

SUPREME COURT OF ILLINOIS

People v. Gaines

2020 IL 125165 (Ill. 2020) · No. 125165 · Decided September 24, 2020

SUMMARY

The Illinois Supreme Court considers whether double jeopardy attached when the trial court accepted Keith Gaines’s negotiated guilty plea and then sua sponte vacated it before conducting a bench trial. The court addresses the point at which jeopardy attaches to a guilty plea and whether the subsequent prosecution violated federal and Illinois constitutional protections against double jeopardy.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Garman; Chief Justice Anne M. Burke; Justice Kilbride; Justice Karmeier; Justice Theis; Justice Neville; Justice Michael J. Burke
JURISDICTION	Illinois
DECIDED	September 24, 2020
DOCKET	125165
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed from the Illinois Appellate Court's reversal of defendant's convictions, and the Illinois Supreme Court allowed the State's petition for leave to appeal.
STANDARD OF REVIEW	The double-jeopardy issue is reviewed de novo. The trial court's decision to sua sponte vacate a guilty plea is reviewed for abuse of discretion. Because defendant failed to object and did not include the issue in a posttrial motion, the alleged double-jeopardy violation was reviewed for second-prong plain error; defendant bore the burden of persuasion.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; binding statewide precedent.
PARTIES	The People of the State of Illinois v. Keith Gaines

TOPICS

- double jeopardy
- criminal procedure
- appellate procedure
- standard of review
- ineffective assistance

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. When does jeopardy attach in the context of a guilty plea?
2. Did the trial court abuse its discretion by sua sponte vacating Gaines's guilty plea after he made statements casting doubt on the factual basis?
3. Did the subsequent bench trial violate the federal and Illinois prohibitions against double jeopardy?
4. Did the unpreserved double-jeopardy claim constitute plain error?
5. Was trial counsel ineffective for failing to object to the alleged double-jeopardy violation and vacatur of the plea?

HOLDINGS

1. Jeopardy attaches when the trial court unconditionally accepts a defendant's guilty plea; neither a formal finding of guilt nor imposition of sentence is required.
2. The trial court unconditionally accepted Gaines's guilty plea because it expressly found the plea knowing and intelligent and stated that it was accepted by the court.
3. Jeopardy did not terminate improperly because the trial court did not abuse its discretion in sua sponte vacating the guilty plea after Gaines repudiated the factual basis and thereby gave the court good reason to doubt the truth of the plea.
4. The subsequent bench trial did not violate double jeopardy because the plea proceeding terminated properly when the trial court vacated the plea for good reason to doubt its truth.
5. Because no double-jeopardy error occurred, Gaines could not establish second-prong plain error; he also could not establish ineffective assistance because he could not show prejudice from counsel's failure to object.

KEY QUOTATIONS

“Therefore, this court holds that jeopardy attaches when the trial court unconditionally accepts defendant’s plea.” (¶ 34)

“In the context of a guilty plea proceeding, jeopardy attaches when the trial court unconditionally accepts the guilty plea. A formal finding of guilt is not required, nor is imposition of a sentence.” (¶ 61)

FACTUAL BACKGROUND

After a dispute at his parents' house, Gaines was charged with several property, trespass, battery, and assault offenses. The State offered a negotiated resolution involving misdemeanor domestic battery and misdemeanor criminal damage to property, probation, credit for time served, and dismissal of the remaining counts. During the plea hearing, Gaines initially agreed that the State's witnesses would testify consistently with the factual basis but later stated that the factual statement sounded bad and that the witnesses might not appear or testify as

described. The trial court vacated the plea, reinstated the felony charges, and Gaines was later convicted after a bench trial.

PROCEDURAL HISTORY

Gaines initially entered a negotiated guilty plea to misdemeanor domestic battery and misdemeanor criminal damage to property. After Gaines made comments questioning the factual basis, the circuit court sua sponte vacated the plea, reinstated the felony charges, and proceeded to a bench trial. The circuit court convicted Gaines of felony criminal trespass and domestic battery, merged the convictions, and sentenced him to five years' imprisonment. The appellate court vacated the criminal-trespass conviction for insufficient evidence and held that the subsequent trial on domestic battery violated double jeopardy, ordering release; the State sought review in the Illinois Supreme Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The appellate court's judgment was affirmed in part and reversed in part. Gaines's misdemeanor domestic-battery conviction was reinstated, and the cause was remanded to the circuit court for sentencing on that conviction.

CASES CITED

- People v. Cabrera, 402 Ill. App. 3d 440 (2010)
- People v. Hancasky, 410 Ill. 148 (1951)
- People v. Jackson, 118 Ill. 2d 179 (1987)
- People v. Stefan, 146 Ill. 2d 324, 336-37 (1992)
- People v. Bellmyer, 199 Ill. 2d 529, 536-39 (2002)
- People v. Thompson, 238 Ill. 2d 598, 609, 611-13 (2010)
- People v. Piatkowski, 225 Ill. 2d 551, 565 (2007)
- People v. Galan, 229 Ill. 2d 484, 497 (2008)
- People v. Daniels, 187 Ill. 2d 301, 310-11 (1999)
- People v. Henderson, 211 Ill. 2d 90, 103 (2004)
- People v. Delvillar, 235 Ill. 2d 507, 519 (2009)
- People v. Barker, 83 Ill. 2d 319, 329-33 (1980)
- People ex rel. Daley v. Suria, 112 Ill. 2d 26, 32 (1986)
- People v. Veach, 2017 IL 120649, ¶ 30
- People v. Chatman, 38 Ill. 2d 265, 270 (1967)
- People v. Dodge, 411 Ill. 549, 550 (1952)
- People v. Bute, 396 Ill. 588, 591 (1947)
- People ex rel. Mosley v. Carey, 74 Ill. 2d 527, 534 (1979)

- People ex rel. Roberts v. Orenic, 88 Ill. 2d 502, 507-08 (1981)
- United States v. Jorn, 400 U.S. 470, 479 (1971)
- Green v. United States, 355 U.S. 184, 187-88 (1957)
- North Carolina v. Alford, 400 U.S. 25, 38-39 (1970)
- Martinez v. Illinois, 572 U.S. 833, 840-41 (2014) (per curiam)
- Serfass v. United States, 420 U.S. 377, 388 (1975)
- United States v. Santiago Soto, 825 F.2d 616, 620 (1st Cir. 1987)
- Peiffer v. State, 88 S.W.3d 439, 445 (Mo. 2002) (en banc)

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