

SUPREME COURT OF ILLINOIS

People ex rel. Alvarez v. Gaughan

2016 IL 120110 (Ill. 2016) · No. 120110 · Decided April 25, 2017

SUMMARY

The Illinois Supreme Court considered an original mandamus action seeking to compel a circuit court judge to impose a mandatory 15-year firearm enhancement on each of two aggravated criminal sexual assault convictions. The court rejected arguments based on laches, statutory restrictions on sentence increases, and the State’s Attorney’s standing, and held that mandamus was available to correct the unlawfully lenient sentence. The writ was awarded.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Chief Justice Karmeier; Justice Freeman; Justice Thomas; Justice Kilbride; Justice Garman; Justice Burke; Justice Theis
JURISDICTION	Illinois
DECIDED	April 25, 2017
DOCKET	120110
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus action in the Supreme Court of Illinois seeking to compel a circuit judge to impose a mandatory firearm sentencing enhancement on each of two aggravated criminal sexual assault convictions.
STANDARD OF REVIEW	Mandamus is awarded only when the petitioner establishes a clear right to relief, a clear duty of the public officer to act, and clear authority of the public officer to comply with the writ.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential
PARTIES	Anita Alvarez, State's Attorney of Cook County, on behalf of the People of the State of Illinois v. The Honorable Vincent Gaughan, Steven Castleberry

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- remedies
- statutory interpretation

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate procedure

Sentencing

Mandamus

QUESTIONS PRESENTED

1. Whether mandamus was available to compel correction of a criminal sentence that failed to include a mandatory firearm enhancement on each of two convictions.
2. Whether the State's Attorney had authority and standing to bring the mandamus action in the Illinois Supreme Court.
3. Whether the equitable doctrine of laches barred the mandamus action.
4. Whether statutory prohibitions against increasing a sentence barred resentencing to impose the mandatory enhancements.

HOLDINGS

1. Mandamus is an available remedy for the State to challenge a criminal sentencing order that violates a mandatory sentencing requirement, and the court may order the circuit judge to correct the sentence.
2. Two convictions based on two separate acts of sexual penetration while armed with a firearm require imposition of a separate 15-year firearm enhancement on each conviction.
3. Laches did not bar the action because the State did not unreasonably delay seeking relief and Castleberry suffered no prejudice.
4. Statutory prohibitions against increasing a sentence did not bar resentencing because those provisions do not prevent correction of an invalid sentence that fails to comply with a mandatory statutory requirement.
5. The Cook County State's Attorney had authority and standing to bring the mandamus action in the Illinois Supreme Court on behalf of the People of the State of Illinois.

KEY QUOTATIONS

"This court will award mandamus only if the petitioner establishes a clear right to the relief requested, a clear duty of the public officer to act, and clear authority of the public officer to comply with the writ." (§ 10)

"Illinois Supreme Court Rule 381 authorizes original mandamus actions in this court "to review a judge's judicial act."" (§ 21)

"we issue a writ of mandamus, ordering the respondent judge to vacate his sentencing order and resentence Castleberry, imposing the mandatory firearm enhancement on both of Castleberry's convictions." (§ 34)

FACTUAL BACKGROUND

Following a jury trial, Steven Castleberry was convicted of two aggravated criminal sexual assaults based on separate acts of oral and vaginal penetration of the victim while he was armed with a firearm. The circuit court imposed the mandatory 15-year firearm enhancement on only one conviction, resulting in consecutive nine-year

sentences with one enhancement and a total term of 33 years. The State sought to compel imposition of the enhancement on both convictions.

PROCEDURAL HISTORY

Castleberry was convicted in the Cook County circuit court of two counts of aggravated criminal sexual assault. The circuit court imposed the 15-year firearm enhancement on only one conviction. On Castleberry's direct appeal, the appellate court ordered resentencing under the then-existing void-sentence rule. The Illinois Supreme Court subsequently abolished that rule in *People v. Castleberry* and indicated that mandamus remained available to challenge a sentence allegedly violating a mandatory sentencing requirement. The State's Attorney then sought mandamus, which the court granted.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent judge must vacate the existing sentencing order and resentence Castleberry, imposing the mandatory 15-year firearm enhancement on each of his two aggravated criminal sexual assault convictions.

CASES CITED

- *People ex rel. Senko v. Meersman*, 2012 IL 114163, ¶ 9
- *People v. Castleberry*, 2015 IL 116916, ¶¶ 1, 19, 25, 27
- *People v. Arna*, 168 Ill. 2d 107, 113 (1995)
- *People v. White*, 2011 IL 109616, ¶¶ 20-21, 26
- *People v. Rodriguez*, 169 Ill. 2d 183, 188 (1996)
- *Richter v. Prairie Farms Dairy, Inc.*, 2016 IL 119518, ¶ 51
- *Tully v. State*, 143 Ill. 2d 425, 432-33 (1991)
- *People v. Bradford*, 2016 IL 118674, ¶ 25
- *People v. Moore*, 177 Ill. 2d 421, 431-32 (1997)
- *North Carolina v. Pearce*, 395 U.S. 711, 725 (1969)
- *People ex rel. Scott v. Briceland*, 65 Ill. 2d 485, 500 (1976)
- *Fergus v. Russel*, 270 Ill. 304, 334-35, 342 (1915)
- *Lyons v. Ryan*, 201 Ill. 2d 529, 539 (2002)
- *People ex rel. Kunstman v. Nagano*, 389 Ill. 231, 249 (1945)
- *People ex rel. Alvarez v. Skryd*, 241 Ill. 2d 34 (2011)
- *People ex rel. Glasgow v. Kinney*, 2012 IL 113197

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