

SUPREME COURT OF ILLINOIS

City of Urbana v. Andrew N.B.; City of Champaign v. Montrell D.H.

City of Urbana · No. Nos. 95408, 95803 cons. · Decided June 24, 2004

SUMMARY

The Illinois Supreme Court consolidated appeals involving two minors who entered uncounseled guilty pleas to municipal ordinance violations and later received detention sentences for violating court supervision. The court held that the statutory scheme did not violate equal protection or due process and that the minors were not constitutionally entitled to appointed counsel when entering pleas to ordinance violations punishable by fine or supervision. Exercising supervisory authority, the court nevertheless reversed and remanded because of concerns regarding the trial courts’ procedures for imposing and enforcing supervision.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Fitzgerald
JURISDICTION	Illinois
DECIDED	June 24, 2004
DOCKET	Nos. 95408, 95803 cons.
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeals from appellate court judgments affirming circuit court contempt findings and detention sentences imposed after two minors violated conditions of court supervision entered following uncounseled guilty pleas to municipal ordinance violations.
STANDARD OF REVIEW	Constitutional challenges were reviewed under applicable constitutional standards, including rational-basis review for the equal-protection challenge. The court treated the unpreserved statutory and rule-based issue as waived, but addressed the supervisory-authority issue to correct exceptional procedural abuses.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Andrew N.B., Montrell D.H. v. City of Urbana, City of Champaign

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether section 5-125 of the Juvenile Court Act violated equal protection by allowing municipalities to prosecute minors for municipal ordinance violations outside the Juvenile Court Act without the same appointed-counsel protections available in delinquency proceedings.
2. Whether the minors' uncounseled guilty pleas to municipal ordinance violations violated due process when the minors later received detention for violating court supervision conditions.
3. Whether the unpreserved arguments under Supreme Court Rule 403, section 113-5 of the Code of Criminal Procedure, and section 1-5 of the Juvenile Court Act could be considered.
4. Whether a court may use contempt proceedings to punish minors for violating orders of supervision entered in municipal ordinance cases where the underlying ordinances do not authorize imprisonment.

HOLDINGS

1. Section 5-125 does not violate equal protection by permitting municipalities to prosecute minors for ordinance violations outside the Juvenile Court Act without the appointed-counsel protections applicable to delinquency proceedings.
2. The minors' uncounseled guilty pleas did not violate due process because the municipal ordinance proceedings were punishable by fine, restitution, or supervision, but not actual imprisonment or detention for the underlying offenses.
3. Absent a statute authorizing the procedure, contempt may not be used to punish minors for violating orders of supervision entered after municipal ordinance violations that themselves do not permit imprisonment.
4. The challenge under Supreme Court Rule 403, section 113-5 of the Code of Criminal Procedure, and section 1-5 of the Juvenile Court Act was waived because it was not raised below.

KEY QUOTATIONS

“We hold that, in the absence of a statute allowing such a procedure, contempt may not be used as punishment for minors who violate orders of supervision entered on municipal ordinance violations which themselves do not permit imprisonment.” (slip op. at 16-17)

“When a court imposes supervision, it strikes a deal with the defendant. The judge, in effect, says, “Abide by the terms of your supervision, or the court will lift the de facto continuance and sentence you,” not “Abide by the terms of your supervision, or the court will find you in contempt and detain you.”” (slip op. at 15-16)

“The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare

and submit it.” (slip op. at 17-18)

FACTUAL BACKGROUND

Andrew, age 12, pleaded guilty in Urbana to theft under a municipal ordinance and received one year of court supervision conditioned on compliance with household and school rules, restitution, and an apology letter. He violated the conditions, and the trial court found him in indirect criminal contempt and imposed probation and up to 180 days of detention. Montrell, age 15, pleaded guilty in Champaign to a curfew violation and received supervision conditioned on public service, school attendance, and compliance with household rules; after repeated violations, the trial court imposed up to 60 days of detention. Neither municipal ordinance authorized incarceration for the underlying violation.

PROCEDURAL HISTORY

Andrew N.B. and Montrell D.H. pleaded guilty without counsel to municipal ordinance violations and received court supervision. After each minor violated the supervision conditions, the municipalities filed indirect criminal contempt petitions; the circuit courts found the minors in contempt and imposed detention, and the appellate court affirmed. The Illinois Supreme Court granted both petitions for leave to appeal, consolidated the cases, reversed the appellate judgments, vacated the circuit court contempt and detention orders, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The appellate court judgments were reversed, the circuit court contempt findings and detention sentences were vacated, and the causes were remanded to permit the Cities to file petitions to revoke supervision or request that the State file delinquency petitions.

CASES CITED

- Garza v. Navistar International Transportation Corp., 172 Ill. 2d 373, 383 (1996)
- Hammond v. North American Asbestos Corp., 97 Ill. 2d 195, 209 (1983)
- City of Chicago v. Wisniewski, 54 Ill. 2d 149, 153 (1973)
- Village of Midlothian v. Walling, 118 Ill. App. 2d 358, 363 (1969)
- People v. Donoho, 204 Ill. 2d 159, 176-77 (2003)
- In re Detention of Samuelson, 189 Ill. 2d 548, 562 (2000)
- People v. Fuller, 187 Ill. 2d 1, 15-16 (1999)
- In re Jesus R., 326 Ill. App. 3d 1070, 1073 (2002)
- People v. Lynn, 102 Ill. 2d 267, 274 (1984)
- Argersinger v. Hamlin, 407 U.S. 25, 37, 40 (1972)
- Scott v. Illinois, 440 U.S. 367, 373 (1979)

- City of Danville v. Clark, 63 Ill. 2d 408, 413 (1976)
- Administrative Office of the Illinois Courts v. State & Municipal Teamsters, Chauffeurs & Helpers Union, Local 726, 167 Ill. 2d 180, 192 (1995)
- Kunkel v. Walton, 179 Ill. 2d 519, 528 (1997)
- Statland v. Freeman, 112 Ill. 2d 494, 497 (1986)
- People v. Roper, 116 Ill. App. 3d 821, 824 (1983)
- In re T.V.P., 90 Ill. App. 3d 800, 801 (1980)
- People v. Mowery, 116 Ill. App. 3d 695, 704 (1983)
- In re G.B., 88 Ill. 2d 36, 41-45 (1981)
- Alabama v. Shelton, 535 U.S. 654, 661-72 (2002)
- In re Gault, 387 U.S. 1, 36 (1967)
- In re Beasley, 66 Ill. 2d 385, 397 (1977)

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