

No. 1-13-2941

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 13 CR 4785
)	
SHERI FORILLO,)	Honorable
)	Colleen Ann Hyland,
Defendant-Appellant.)	Judge Presiding.

JUSTICE HALL delivered the judgment of the court.
Justices HOFFMAN and DELORT concurred in the judgment.

O R D E R

¶ 1 **Held:** We vacate the \$2 public defender records automation charge because defendant was represented by private counsel and affirm the judgment in all other respects.

¶ 2 Defendant Sheri Forillo pled guilty to misdemeanor domestic battery and was sentenced to two years' probation and other conditions. On appeal, defendant only challenges certain pecuniary penalties imposed by the court. We affirm in part and vacate in part.

¶ 3 The factual basis for the guilty plea provided that defendant punched her 69-year-old mother in the eye with her fist, causing bruising, on January 18, 2013. Defendant raises no issues concerning the validity of her conviction. The court imposed various fines and fees totaling \$244.

¶ 4 On appeal, defendant contends she is entitled to a \$5 per-day custody credit to offset fines imposed by the trial court pursuant to section 110-14(a) of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-14(a) (West 2012)). In particular, defendant maintains the fines imposed against her subject to offset were the \$2 State's Attorney records automation fee (55 ILCS 5/4-2002.1(c) (West 2012)), and the \$2 public defender records automation fee (55 ILCS 5/3-4012 (West 2012)).

¶ 5 We find the \$2 State's Attorney records automation fee is compensatory in nature and thus not a fine subject to offset. The Fourth District of this court specifically found that the State's Attorney records automation fee is compensatory because it reimburses the State for its expenses related to automated record-keeping systems. *People v. Rogers*, 2014 IL App (4th) 121088, ¶ 30. Defendant, however, maintains that *Rogers* misconstrues the purpose of the State's Attorney records automation fee because it is supposed to aid the State's Attorney's Office in making capital improvements to their record-keeping systems, and thus has nothing to do with the cost of prosecuting an individual defendant. We disagree with defendant and believe that the Fourth District properly held that the State's Attorney record automation assessment is a fee. In this case, the State's Attorney's Office would have utilized its automated record keeping systems in the prosecution of defendant when it filed charges with the clerk's office, made copies of

discovery, filed motions on defendant's case, and would have reviewed defendant's criminal background through the LEADS database prior to making an offer in exchange for a plea. We thus follow *Rogers* and likewise find the State's Attorney records automation charge is a fee to which defendant is not entitled to pre-sentence incarceration credit.

¶ 6 Next, we accept the State's concession that the \$2 public defender records automation assessment must be vacated because defendant was represented at all times in the proceedings by private counsel. See 55 ILCS 5/3-4012 (West 2012) (stating that the Cook County Public Defender shall be entitled to a \$2 fee to be paid by the defendant on a judgment of guilty to discharge the expenses of its office for establishing and maintaining automated record keeping systems). Accordingly, we do not need to consider whether this assessment is a fine or a fee.

¶ 7 For the foregoing reasons, we vacate the \$2 public defender records automation fee, and affirm the trial court's judgment in all other respects.

¶ 8 Affirmed in part and vacated in part.