not require this Court to differentiate between a fee and a cost, that this Court referred to both as fees. *Jones*, 223 Ill. 2d at 582, n.1. This case, however, requires this Court to provide clarification as to what is a fee and what is a cost.

Even if this Court were to accept the State's argument that the Felony Complaint Filed charge has a nominal compensatory purpose, the rule of lenity requires that this Court find the assessment to be a fine because it also has punitive, noncompensatory purposes. See *supra* pp. 4-5.

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[2] See *e.g.*, 55 ILCS 5/5-1103 (authorizing charge to defray court security expenses incurred by the sheriff).

(d) Automation (Clerk) - Response to State's Issue (II)(c)

The State argues that the plain language of the Automation (Clerk) statute has an "expressly compensatory purpose" to recoup the cost of maintaining various automated record keeping systems used by the circuit court in every case. (St. Br. 18-19), *citing People v. Tolliver,* 363 Ill. App. 3d (1st Dist. 2006), *People v. Brown*, 2017 IL App (1st) 142877; *People v. Brown*, 2017 IL App 150146; *People v. Heller*, 2017 IL App (4th) 140658.[3] The State, however, gives short shrift to the fact that the legislature explicitly stated that the fee be charged in cases that are not yet automated, but have been approved for automation by the county board. (St. Br. 18-19); 705 ILCS 105/27.3a ("Such fee shall be paid..., provided the case category for which the fee is charged is automated or has been approved for automation by the county board...."). The State argues this "language is of a bygone era; there are no such cases any more, nor have there been for years." (St. Br. 19) While the State's argument might merit the attention of the legislature, this language is part of the statute, and the statute must be construed as is.

Despite arguing that the plain language of the statute evidences a compensatory purpose, the State nevertheless resorts to legislative history regarding House Bill 2327, which increased the Automation (Clerk) charge to $25, and argues that the purpose of the charge was "simply 'for automated record keeping,' rather than for automating wholly unautomated courts." (St. Br. 19-20), *citing* 98 Gen. Assem., Senate Proceedings, Nov. 7, 2013, at 39-40 (statements of Sen. Hutchinson).

[3] Clark anticipated the State's reliance on *Tolliver*, *Brown, Brown*, and *Heller*, and addressed these cases in his opening brief. (Op. Br. 30).

The State's argument is flawed. Even if at one time the Automation charge was used to fund existing systems, the legislative history for the increased charge assessed in this case reveals that it was intended for a prospective purpose – funding automation systems not yet in place. The State essentially concedes this point, acknowledging that "the increase...may [have] be[en] motivated in part by the need to fund new and better automated record keeping systems[.]" (St. Br. 20)

Notwithstanding, the State argues that "the purpose of the [Automation charge] itself remains to recoup the cost of the use of existing record keeping systems in every defendant's case." (St. Br. 20) To determine the legislature's intent, which changed the maximum collectable amount to $25, it is essential to consider what necessitated the increase. *In re Detention of Lieberman*, 201 Ill. 2d at 308 (to determine legislative intent, in addition to the language of the statute, the court may consider the reason and necessity for the law and the purposes to be achieved). As the debates clearly demonstrate, the legislative purpose of the charge assessed in this case was to develop new systems. (Op. Br. 29) By the very nature that these automated record keeping systems were not yet in existence, it cannot be a cost incurred in the prosecution. Indeed, in the context of the State's Attorney Records Automation charge, the State concedes that research and development costs "do not necessarily compensate" for costs of prosecution. (St. Br. 22) Insofar as the Automation charge was intended to fund new automated record keeping systems, it has a prospective purpose that does not recoup a cost of prosecution. See *Camacho,* 2016 IL App (1st) 140604, ¶¶ 50, 56, *citing Jones,* 223 Ill. 2d at 600 (charges containing a prospective purpose do not reimburse the State for a cost of prosecution).

The State relies on *Carter* and *Graves* to support its contention that "the court automation charge is unlike other charges that, although related to a potential cost of prosecution, are actually fines because their imposition is mandated in cases that do not incur that cost. (St. Br. 20), *citing People v. Carter,* 2016 IL App (3d) 140196, ¶ 56; *Graves*, 235 Ill. 2d at 252. Neither *Carter*, nor *Graves* was called upon to analyze a statute authorizing the mandatory assessment of a charge in both civil and criminal cases. As the authorizing statute is written, there is no limitation on the use of funds collected in criminal cases. Thus, this charge can be used entirely to fund the automation of civil records, which is noncompensatory and has nothing to do with criminal prosecutions.

The State suggests that Clark is arguing that this charge is not compensatory because the proceeds from it are not limited to "record keeping automation costs specific to a defendant's particular case." (St. Br. 20) Clark never advanced such a narrow position. Rather, Clark argued that if the legislature intended the Automation (Clerk) charge to be compensatory, then it would have limited funds collected in criminal cases for the purpose of automating records in criminal cases. (Op. Br. 29-30)

The State contends that the legislature's failure to earmark funds collected from the Automation (Clerk) charge for a particular purpose "reveals the legislature's budgeting priorities, not its lack of compensatory intent, especially where, as here, the statutory language contains an express statement of such intent." (St. Br. 20) Contrary to the State's argument, where the legislature intends that a records automation charge be used for a specific purpose, it has indicated so. Indeed, the

legislature has limited the purpose of the automation charge collected in delinquent *property tax sales* to the automation of *property tax records*, and the purpose of the automation charge collected in delinquent *mobile home tax sales* to the automation of *mobile home tax records* – and this is despite the fact that both of these charges are deposited into the same fund. See 35 ILCS 200/21-245; 35 ILCS 516/180. Notably, this same argument was made in Clark's opening brief, but the State did not respond to it. (Op. Br. 29-30) The legislature's failure to designate the Automation (Clerk) charge collected in criminal cases for use in automating criminal records, in addition to the prospective purpose of the increased Automation charge, establish that it is a noncompensatory fine that simply furthers the State's interest in financing the court system as a whole.

Even assuming *arguendo* that the Automation (Clerk) charge can be construed to have a nominal compensatory purpose, it indisputably contains noncompensatory attributes, which reflects a punitive purpose. Thus, under the rule of lenity, this Court should find that it is a fine. See *supra,* pp. 4-5. Finding this assessment to be a fine would be consistent with the legislature's intent, as this charge can continue to be assessed to finance various automated record keeping systems of the Clerk's office. It simply means that this charge will be offset by a defendant's presentence credit, and that criminal defendants, most of whom are indigent, will not be forced to provide funding for purposes unrelated to criminal prosecutions.

(e) Document Storage (Clerk) - Response to State's Issue (II)(A)

The State argues that the plain language of Document Storage (Clerk) statute

has a "clear compensatory purpose" to compensate the county for the cost of storing the records of defendants' prosecutions in the current document storage system, as well as the cost of the planned conversion of defendants' records to a new document storage system. (St. Br. 15) The State's entire argument reads into the authorizing statute language that is simply not there – that the charge imposed against criminal defendants is for the storage of criminal records.

Based on its misreading of the statute, the State contends that "[b]ecause the cost of maintaining defendants' records is a 'collateral consequence' of prosecution, the document storage charge to recoup that cost from the defendant is compensatory." (St. Br. 14), *citing People v. Brown,* 2017 IL App (1st) 142877, and *People v. Tolliver*. 363 Ill. App. 3d 94 (1st Dist. 2006).[4] If this charge was intended to be a fee, then when collected in criminal cases it would only be used for storage of documents related to criminal prosecutions, and when collected in civil cases it would only be used for storage of civil documents. "A charge is a fee *if and only if* it is intended to reimburse the state for some cost incurred in defendant's prosecution." *Jones*, 223 Ill. 2d at 600 (emphasis added). And a fee is defined as "a charge or payment for labor or services." Black's Law Dictionary 732 (10th ed. 2014). Thus, if this assessment was truly a fee, it could not be assessed in criminal cases to provide funding for labor and services in noncriminal cases, which is exactly what it does. Indeed, the designated use of this charge is for "*any cost relative to the storage of court records." 705 ILCS 105/27.3c (emphasis added).*

[4] Clark rests on his opening brief with regard to the deficiencies in *Brown* and *Tolliver*. (Op. Br. 34)

Given that there is nothing in the statute preventing the use of this charge to finance the storage of civil documents, it is a fine, not a fee.

The State admits that the proceeds of the Document Storage charge are allocated for "a more general use," but claims that was merely a budgetary decision that the legislature made. The State's argument is without merit. This was not a budgetary decision of the legislature. The money collected from the Document Storage charge in civil and criminal cases could be deposited into a single court document storage fund, but designated for different purposes. See, e.g. 35 ILCS 200/21-245; 35 ILCS 516/180, *supra* at pp. 12-13. The legislature's failure to designate different purposes for the Document Storage charge imposed in civil and criminal cases for the storage of those respective records establishes that this assessment is noncompensatory.

Finally, another indication that this charge is not compensatory is the fact that the statute authorizing the Document Storage charge is to be used to pay for research and development of document storage systems. 705 ILCS 105/27.3c; (Op. Br. 32-33) Although the State admits in the context of the State's Attorney Records Automation charge that research and development costs "do not necessarily compensate" for costs of prosecution, it does not address the identical prospective purpose of the Document Storage charge.(St. Br. 22) Insofar as this assessment was intended to have a prospective purpose, it does not reimburse the State for a cost of prosecution. See *Camacho,* 2016 IL App (1st) 140604, ¶¶ 50, 56, *citing Jones,* 223 Ill. 2d at 600 (charges containing a prospective purpose do not reimburse the state for a cost of prosecution).

Even assuming *arguendo* that this charge could be construed as having a nominal compensatory purpose, the reality remains that it also serves noncompensatory purposes, which reveals a punitive intent. Thus, under the rule of lenity, this Court should find that it is a fine. See *supra* pp. 4-5. Again, finding this charge to be a fine does not defeat the legislature's intent to fund various document storage systems within the Clerk's office. It simply means that it will be offset by a defendant's presentence credit and that criminal defendants will not have to provide funding for noncompensatory purposes.

(f) Conclusion

A review of the authorizing statutes at issue in this case, as well as their legislative history, reveals that the Public Defender Records Automation, State's Attorney Records Automation, Felony Complaint Filed (Clerk), Automation (Clerk) and Document Storage (Clerk) charges are fines, despite being labeled as fees. With the exception of the Felony Complaint Filed (Clerk) charge, all of the charges in this case contain prospective purposes, which by the very nature of being prospective do not recoup costs of prosecution. None of the charges are limited to expenses incurred in criminal prosecutions and instead provide general funding to the respective offices that can be used for purposes entirely unrelated to criminal prosecutions. Accordingly, this Court should find that these charges are fines.

Even if this Court were to find that the statutes have a nominal compensatory purpose, they are also punitive in nature as they require defendants to also provide financing for noncompensatory purposes. Thus, insofar as these statutes can be

construed as having dual purposes, this Court should apply the rule of lenity to find that they are fines subject to offset by the defendant's presentence credit.

CONCLUSION

For the foregoing reasons, Dennis Clark, defendant-appellant, respectfully requests that this Court reverse the appellate court's decision and find that the following assessments are fines, subject to offset by Clark's presentence incarceration credit: $2 Public Defender Records Automation; $2 State's Attorney Records Automation; $190 Felony Complaint Filed (Clerk); $15 Automation (Clerk); and $15 Document Storage (Clerk).

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Sharifa Rahmany, certify that this reply brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this reply brief, excluding pages containing the Rule 341(d) cover and the Rule 341(c) certificate of compliance is 17 pages.

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IN THE

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PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 1-15-0740.
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DENNIS CLARK	)	Honorable Rickey Jones, Judge Presiding.
Defendant-Appellant	)	

NOTICE AND PROOF OF SERVICE

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On July 13, 2018, the Reply Brief was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Reply Brief to the Clerk of the above Court.

/s/Carol Chatman
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