

SUPREME COURT OF ILLINOIS

People v. Phipps

Phipps · No. 107016 · Decided July 15, 2010

SUMMARY

The Illinois Supreme Court held that Craven F. Phipps failed to establish ineffective assistance of counsel based on counsel's failure to assert a statutory speedy-trial objection. The court concluded that the aggravated driving under the influence charge was not a new and additional charge because the original reckless homicide indictment provided adequate notice of the same conduct and the charges were substantively equivalent for speedy-trial purposes. The court reversed the appellate court's judgment and affirmed the circuit court's judgment.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Kilbride; Chief Justice Fitzgerald; Justice Freeman; Justice Thomas; Justice Karmeier; Justice Burke; Justice Garman
JURISDICTION	Illinois
DECIDED	July 15, 2010
DOCKET	107016
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed the appellate court's reversal of defendant's conviction and its holding that trial counsel was ineffective for failing to seek dismissal on statutory speedy-trial grounds. The Illinois Supreme Court allowed the State's petition for leave to appeal.
STANDARD OF REVIEW	The court reviewed de novo the legal question whether the aggravated driving under the influence charge was new and additional for speedy-trial purposes. Ineffective-assistance claims were analyzed under the deficient-performance and prejudice requirements of Strickland.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential.
PARTIES	The People of the State of Illinois v. Craven F. Phipps

TOPICS

- speedy trial
- ineffective assistance
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

Criminal procedure

Ineffective assistance of counsel

Speedy trial

Appellate procedure

QUESTIONS PRESENTED

1. Whether defendant waived his ineffective-assistance claim by declining, through appointed counsel, to pursue such a claim in the circuit court.
2. Whether the aggravated driving under the influence charge was new and additional for purposes of Illinois's statutory speedy-trial rule.
3. Whether delays attributable to defendant on the original reckless-homicide charge also applied to the subsequent aggravated-DUI charge.
4. Whether trial counsel was ineffective for failing to assert a statutory speedy-trial violation.
5. Whether defendant was prejudiced by counsel's agreement to vacate the reckless-homicide plea and substitute the aggravated-DUI charge.

HOLDINGS

1. Defendant waived only an ineffective-assistance claim based on counsel's failure to raise mechanical problems with defendant's car at sentencing; the record did not establish a knowing and voluntary waiver of the separate speedy-trial-based ineffective-assistance claim.
2. The aggravated driving under the influence charge was not new and additional because the original reckless-homicide indictment gave defendant adequate notice of the same material conduct and essentially the same offense elements and penalty.
3. No statutory speedy-trial violation occurred because the aggravated-DUI charge related back to the original indictment, delays attributable to defendant on the original charge also applied to the subsequent charge, and defendant did not object to delays as required by section 103-5(a).
4. Defendant failed to establish ineffective assistance because counsel's failure to raise a speedy-trial objection was neither deficient nor prejudicial where no lawful speedy-trial objection existed.
5. Defendant was not prejudiced by counsel's agreement to vacate the reckless-homicide plea and substitute the aggravated-DUI charge because the aggravated-DUI prosecution was not barred by the speedy-trial statute.

KEY QUOTATIONS

“The purpose of the rule set forth in Williams is to prevent “trial by ambush.”” (slip op. at 10)

“We conclude that the aggravated driving under the influence charge was not “new and additional” for speedy-trial purposes.” (slip op. at 12)

“The record shows defendant did not object to any delays as required to prevent the speedy-trial period from tolling.” (slip op. at 12-13)

FACTUAL BACKGROUND

Defendant was initially indicted for reckless homicide arising from an alcohol-related vehicle collision that caused Malocka Gille's death. He pleaded guilty pursuant to a sentencing cap of 12 years, but the State later moved to vacate that plea after the parties concluded that the conduct was properly charged under the aggravated-driving-under-the-influence statute. Defendant then pleaded guilty to aggravated driving under the influence and received a 12-year sentence. In posttrial proceedings, defendant did not initially pursue an ineffective-assistance claim, but on appeal argued that counsel should have challenged the aggravated-DUI charge as untimely under Illinois's 120-day speedy-trial statute.

PROCEDURAL HISTORY

Defendant pleaded guilty to aggravated driving under the influence of alcohol and was sentenced by the Winnebago County circuit court to 12 years' imprisonment. The appellate court reversed, concluding that counsel was ineffective for failing to assert a speedy-trial violation. The Illinois Supreme Court reversed the appellate court and affirmed the circuit court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The appellate court judgment was reversed and the circuit court judgment was affirmed. No further substantive remand instructions were provided.

CASES CITED

- People v. Blair, 215 Ill. 2d 427, 443-44 & n.2 (2005)
- United States v. Olano, 507 U.S. 725, 733, 123 L. Ed. 2d 508, 519, 113 S. Ct. 1770, 1777 (1993)
- Edwards v. Arizona, 451 U.S. 477, 482, 68 L. Ed. 2d 378, 385, 101 S. Ct. 1880, 1884 (1981)
- United States v. Jaimes-Jaimes, 406 F.3d 845, 848-49 (7th Cir. 2005)
- People v. Nitz, 143 Ill. 2d 82, 134-35 (1991)
- People v. Moore, 207 Ill. 2d 68, 78 (2003)
- People v. Houston, 226 Ill. 2d 135, 143 (2007)
- Strickland v. Washington, 466 U.S. 668, 80 L. Ed. 2d 674, 104 S. Ct. 2052 (1984)
- People v. Cordell, 223 Ill. 2d 380, 385, 390-91 (2006)
- People v. Sandoval, 236 Ill. 2d 57, 67 (2010)
- People v. Woodell, 219 Ill. 2d 166, 174 (2006)
- People v. Peco, 345 Ill. App. 3d 724, 734 (2004)
- People v. Woodrum, 223 Ill. 2d 286, 299-301 (2006)
- People v. Williams, 94 Ill. App. 3d 241, 248-49 (1981)
- People v. Williams, 204 Ill. 2d 191, 207 (2003)
- People v. Gooden, 189 Ill. 2d 209, 218 (2000)

- People v. Gancarz, 228 Ill. 2d 312, 315-16, 322 (2008)
- People v. Richardson, 189 Ill. 2d 401, 413 (2000)

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