

SUPREME COURT OF ILLINOIS

People v. Hunt

360 Ill. Dec. 774 (Ill. 2012) · No. No. 111089 · Decided April 19, 2012

SUMMARY

The Illinois Supreme Court held that the defendant’s statements to an undercover informant during court-authorized overhears were not obtained through police custodial interrogation under Miranda or People v. McCauley. Because McCauley protections apply only in the context of police custodial interrogation, the court reversed the appellate and circuit court judgments suppressing the statements and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Karmeier; Chief Justice Kilbride; Justice Thomas; Justice Garman; Justice Burke; Justice Theis; Justice Freeman
JURISDICTION	Illinois
DECIDED	April 19, 2012
DOCKET	No. 111089
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for leave to appeal from an appellate court judgment affirming suppression of defendant's statements on Illinois constitutional grounds under People v. McCauley.
STANDARD OF REVIEW	A suppression ruling is reviewed under a two-part standard: factual findings are upheld unless contrary to the manifest weight of the evidence, while the ultimate legal question whether suppression is warranted is reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	The People of the State of Illinois v. Tavares Hunt

TOPICS

- suppression of evidence
- miranda rights
- right to counsel
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether statements made by defendant to an undercover informant during court-authorized overhears were properly suppressed under *People v. McCauley* because defendant's attorney was at the police station seeking access to him.
2. Whether the Illinois constitutional McCauley right to an immediately available attorney arises outside the context of police custodial interrogation.

HOLDINGS

1. A suspect's McCauley right to an immediately available attorney, like Miranda rights, arises only during police custodial interrogation. A conversation with an undercover informant posing as a fellow inmate is not police custodial interrogation under Miranda, so McCauley does not apply.
2. The statements were not properly suppressed on McCauley grounds because detectives were not required to give Miranda warnings, Hunt had no constitutional right to counsel during the overhears, and police were not required to tell him that his attorney was at the station seeking to speak with him.

KEY QUOTATIONS

“Accordingly, we hold that, like a suspect's Miranda rights, his McCauley right to an immediately available attorney arises only during police custodial interrogation.” (969 N.E.2d at 827)

“Accordingly, the detectives were not required to give defendant Miranda warnings before the overhears; defendant had no constitutional right to counsel during the overhears; the detectives were not required to inform defendant that his counsel in an unrelated case was at the police station, asking to speak with him during the first overhear; and the appellate court erred in upholding the suppression of the statements on McCauley grounds.” (969 N.E.2d at 827)

FACTUAL BACKGROUND

While detained in the Cook County jail on an unrelated charge, Tavares Hunt became a suspect in the murder of Shakir Beckley. Police arranged court-authorized overhears in which Mycal Davis, a fellow inmate and cooperating informant wearing a concealed wire, spoke with Hunt and allegedly elicited incriminating statements. During the first overhear, Hunt's attorney arrived at the police station and repeatedly sought access to Hunt, but the conversation ended before counsel met with him; a second overhear occurred without counsel present.

PROCEDURAL HISTORY

The trial court suppressed defendant's statements and recordings obtained during court-authorized overhears with an undercover informant, relying on McCauley and, alternatively, inaudibility. On interlocutory appeal, the appellate court affirmed in part. The Illinois Supreme Court previously reversed in part and remanded for consideration of the fifth-amendment and McCauley grounds. On remand, the appellate court again affirmed

suppression of the statements on McCauley grounds. The Illinois Supreme Court reversed the appellate and circuit court judgments and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgments of the appellate court and the Circuit Court of Cook County were reversed, and the cause was remanded to the circuit court for further proceedings consistent with the opinion.

CASES CITED

- People v. McCauley, 163 Ill. 2d 414, 206 Ill. Dec. 671, 645 N.E.2d 923 (1994)
- People v. Hunt, 381 Ill. App. 3d 790, 809 (2008)
- People v. Hunt, 234 Ill. 2d 49, 65-67, 333 Ill. Dec. 58, 914 N.E.2d 477 (2009)
- People v. Absher, 242 Ill. 2d 77, 82, 351 Ill. Dec. 163, 950 N.E.2d 659 (2011)
- Ornelas v. United States, 517 U.S. 690, 699 (1996)
- Miranda v. Arizona, 384 U.S. 436, 444, 456-58, 467, 479 (1966)
- Malloy v. Hogan, 378 U.S. 1, 6 (1964)
- Illinois v. Perkins, 496 U.S. 292, 296-300 (1990)
- People v. Perkins, 248 Ill. App. 3d 762, 618 N.E.2d 1275 (1993)
- People v. Perkins, 176 Ill. App. 3d 443, 450, 531 N.E.2d 141 (1988)
- Rhode Island v. Innis, 446 U.S. 291, 300-02 (1980)
- People v. Manning, 182 Ill. 2d 193, 206, 230 Ill. Dec. 933, 695 N.E.2d 423 (1998)
- Moran v. Burbine, 475 U.S. 412 (1986)
- People v. Smith, 93 Ill. 2d 179, 189, 66 Ill. Dec. 412, 442 N.E.2d 1325 (1982)
- Relsolelo v. Fisk, 198 Ill. 2d 142, 152, 260 Ill. Dec. 190, 760 N.E.2d 963 (2001)
- People v. Caballes, 221 Ill. 2d 282, 301, 303 Ill. Dec. 128, 851 N.E.2d 26 (2006)
- Howes v. Fields, 565 U.S. 499 (2012)