

SUPREME COURT OF ILLINOIS

People v. Vara

2018 IL 121823 (Ill. 2018) · No. 121823 · Decided February 5, 2019

SUMMARY

The Illinois Supreme Court held that an appellate court lacked jurisdiction to review fines recorded by a circuit clerk that were not imposed by the circuit court. Because the clerk’s recording was a ministerial act rather than a final judgment, the court vacated the appellate court’s judgment and dismissed the appeal. The court stated that errors in the clerk’s records could instead be addressed through cooperation with the clerk, correction by the circuit court, or a mandamus proceeding.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Freeman; Justice Kilbride; Justice Garman; Justice Burke; Justice Theis; Chief Justice Karmeier; Justice Thomas
JURISDICTION	Illinois
DECIDED	February 5, 2019
DOCKET	121823
DISPOSITION	vacated
PROCEDURAL POSTURE	The State appealed by permission from an Illinois Appellate Court judgment vacating fines recorded by the circuit clerk and rejecting the State's request that the appellate court impose or remand for imposition of mandatory fines.
STANDARD OF REVIEW	De novo review applied to the legal question whether the appellate court had jurisdiction.
PRECEDENTIAL VALUE	published and precedential
PARTIES	The People of the State of Illinois v. Ricardo Vara

TOPICS

- appellate jurisdiction
- criminal procedure
- sentencing
- appellate procedure
- remedies

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate jurisdiction
- sentencing and fines

QUESTIONS PRESENTED

1. Whether the Illinois Appellate Court had jurisdiction to review fines recorded by the circuit clerk that were not imposed in the circuit court's final sentencing judgment.
2. Whether the appellate court could impose mandatory fines omitted from the circuit court's judgment or remand for their imposition.
3. Whether the appellate court erred in vacating the \$200 sexual-assault fine identified in the written sentencing order.
4. Whether the Illinois Supreme Court should amend its rules to permit correction of statutorily unauthorized sentences at any time by motion in the circuit court.

HOLDINGS

1. The appellate court lacked jurisdiction to review the circuit clerk's recording of mandatory fines that were not included in the circuit court's final judgment because the clerk's recording was a clerical, ministerial act rather than a final judgment.
2. A circuit clerk has no authority to assess a criminal fine that was not imposed by the circuit court.
3. When the appellate court decides the merits of an appeal over which it lacks jurisdiction, the proper disposition is to vacate the appellate court's judgment and dismiss the appeal.

KEY QUOTATIONS

“a circuit clerk possesses no power to render a judgment and is only authorized to enter a judgment pursuant to the direction of the court” (¶ 18)

“The recording of a fine is a clerical, ministerial function and is not a judgment—void or otherwise.” (¶ 23)

“That action was not the entry of a judgment but was, instead, the erroneous recording of the circuit court’s judgment.” (¶ 30)

FACTUAL BACKGROUND

After a bench trial, Ricardo Vara was convicted of child pornography and sentenced to three years' imprisonment. The circuit court imposed specified mandatory fines, but approximately eighteen months later the circuit clerk's payment-status information listed additional fines and fees that were not included in the circuit court's sentencing judgment. Vara challenged only those additional clerk-recorded assessments, not his conviction, imprisonment, or the fines imposed by the judge.

PROCEDURAL HISTORY

Following a bench trial, the Stephenson County circuit court convicted Vara of child pornography and imposed a three-year prison sentence and specified fines. After the circuit clerk's payment-status record listed additional fines and fees not imposed in the sentencing judgment, Vara challenged those assessments on appeal. The appellate court vacated the challenged entries, and the Illinois Supreme Court allowed the State's petition for leave to appeal.

DISPOSITION

vacated

REMAND INSTRUCTIONS

No remand to the appellate or circuit court was ordered. The appellate court judgment was vacated and the appeal was dismissed for lack of jurisdiction. The court stated that correction of the payment-status entries could be pursued through cooperation with the clerk or through a mandamus proceeding in the circuit court.

CASES CITED

- Secura Insurance Co. v. Illinois Farmers Insurance Co., 232 Ill. 2d 209, 213 (2009)
- People v. Smith, 228 Ill. 2d 95, 106 (2008)
- People v. Holmes, 235 Ill. 2d 59, 66 (2009)
- People v. Shinaul, 2017 IL 120162, ¶ 8
- People v. Allen, 71 Ill. 2d 378, 381 (1978)
- People v. Moran, 342 Ill. 478, 480 (1930)
- In re Estate of Young, 414 Ill. 525, 533-34 (1953)
- People ex rel. Pardridge v. Windes, 275 Ill. 108, 113 (1916)
- People v. Gutierrez, 2012 IL 111590
- People v. Castleberry, 2015 IL 116916, ¶ 18
- People v. Hardman, 2017 IL 121453, ¶ 55
- People ex rel. Senko v. Meersman, 2012 IL 114163, ¶ 9
- Dennis E. v. O'Malley, 256 Ill. App. 3d 334, 346 (1993)
- People v. Graves, 235 Ill. 2d 244, 250-51 (2009)
- People v. Jones, 223 Ill. 2d 569, 581 (2006)
- Micelli, 172 Ill. 2d 352, 355 (1996)