

SUPREME COURT OF ILLINOIS

People v. Roberson, 212 Ill. 2d 430

819 N.E.2d 761, 289 Ill. Dec. 265 (Ill. 2004) · No. No. 96159 · Decided October 28, 2004

SUMMARY

The Supreme Court of Illinois held that a defendant convicted of violating a bail bond was entitled to sentencing credit under section 5-8-7(b) of the Unified Code of Corrections for time spent in custody following his arrest on the bail-related offense. The court rejected the lower courts' reasoning that credit was unavailable because the defendant was not formally charged with the bail-bond violation until later. Although the appeal was moot because the defendant had completed his sentence and mandatory supervised release, the court reached the merits under the public-interest exception to mootness.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Kilbride
JURISDICTION	Illinois
DECIDED	October 28, 2004
DOCKET	No. 96159
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant appealed from the denial of his posttrial motion seeking sentencing credit for time spent in custody before trial on a burglary charge that the State dismissed. The Illinois Appellate Court affirmed, and the Supreme Court of Illinois granted leave to appeal. Although the defendant had completed his sentence and mandatory supervised release, the court reached the merits under the public-interest exception to mootness.
STANDARD OF REVIEW	De novo review applies to the statutory-construction issue. Mootness and application of the public-interest exception were also addressed as threshold appellate issues.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; binding precedent in Illinois.
PARTIES	Brian Roberson v. The People of the State of Illinois

TOPICS

sentencing

statutory interpretation

mootness

appellate procedure

criminal procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Sentencing

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed as moot because Roberson had completed his sentence and mandatory supervised release.
2. Whether the public-interest exception permitted review of the otherwise moot sentencing-credit issue.
3. Whether time spent in custody following Roberson's second arrest was attributable to the bail-bond offense and therefore required to be credited under section 5-8-7(b) of the Unified Code of Corrections.
4. Whether the court needed to decide whether section 5-8-7(c) independently required the requested credit.

HOLDINGS

1. Although the appeal was moot because Roberson had completed his sentence and mandatory supervised release, the court reached the merits under the public-interest exception because the issue was of a public nature, was likely to recur, and required authoritative guidance for public officers.
2. A defendant is entitled under section 5-8-7(b) to credit for time spent in custody resulting from the bail-bond offense when the defendant was arrested for that offense, detained, and ultimately convicted and sentenced for it, even if formal charging occurred later.
3. The court did not reach the parties' arguments concerning section 5-8-7(c) because its conclusion that section 5-8-7(b) controlled was dispositive.

KEY QUOTATIONS

“In factual situations such as the one found in the present case, the second arrest is for the bail bond violation and, therefore, subsection (b), rather than subsection (c), applies.” (767)

“Here, defendant was arrested for the bail offense, detained, and ultimately convicted and sentenced on that offense. Accordingly, he was entitled to credit for time served under subsection (b).” (767)

FACTUAL BACKGROUND

Roberson was initially arrested for burglary and released on bond. After he failed to appear, a warrant issued, he was arrested in California approximately six months later, and he was extradited to Illinois; he remained in custody for approximately eight months before being indicted for violating his bail bond. The State dismissed the burglary charge, and Roberson was convicted of the bail-bond violation and sentenced to four years' imprisonment. He sought credit for 267 days spent in custody before trial.

PROCEDURAL HISTORY

Roberson was convicted in the Du Page County circuit court of violating a bail bond and sentenced to four years' imprisonment. The circuit court denied his request for 267 days of sentencing credit, and the appellate court affirmed. The Illinois Supreme Court reversed, holding that the custody resulting from the second arrest was custody for the bail-bond offense and that credit was required under section 5-8-7(b).

DISPOSITION

reversed

CASES CITED

- In re Andrea F., 208 Ill. 2d 148, 156, 802 N.E.2d 782 (2003)
- In re A Minor, 127 Ill. 2d 247, 255, 537 N.E.2d 292 (1989)
- People ex rel. Black v. Dukes, 96 Ill. 2d 273, 276-77, 449 N.E.2d 856 (1983)
- Baker v. Carr, 369 U.S. 186, 204, 82 S. Ct. 691, 703, 7 L. Ed. 2d 663 (1962)
- In re Mary Ann P., 202 Ill. 2d 393, 402, 781 N.E.2d 237 (2002)
- In re Adoption of Walgreen, 186 Ill. 2d 362, 365, 710 N.E.2d 1226 (1999)
- People v. Hernandez, 345 Ill. App. 3d 163, 168-71, 803 N.E.2d 577 (2004)
- People ex rel. Sherman v. Cryns, 203 Ill. 2d 264, 279, 786 N.E.2d 139 (2003)
- People v. Arna, 168 Ill. 2d 107, 113, 658 N.E.2d 445 (1995)
- Dineen v. City of Chicago, 125 Ill. 2d 248, 265, 531 N.E.2d 347 (1988)