

SUPREME COURT OF ILLINOIS

People v. Ramirez

214 Ill. 2d 176 (Ill. 2005) · No. No. 97620 · Decided January 21, 2005

SUMMARY

The Supreme Court of Illinois held that strict compliance with the certified-mail notice requirement in section 115-4.1(a) of the Illinois Code of Criminal Procedure is mandatory before conducting a criminal trial in absentia when the defendant was not personally present in open court when the trial date was set. Because Marco Ramirez received notice by regular mail rather than certified mail, the trial court erred in proceeding with the trial in absentia. The court affirmed the appellate court’s reversal of the conviction and remand for a new trial.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Thomas
JURISDICTION	Illinois
DECIDED	January 21, 2005
DOCKET	No. 97620
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from an Illinois Appellate Court judgment reversing defendant's conviction and remanding for a new trial. The Illinois Supreme Court granted the State's petition for leave to appeal.
STANDARD OF REVIEW	Statutory construction is reviewed de novo because it presents a question of law.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Illinois
PARTIES	The People of the State of Illinois v. Marco Ramirez

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- constitutional law

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether strict compliance with section 115-4.1(a) of the Illinois Code of Criminal Procedure's certified-mail notice requirement is a mandatory prerequisite to conducting a criminal trial in absentia when the defendant was not personally present in open court when the trial date was set.
2. Whether the defendant's counsel's knowledge of the trial date may be constructively imputed to the defendant to excuse noncompliance with the certified-mail requirement.

HOLDINGS

1. When a defendant is not personally present in open court when the case is set for trial, strict compliance with section 115-4.1(a)'s requirement that the clerk send notice of the new trial date by certified mail is a mandatory prerequisite to conducting a criminal trial in absentia.
2. Defense counsel's knowledge of the trial date cannot be constructively imputed to the defendant to create an exception to section 115-4.1(a)'s certified-mail requirement.

KEY QUOTATIONS

“Accordingly, we hold that strict compliance with section 115-4.1(a)'s certified mailing requirement is a mandatory prerequisite to conducting a criminal trial in absentia, where the defendant was not personally present in open court when the case was set for trial.” (237)

“Where the defendant is not personally present in open court when the trial date is set, strict compliance with section 115-4.1(a)'s certified mailing provision is a mandatory prerequisite to conducting a criminal trial in absentia.” (239)

FACTUAL BACKGROUND

Ramirez appeared in court after being charged with unlawful possession of cocaine with intent to deliver and was advised that he could be tried in absentia if he failed to appear. He was present when the court continued the initial trial setting and stated that the case would be set for March, but he was not personally present when the specific March 6 and April 3, 1995, trial dates were set. Notice of the April 3 date was sent by regular mail rather than certified mail, and Ramirez failed to appear; the court then conducted a jury trial in absentia, resulting in a conviction and 21-year sentence.

PROCEDURAL HISTORY

Ramirez was charged with unlawful possession of cocaine with intent to deliver, tried in absentia, convicted, and sentenced to 21 years' imprisonment. After his 2002 arrest, he moved for a new trial, arguing that he had not received the certified-mail notice required by section 115-4.1(a) of the Illinois Code of Criminal Procedure. The circuit court denied the motion, but the appellate court reversed and remanded for a new trial. The Illinois Supreme Court affirmed the appellate court.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The appellate court's reversal of the conviction and remand for a new trial was affirmed.

CASES CITED

- Michigan Avenue National Bank v. County of Cook, 191 Ill. 2d 493, 503-04, 247 Ill. Dec. 473, 732 N.E.2d 528 (2000)
- Illinois Graphics Co. v. Nickum, 159 Ill. 2d 469, 479, 203 Ill. Dec. 463, 639 N.E.2d 1282 (1994)
- Davis v. Toshiba Machine Co., America, 186 Ill. 2d 181, 184-85, 237 Ill. Dec. 769, 710 N.E.2d 399 (1999)
- In re Estate of Dierkes, 191 Ill. 2d 326, 330, 246 Ill. Dec. 636, 730 N.E.2d 1101 (2000)
- People v. Clark, 96 Ill. App. 3d 491, 51 Ill. Dec. 955, 421 N.E.2d 590 (1981)
- People v. Haywood, 183 Ill. App. 3d 212, 213-14, 131 Ill. Dec. 814, 538 N.E.2d 1370 (1989)
- People v. Voight, 178 Ill. App. 3d 933, 936, 128 Ill. Dec. 87, 533 N.E.2d 1175 (1989)
- People v. Watson, 109 Ill. App. 3d 880, 65 Ill. Dec. 360, 441 N.E.2d 152 (1982)
- People v. O'Brien, 197 Ill. 2d 88, 93, 257 Ill. Dec. 669, 754 N.E.2d 327 (2001)
- People v. Thomas, 171 Ill. 2d 207, 222, 215 Ill. Dec. 679, 664 N.E.2d 76 (1996)
- People v. Smith, 188 Ill. 2d 335, 242 Ill. Dec. 274, 721 N.E.2d 553 (1999)
- People v. Partee, 125 Ill. 2d 24, 40, 125 Ill. Dec. 302, 530 N.E.2d 460 (1988)
- People v. Flores, 104 Ill. 2d 40, 83 Ill. Dec. 349, 470 N.E.2d 307 (1984)
- People v. Donoho, 204 Ill. 2d 159, 169, 273 Ill. Dec. 116, 788 N.E.2d 707 (2003)
- People v. Ramirez, 344 Ill. App. 3d 296, 279 Ill. Dec. 556, 800 N.E.2d 844 (2003)