NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 260882-U

NO. 4-26-0882

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 16, 2026
Carla Bender
4th District Appellate
Court, IL

In re S.S., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Sangamon County
Petitioner-Appellee,	)	No. 25JD144
v.	)	
S.S.,	)	Honorable
Respondent-Appellant).	)	Karen S. Tharp,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Lannerd and Vancil concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed the trial court's judgment but modified the commitment order to reflect a maximum commitment of five years in the Illinois Department of Juvenile Justice. The appellate court lacked jurisdiction to review respondent's contention that the circuit court clerk imposed a fee in violation of the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2024)).

¶ 2 Respondent, S.S., appeals from an order committing him to the Illinois Department of Juvenile Justice (DJJ) for a maximum of seven years following the revocation of his probation in his juvenile delinquency proceedings for unlawful possession of a firearm. On appeal, he argues that (1) the trial court erred in imposing a maximum term of seven years, as it improperly exceeded the statutory maximum sentence and (2) the imposition of a $50 fee by the circuit court clerk to prepare the record on appeal violated the statutory prohibition on imposing fines and assessments on minors. For the reasons that follow, we affirm the trial court's judgment but modify the commitment order to reflect a maximum commitment of five years.

¶ 3 I. BACKGROUND

¶ 4 On August 5, 2025, the State filed a petition in this case, Sangamon County case No. 25-JD-144, to adjudicate 17-year-old respondent delinquent, alleging that he (1) possessed a stolen firearm (720 ILCS 5/24-3.8 (West 2024)), (2) unlawfully possessed a firearm without a firearm owner's identification (FOID) card (430 ILCS 65/2(a)(1) (West 2024)), and (3) possessed with the intent to deliver "more than 30 [*sic*] grams but less than 500 grams of a substance containing cannabis" (720 ILCS 550/5(d) (West 2024)). On September 16, 2025, the trial court adjudicated respondent delinquent based on the second allegation in the petition, a Class 3 felony, and ordered a one-year period of probation.

¶ 5 On April 13, 2026, the State filed a petition to revoke respondent's probation based on allegations filed in Sangamon County case No. 26-JD-47 that he possessed two stolen firearms (720 ILCS 5/24-3.8 (West 2024)), committed burglary causing damage (720 ILCS 5/19-1(a) (West 2024)), and committed theft of goods over $500 (720 ILCS 5/16-1(a)(1)(A) (West 2024)), each Class 2 felonies. The State alleged that respondent entered Scheels without authority, broke several clothes hangers and a firearm display, and stole three bicycles, firearm ammunition, backpacks, clothing, and firearms, and was later found in possession of stolen firearms. In that case, on April 14, 2026, respondent entered into a negotiated plea to the offenses of possession of a stolen firearm and burglary causing damage. That same day, the trial court entered an order in this case, finding that respondent violated his probation by committing the offenses in case No. 26-JD-47.

¶ 6 On May 12, 2026, the trial court held a joint sentencing hearing in both of respondent's pending cases. The court ultimately sentenced respondent to be committed to the DJJ in both cases. The court noted that the highest felony class in the offenses at issue was a Class 2, and therefore the maximum term was seven years, though respondent "cannot stay [in the DJJ]

past his 21st birthday no matter what." The court explained to respondent that his sentence to the DJJ was indeterminate, and the DJJ would determine when he would be released. The court then entered an order sentencing respondent to a maximum commitment of seven years in the DJJ for the underlying Class 3 felony in this case.

¶ 7 On May 28, 2026, respondent filed a motion to reconsider his sentence, arguing only that the trial court failed to adequately consider mitigating evidence. The court denied the motion on July 7, 2026.

¶ 8 Respondent filed a notice of appeal on July 30, 2026, and an amended notice of appeal on August 5, 2026. On August 5, 2026, respondent received a letter from the clerk of the circuit court notifying him that he had to pay $50 to prepare the record for transmittal to the appellate court. Respondent sent a check for $50 to the circuit clerk on August 24, 2026.

¶ 9 II. ANALYSIS

¶ 10 On appeal, respondent argues that (1) the trial court erred in ordering a maximum commitment of seven years in the DJJ, as it improperly exceeded the statutory maximum sentence and (2) the imposition of a $50 fee to prepare the record on appeal violated the statutory prohibition on imposing fines, fees, and assessments on minors.

¶ 11 A. Sentence

¶ 12 The State concedes on appeal that the seven-year commitment imposed in this case following the revocation of respondent's probation exceeds the statutory maximum.

¶ 13 Under section 5-750(3) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/5-750(3) (West 2024)), when a minor is ordered committed to the DJJ, the commitment "shall be for an indeterminate term which shall automatically terminate upon the delinquent attaining the age of 21 years or upon completion of that period for which an adult could be committed for the same

act, whichever occurs sooner." The statute directs the court to "include in the sentencing order a limitation on the period of confinement not to exceed the maximum period of imprisonment the court could impose under Chapter V of the Unified Code of Corrections." 705 ILCS 405/5-710(7) (West 2024).

¶ 14 In this case, respondent was adjudicated delinquent for unlawfully possessing a firearm without a FOID card (430 ILCS 65/2(a)(1) (West 2024)), which is a Class 3 felony. Under chapter V of the Unified Code of Corrections (Code), an adult may be sentenced to a maximum of five years of imprisonment for a Class 3 felony. 730 ILCS 5/5-4.5-40(a) (West 2024). Therefore, under the respective sections of the Code and the Act, the limitation on respondent's period of confinement in the DJJ should be five years, not seven. The trial court's imposition of a seven-year limitation in this case was therefore unlawful. See *In re K.S.*, 354 Ill. App. 3d 862, 863 (2004) ("[S]ection 5-710(7) prohibits the commitment of a juvenile offender to the [DJJ] for a period greater than the maximum adult sentence for the same offense."). The court noted in its ruling that the "highest" class felony at issue was a Class 2 felony. However, as the State admits, the Class 2 felonies arose in a different case and do not affect the sentence that the court could impose in this case.

¶ 15 Respondent acknowledges he did not raise this issue in the trial court, resulting in its forfeiture. However, he contends this forfeiture could be excused and the issue reviewed for plain error or ineffective assistance of counsel. Respondent also admits this error will not affect the actual length of his commitment, as he has already been released from custody, and even if he had not already been released, he would have aged out of the juvenile court's jurisdiction three years after the sentencing hearing. However, the State concedes error, does not argue the issue is forfeited or moot, and in fact agrees that this court may modify the commitment order pursuant to

Illinois Supreme Court Rule 615(b) (eff. Jan. 1, 1967) to reflect a maximum commitment of five years. See *K.S.*, 354 Ill. App. 3d at 865 (where the trial court failed to specify the maximum period of commitment to the DJJ in its dispositional order, the delinquent minor was "entitled to the modification of the dispositional order to include a limitation on the period of her commitment to a period that is no greater than the maximum sentence for a comparable adult"); *People v. Jones*, 168 Ill. 2d 367, 378 (1995) (under Rule 615(b)(1) and (b)(4), "a court of review has the power to reduce a defendant's sentence on appeal once it has been determined that the trial court's sentencing decision was unlawful or an abuse of discretion").

¶ 16 We therefore exercise our authority under Rule 615(b) to modify the trial court's commitment order to reflect that respondent's maximum commitment to the DJJ in this case for a Class 3 felony is five years.

¶ 17 B. Appeal Fees

¶ 18 Respondent next argues that the $50 fee imposed by the circuit clerk to prepare the record in this case for the appeal should be refunded where the Act prohibits the imposition of fees, fines, and assessments on minors. The State, in turn, contends that we lack jurisdiction to review this issue, as the appellate court lacks authority to review clerk-imposed fees that were not part of the trial court's judgment.

¶ 19 We agree with the State. As our supreme court explained in *People v. Vara*, 2018 IL 121823, ¶ 23,

> "The appellate court is constitutionally vested with jurisdiction to review final judgments entered by circuit courts. The recording of a fine is a clerical, ministerial function and is not a judgment—void or otherwise. Therefore, the improper recording of a fine is not subject to direct review by the appellate court.

> Accordingly, we agree with the State that the appellate court lacked jurisdiction to review the clerk's recording of mandatory fines that were not included as part of the circuit court's final judgment."

¶ 20 We recognize that "fees and fines are substantively different." *Vara*, 2018 IL 121823, ¶ 26; see *People v. Jones*, 223 Ill. 2d 569, 581 (2006) (explaining the difference between fines, costs, and fees). However, we disagree with respondent that *Vara* is distinguishable. The supreme court's reasoning in *Vara* applies to both fees and fines not included in a circuit court order, as allowing judicial review of a fee imposed by the circuit clerk would still "amount to a grant of judicial power to circuit clerks." *Vara*, 2018 IL 121823, ¶ 27. In this case, the fee at issue was not included as part of the circuit court's final judgment and, moreover, was imposed after the notice of appeal was filed. We therefore lack jurisdiction to review it.

¶ 21 In *Vara*, the supreme court stated that the only available solutions for any error in the imposition of fees not included in a court order were "the cooperation of the parties and the circuit clerk or by the circuit court in a *mandamus* proceeding." *Vara*, 2018 IL 121823, ¶ 31. However, respondent correctly notes that Illinois Supreme Court Rule 472 (eff. Feb. 1, 2024) had not yet been enacted at the time the decision in *Vara* was issued. Rule 472 states that "[i]n criminal cases, the circuit court retains jurisdiction to correct [certain] sentencing errors at any time following judgment," including "[e]rrors in the imposition or calculation of fines, fees, assessments, or costs." Ill. S. Ct. R. 472(a)(1) (eff. Feb. 1, 2024). Respondent contends that because this rule explicitly applies to criminal cases, it does not apply to juvenile delinquency cases. However, Illinois Supreme Court Rule 660 (eff. Oct. 15, 2026) establishes that "[a]ppeals from final judgments in delinquent minor proceedings, except as otherwise specifically provided, shall be governed by the rules applicable to criminal cases." Under Rule 660, therefore, Rule 472 would

be an available avenue of relief for respondent to contest the fee imposed by the circuit clerk for preparing the record on appeal. This further supports our conclusion that we lack jurisdiction to review this fee for the first time on appeal, as the circuit court retains jurisdiction under Rule 472 to correct any errors in its imposition.

¶ 22 III. CONCLUSION

¶ 23 For the reasons stated, we affirm the trial court's judgment but modify the commitment order to reflect a maximum commitment of five years.

¶ 24 Affirmed as modified.