

NOTICE

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2018 IL App (4th) 180329-U

NO. 4-18-0329

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 21, 2018

Carla Bender

4th District Appellate

Court, IL

<i>In re</i> X.F., a Minor)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	Champaign County
Petitioner-Appellee,)	No. 17JD191
v.)	
X.F.,)	Honorable
Respondent-Appellant).)	Thomas J. Difanis,
)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Justices Knecht and Turner concurred in the judgment.

ORDER

¶ 1 *Held:* Appellate court has no jurisdiction on direct appeal from a juvenile delinquency order of commitment to review actions taken by circuit clerk not specifically ordered by the trial court.

¶ 2 The trial court adjudicated respondent minor, X.F., delinquent based upon his admission that he committed one of four charged felony offenses. In exchange for respondent’s admission of guilt, the State dismissed the remaining three charges. The court committed respondent to the Department of Juvenile Justice for 15 years. In his appeal, respondent argues the clerk of the circuit court erred by notifying the Secretary of State of the dispositions of all four offenses.

¶ 3 I. BACKGROUND

¶ 4 On November 9, 2017, respondent minor, born May 21, 2000, and two other males entered Fashion Nails in Rantoul at approximately 12:45 p.m. One was armed with a

handgun. They took money and property from the owner and another victim. The three males fled in a vehicle. The police gave chase but terminated the chase for safety reasons. The get-away vehicle, which was registered to respondent, was sometime later involved in an accident in Chicago. From this accident, the police were able to locate respondent and arrest him on the warrant issued for the crimes in Rantoul.

¶ 5 On November 16, 2017, the State filed a petition for adjudication of delinquency and wardship alleging respondent committed two counts of armed robbery (720 ILCS 5/18-2(a)(2) (West 2016)) (counts I and II) and two counts of aggravated robbery (720 ILCS 5/18-1(b)(1) (West 2016)) (counts III and IV). On February 2, 2018, respondent admitted to committing one count of aggravated robbery, and the State agreed to dismiss the remaining three counts.

¶ 6 At sentencing, on March 12, 2018, the trial court found respondent's commitment to the Department of Juvenile Justice was necessary and the least restrictive alternative. The court sentenced respondent to 15 years or until he turned 21 years old, whichever occurred first.

¶ 7 On March 15, 2018, according to the common law record, the clerk of the circuit court completed four forms entitled "Report of Court Disposition," one for each charged offense. The form included respondent's full name, home address, and date of birth. In the space designated for the final disposition, the clerk noted "Disposition: Dismissed" and referenced the charged offense for the three charges dismissed by the State. On the fourth form, the clerk noted "Disposition: Adjudication Delinquent AGG Robbery/Indicate Arm w/ Fir." The clerk signed each form on the space indicated as "Signature of Judge or Clerk," certifying "that the information on this Report of Court Disposition [was] a true abstract of this court, as required by

the Illinois Vehicle Code.” Each form indicated that a copy was mailed to the Illinois Secretary of State, Driver Services Department.

¶ 8 On April 3, 2018, respondent filed a motion to reconsider sentence, and on May 2, 2018, he filed an amended motion. Neither motion included a challenge to the validity of the clerk’s disposition notices purportedly mailed to the Secretary of State. The trial court denied respondent’s motion to reconsider. This appeal followed.

¶ 9 II. ANALYSIS

¶ 10 In this appeal, respondent claims the circuit clerk violated respondent’s confidentiality by sending the four reports of disposition to the Secretary of State. Respondent claims this error may cause him to be ineligible for a driver’s license and may cause him to “suffer ongoing harm from the release of this protected information.” He asks this court to “remand with directions for the circuit court to vacate and/or withdraw those reports, notify the Secretary of State the reports were unauthorized by law, and order that any record of those reports kept by the Secretary of State must be destroyed.”

¶ 11 In response, the State contends this court should not review the merits of respondent’s appeal because (1) this court lacks jurisdiction since respondent is challenging the acts of the circuit clerk, not the final judgment entered by the trial court, (2) the claim is not ripe for adjudication because the alleged harm is merely speculative, and/or (3) respondent forfeited his claim by not bringing the issue to the trial court’s attention. We agree with the State’s first argument and dismiss this appeal for lack of jurisdiction following our supreme court’s decision in *People v. Vara*, 2018 IL 121823.

¶ 12 In *Vara*, the court considered the appellate court’s jurisdiction to review any actions taken by the circuit clerk. Not only did the court reiterate the long-standing rule that a

circuit clerk may not impose fines (*Vara*, 2018 IL 121823, ¶ 14), it also reminded us that a circuit clerk has no authority to enter a judgment (*Vara*, 2018 IL 121823, ¶ 18).

¶ 13 Like the defendant in *Vara*, respondent here seeks relief from actions taken by the circuit clerk but not from any judgment rendered by the trial court. Our supreme court noted the following in *Vara*: “Defendant did not attack the validity of his conviction, his prison sentence, or the fines imposed by the circuit court at the time of sentencing. Thus, this case presents the anomalous circumstance in which a defendant has filed an appeal seeking to *uphold* the judgment entered by the circuit court.” (Emphasis in original.) *Vara*, 2018 IL 121823, ¶ 20.

¶ 14 This court has jurisdiction to review final judgments entered by the circuit court. Ill. Const. 1970, art. VI, § 6. Final judgments are rendered as a judicial act. *Vara*, 2018 IL 121823, ¶ 13. A circuit clerk is a nonjudicial officer of the court. Ill. Const. 1970, art. IV, § 18; *Vara*, 2018 IL 121823, ¶ 15. As such, a circuit clerk performs no adjudicative or quasi-judicial function, only the clerical duties of the court. *Vara*, 2018 IL 121823, ¶ 15.

¶ 15 A review of the propriety of the circuit clerk’s act of forwarding notices to the Secretary of State does not stem from the final judgment entered by the trial court in this case. That is, there is no trial court order entered requiring the clerk to forward a copy of the dispositions. As such, we have no final judgment or order to review. Rather, respondent asks this court to review the circuit clerk’s conduct. Such request “is essentially no different than permitting [this] court to exercise original *mandamus* jurisdiction—which [we] do[] not possess.” *Vara*, 2018 IL 121823, ¶ 29; Ill. Const. 1970, art. VI, § 6. Without the presentation of an issue challenging the trial court’s final judgment, we have no appellate jurisdiction.

¶ 16 Respondent may seek relief in the circuit court by filing an action for *mandamus*, where the trial court could issue a writ directing the circuit clerk to comply with her statutory

duties. See *Gassman v. Clerk of the Circuit Court*, 2017 IL App (1st) 151738, ¶ 25 (writ of *mandamus* was proper vehicle for the plaintiff who sought to compel the circuit clerk's office to comply with her statutory duties). However, in this appeal, the question of the propriety of the circuit clerk's performance of her statutory duties is not properly before this court.

¶ 17 While this appeal was pending, the State filed a motion to take judicial notice of correspondence it received from the circuit clerk, which indicated the reports were never sent to the Secretary of State. Based upon this court's ruling, the State's motion taken with the case is denied as moot.

¶ 18 III. CONCLUSION

¶ 19 For the reasons stated, we dismiss respondent's appeal for lack of jurisdiction.

¶ 20 Appeal dismissed.