

SUPREME COURT OF ILLINOIS

People v. Pomykala

203 Ill. 2d 198 (2003) · No. 93089 · Decided January 24, 2003

SUMMARY

The Illinois Supreme Court held that section 9-3(b) of the Illinois reckless homicide statute created an unconstitutional mandatory presumption that intoxication constituted evidence of recklessness. The court also held that the corresponding jury instruction violated due process, severed the unconstitutional provision from the remainder of the statute, and affirmed the appellate court’s reversal and remand for a new trial.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Garman
JURISDICTION	Illinois
DECIDED	January 24, 2003
DOCKET	93089
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for leave to appeal from an appellate court judgment reversing defendant's reckless-homicide convictions and remanding for a new trial.
STANDARD OF REVIEW	The constitutionality of a statute is reviewed de novo. The court reviewed the jury-instruction error for harmless error beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; binding precedent in Illinois.
PARTIES	The People of the State of Illinois v. Thomas Pomykala

TOPICS

- due process
- criminal procedure
- jury instructions
- statutory interpretation
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether section 9-3(b) of the Illinois reckless-homicide statute created an unconstitutional mandatory presumption of recklessness.
2. Whether the jury instruction tracking section 9-3(b) violated defendant's due process rights.
3. Whether the unconstitutional statutory presumption could be severed from the remainder of the reckless-homicide statute.
4. Whether the erroneous jury instruction was harmless beyond a reasonable doubt.

HOLDINGS

1. Section 9-3(b) created an unconstitutional mandatory presumption of recklessness because its language required the fact finder to presume recklessness from intoxication unless the presumption was rebutted.
2. The jury instruction stating that intoxication "shall be presumed to be evidence of a reckless act unless disproved by evidence to the contrary" violated defendant's due process rights.
3. Section 9-3(b) could be severed from the remainder of the reckless-homicide statute.
4. The instructional error was not harmless beyond a reasonable doubt.

KEY QUOTATIONS

"A reasonable juror could have interpreted the instruction here as mandating a finding of recklessness unless the defendant rebutted that presumption." (203 Ill. 2d at 210)

"Accordingly, we hold that section 9-3(b) of the reckless homicide statute creates an unconstitutional mandatory presumption of recklessness." (203 Ill. 2d at 210-11)

FACTUAL BACKGROUND

Defendant's vehicle crossed the median of a divided highway and struck an oncoming vehicle, killing Taylor Nicole Pirc. Evidence showed that defendant had been drinking, had a 0.21% breath-alcohol concentration, failed field sobriety tests, and had approximately 18 empty beer cans in his vehicle. There was also evidence that defendant knew his brakes malfunctioned but that the vehicle retained some braking power. The jury was instructed that intoxication was presumed to be evidence of a reckless act unless disproved by contrary evidence.

PROCEDURAL HISTORY

Following a jury trial in the Will County circuit court, Thomas Pomykala was convicted of two counts of reckless homicide and sentenced to 14 years' imprisonment. The appellate court reversed and remanded, holding that section 9-3(b) of the Criminal Code created an unconstitutional mandatory presumption of recklessness and that the related jury instruction violated due process. The Illinois Supreme Court granted the State's petition for leave to appeal and affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded for a new trial consistent with the appellate court's judgment; the unconstitutional presumption in section 9-3(b) was to be excised from the statute and not submitted to the jury.

CASES CITED

- People v. Malchow, 193 Ill. 2d 413, 418 (2000)
- People v. Maness, 191 Ill. 2d 478, 483 (2000)
- People v. Fisher, 184 Ill. 2d 441, 448 (1998)
- People v. Watts, 181 Ill. 2d 133, 141-47 (1998)
- In re Winship, 397 U.S. 358, 364 (1970)
- People v. Hester, 131 Ill. 2d 91, 98 (1989)
- Sandstrom v. Montana, 442 U.S. 510, 514, 523-24 (1979)
- People v. Singmouangthong, 334 Ill. App. 3d 542, 546 (2002)
- People v. Peshak, 333 Ill. App. 3d 1052 (2002)
- People v. Atteberry, 213 Ill. App. 3d 851, 853-54 (1991)
- People v. Garofalo, 181 Ill. App. 3d 972, 978 (1989)
- People v. Jackson, 118 Ill. 2d 179, 190-91 (1987)
- People v. Stefan, 146 Ill. 2d 324, 338 (1992)
- People v. Edmundson, 247 Ill. App. 3d 738, 742 (1993)
- Paris v. Feder, 179 Ill. 2d 173, 177 (1997)
- People v. Thomas, 171 Ill. 2d 207, 222 (1996)
- People v. Whitney, 188 Ill. 2d 91, 98 (1999)
- People v. Sanders, 182 Ill. 2d 524, 534 (1998)
- People v. Johnson, 146 Ill. 2d 109, 136 (1991)
- People v. Dennis, 181 Ill. 2d 87, 95 (1998)