

SUPREME COURT OF ILLINOIS

The People of the State of Illinois v. Kizzy L.M. Jackson

199 Ill. 2d 286 (2002) · No. No. 91359 · Decided April 18, 2002

SUMMARY

The Illinois Supreme Court held that a defendant who knowingly and voluntarily pleads guilty waives an Apprendi-based challenge to an extended-term sentence imposed under Illinois law. The court rejected arguments that the challenge concerned the trial court’s sentencing authority or a facially unconstitutional statute, and affirmed the appellate court’s judgment.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Freeman; Chief Justice Harrison; Justice Kilbride
JURISDICTION	Illinois
DECIDED	April 18, 2002
DOCKET	No. 91359
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant pleaded guilty to aggravated battery and received an extended-term sentence. The Illinois Appellate Court affirmed, holding that her guilty plea waived her Apprendi-based sentencing challenge. The Illinois Supreme Court granted leave to appeal and affirmed.
STANDARD OF REVIEW	Whether an Apprendi-based sentencing challenge was waived by a knowing and voluntary guilty plea; legal issues concerning mootness and waiver were reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion of the Illinois Supreme Court
PARTIES	Kizzy L.M. Jackson v. The People of the State of Illinois

TOPICS

- sentencing
- criminal procedure
- due process
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate procedure
- sentencing

QUESTIONS PRESENTED

1. Whether Jackson's appeal was moot because she had been released from prison and was on mandatory supervised release.
2. Whether a knowing and voluntary guilty plea waived Jackson's Apprendi-based challenge to the extended-term sentence.
3. Whether Jackson could avoid waiver by characterizing the challenge as one to the trial court's authority to impose the sentence or as a facial constitutional challenge to the sentencing statutes.

HOLDINGS

1. The appeal was not moot because Jackson remained on mandatory supervised release and the length of her sentence could affect the period of reincarceration for a release violation.
2. A defendant who knowingly and voluntarily pleads guilty waives an Apprendi-based sentencing objection on appeal.
3. Jackson's Apprendi claim was not an objection that the circuit court lacked statutory authority to impose the sentence; the statutes expressly authorized an extended term for exceptionally brutal or heinous conduct indicative of wanton cruelty.
4. The extended-term sentencing statutes were not facially unconstitutional, and Jackson's as-applied Apprendi challenge was waived by her guilty plea.

KEY QUOTATIONS

“Every fact necessary to establish the range within which a defendant may be sentenced is an element of the crime and thus falls within the constitutional rights of a jury trial and proof beyond a reasonable doubt, made applicable to the states by the due process clause of the fourteenth amendment.” (at 27)

“An Apprendi challenge raised in the wake of a guilty plea is an argument that a defendant was deprived of due process when he did not get a jury trial after waiving his right to a jury trial. Simply to state the argument reveals why it cannot be heard.” (at 30)

FACTUAL BACKGROUND

Jackson attacked Rebecca Fanning with a box cutter after blocking Fanning's car, slashing Fanning's face and neck and causing injuries requiring more than 100 stitches. Jackson pleaded guilty to Class 3 aggravated battery after the court advised her that an extended-term sentence of up to 10 years was possible. At sentencing, the court found that the attack was exceptionally brutal or heinous and indicative of wanton cruelty, and imposed a 10-year extended-term sentence.

PROCEDURAL HISTORY

Jackson was charged by information with aggravated battery, pleaded guilty under an agreement that the State would recommend a sentence within the normal range, and was sentenced by the circuit court to an extended term of 10 years. After an initial remand for counsel's noncompliance with Illinois Supreme Court Rule 604(d), the circuit court again denied reconsideration. The appellate court affirmed on the ground that the guilty plea

waived the sentencing challenge. The Illinois Supreme Court granted leave to appeal, held the controversy was not moot because Jackson remained on mandatory supervised release, and affirmed on waiver grounds.

DISPOSITION

affirmed

CASES CITED

- *Apprendi v. New Jersey*, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000)
- *Berlin v. Sarah Bush Lincoln Health Center*, 179 Ill. 2d 1, 7-8, 688 N.E.2d 106 (1997)
- *People ex rel. Bernardi v. City of Highland Park*, 121 Ill. 2d 1, 6-7, 520 N.E.2d 316 (1988)
- *Knell v. Bensinger*, 489 F.2d 1014 (7th Cir. 1973)
- *People v. Rhoades*, 323 Ill. App. 3d 644, 257 Ill. Dec. 342, 753 N.E.2d 537 (2001)
- *People v. Chandler*, 321 Ill. App. 3d 292, 254 Ill. Dec. 967, 748 N.E.2d 685 (2001)
- *People v. Kidd*, 327 Ill. App. 3d 973, 262 Ill. Dec. 351, 765 N.E.2d 488 (2002)
- *United States v. Gaudin*, 515 U.S. 506, 510, 115 S. Ct. 2310, 132 L. Ed. 2d 444 (1995)
- *People v. Barker*, 83 Ill. 2d 319, 327-30, 415 N.E.2d 404 (1980)
- *People v. Ford*, 198 Ill. 2d 68, 260 Ill. Dec. 552, 761 N.E.2d 735 (2001)
- *People v. Williams*, 179 Ill. 2d 331, 332-33, 688 N.E.2d 1153 (1997)
- *People v. Wright*, 194 Ill. 2d 1, 23-24, 740 N.E.2d 755 (2000)
- *People v. Wilson*, 181 Ill. 2d 409, 413, 692 N.E.2d 1107 (1998)
- *People v. Singleton*, 103 Ill. 2d 339, 346, 469 N.E.2d 200 (1984)
- *People v. Wagener*, 196 Ill. 2d 269, 279, 752 N.E.2d 430 (2001)
- *People v. Gersch*, 135 Ill. 2d 384, 399, 553 N.E.2d 281 (1990)
- *People v. Manuel*, 94 Ill. 2d 242, 244-45, 446 N.E.2d 240 (1983)
- *In re C.E.*, 161 Ill. 2d 200, 210-11, 641 N.E.2d 345 (1994)
- *United States v. Salerno*, 481 U.S. 739, 745, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987)
- *People v. Farmer*, 165 Ill. 2d 194, 200, 650 N.E.2d 1006 (1995)
- *People v. Bryant*, 325 Ill. App. 3d 448, 457, 259 Ill. Dec. 307, 758 N.E.2d 430 (2001)
- *People v. Swift*, 322 Ill. App. 3d 127, 130, 255 Ill. Dec. 713, 750 N.E.2d 294 (2001)
- *People v. Lucas*, 321 Ill. App. 3d 49, 53-54, 254 Ill. Dec. 163, 746 N.E.2d 1211 (2001)
- *People v. Chanthalo*, 318 Ill. App. 3d 806, 816, 252 Ill. Dec. 887, 743 N.E.2d 1043 (2001)
- *People v. Arna*, 168 Ill. 2d 107, 113, 658 N.E.2d 445 (1995)