SUPREME COURT OF ILLINOIS

People v. Grever, 222 Ill. 2d 321

856 N.E.2d 378, 305 Ill. Dec. 573 (2006) · No. Nos. 99930, 99945 · Decided June 2, 2006

SUMMARY

The Supreme Court of Illinois considered whether indictments charging former township supervisor Robert Grever with official misconduct sufficiently stated criminal offenses. The court held that the Township Code provision requiring reporting of unpaid township indebtedness did not require reporting accounts receivable owed to the township, and that other counts failed to identify an underlying law, rule, regulation, or professional-code provision allegedly violated. The court affirmed in part and reversed in part, reversing the convictions challenged in the appeal.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Kilbride; Chief Justice Thomas; Justice Freeman; Justice McMorrow; Justice Fitzgerald; Justice Garman; Justice Karmeier
JURISDICTION	Illinois
DECIDED	June 2, 2006
DOCKET	Nos. 99930, 99945
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated cross-appeals from the appellate court's partial reversal and partial affirmance of defendant's convictions for official misconduct. The Illinois Supreme Court reviewed the sufficiency of the indictment on defendant's motion in arrest of judgment.
STANDARD OF REVIEW	De novo review applies to questions of statutory construction and the sufficiency of an indictment to state an offense.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Illinois; precedential.
PARTIES	Robert Grever v. The People of the State of Illinois

TOPICS

statutory interpretation · criminal procedure · municipal law · legislative intent · plain meaning rule

PRACTICE AREAS

criminal law | criminal procedure | statutory interpretation | municipal and township law

QUESTIONS PRESENTED

1. Whether section 70-15(c)(v) of the Township Code required a township supervisor to report amounts owed to the township, including accounts receivable, in the township's annual financial-affairs statement.
2. Whether indictments charging official misconduct under section 33-3(c) were sufficient when they alleged that the defendant exceeded his lawful authority but did not identify a statute, rule, regulation, or professional-code provision that he violated.
3. Whether allegations in counts IV, V, and VI could cure the deficiencies in counts VII and X when the indictment was read as a whole.

HOLDINGS

1. Section 70-15(c)(v) required reporting unpaid indebtedness owed by the township, both current and not yet due, but did not require reporting accounts receivable or amounts owed to the township. Because counts IV, V, and VI were predicated solely on the alleged failure to report the mother-in-law's debt to the township, those counts did not charge an offense.
2. An indictment under section 33-3(c) must at minimum allege facts showing that the defendant violated an identifiable statute, rule, regulation, or tenet of a professional code and explain how the defendant exceeded lawful authority. Counts VII and X were insufficient because they did not identify any underlying law and instead relied on an alleged uncodified fiduciary duty.
3. They could not. Because counts IV, V, and VI themselves failed to state offenses, incorporating their allegations did not cure the failure of counts VII and X to identify an underlying law allegedly violated.

KEY QUOTATIONS

> *“"Indebtedness" and "accounts receivable" are discrete concepts, one involving the perspective of a debtor, and the other of a creditor.”* (222 Ill. 2d at 385)

> *“Accordingly, we conclude that the indictment must, at a minimum, allege facts that would show defendant violated an identifiable statute, rule, regulation, or tenet of a professional code and demonstrate how defendant exceeded his lawful authority.”* (222 Ill. 2d at 387)

FACTUAL BACKGROUND

Robert Grever, a former Ela Township supervisor, was responsible for preparing annual statements of the township's financial affairs. The township paid for his mother-in-law's care at a county nursing home, but amounts owed to the township for that care were not reported in the annual statements. Grever was charged with official misconduct for failing to report the alleged indebtedness and for exceeding his lawful authority by submitting bills and withholding collection action.

PROCEDURAL HISTORY

Grever was indicted in the circuit court of Lake County on 12 counts of official misconduct and was convicted after a bench trial. The appellate court reversed convictions on counts I, II, III, VII, and X and affirmed convictions on counts IV, V, and VI. The Illinois Supreme Court granted both parties' petitions for leave to appeal and consolidated the appeals.

DISPOSITION

other

CASES CITED

- People v. Lutz, 73 Ill. 2d 204, 383 N.E.2d 171 (1978)
- People v. Collins, 214 Ill. 2d 206, 824 N.E.2d 262 (2005)
- People ex rel. Sherman v. Cryns, 203 Ill. 2d 264, 786 N.E.2d 139 (2003)
- Lulay v. Lulay, 193 Ill. 2d 455, 739 N.E.2d 521 (2000)
- People v. Glisson, 202 Ill. 2d 499, 782 N.E.2d 251 (2002)
- Mattis v. State Universities Retirement System, 212 Ill. 2d 58, 816 N.E.2d 303 (2004)
- Bridgestone/Firestone, Inc. v. Aldridge, 179 Ill. 2d 141, 688 N.E.2d 90 (1997)
- Guillen v. Potomac Insurance Co. of Illinois, 203 Ill. 2d 141, 785 N.E.2d 1 (2003)
- In re Application for Judgment & Sale of Delinquent Properties for the Tax Year 1989, 167 Ill. 2d 161, 656 N.E.2d 1049 (1995)
- Nudell v. Forest Preserve District, 207 Ill. 2d 409, 799 N.E.2d 260 (2003)
- Cates v. Cates, 156 Ill. 2d 76, 619 N.E.2d 715 (1993)
- Fellhauer v. City of Geneva, 142 Ill. 2d 495, 568 N.E.2d 870 (1991)
- People v. Bassett, 169 Ill. App. 3d 232, 523 N.E.2d 684 (1988)
- People v. Christensen, 102 Ill. 2d 321, 465 N.E.2d 93 (1984)
- People v. Weber, 133 Ill. App. 3d 686, 479 N.E.2d 382 (1985)
- People v. Samel, 115 Ill. App. 3d 905, 451 N.E.2d 892 (1983)
- People v. Adams, 64 Ill. App. 3d 547, 381 N.E.2d 738 (1978)
- Madlener v. Finley, 128 Ill. 2d 147, 538 N.E.2d 520 (1989)
- Brown v. Kirk, 64 Ill. 2d 144, 355 N.E.2d 12 (1976)
- City of Chicago ex rel. Cohen v. Keane, 64 Ill. 2d 559, 357 N.E.2d 452 (1976)