

SUPREME COURT OF ILLINOIS

People v. Collins

2022 IL 127584 (Ill. 2022) · No. 127584 · Decided November 28, 2022

SUMMARY

The Illinois Supreme Court dismissed the State’s appeal because it abandoned the issue on which the court granted leave to appeal and instead raised arguments not presented in its petition. The court remanded the case for a new trial, leaving undisturbed the appellate court’s reversal of Jodon Collins’s convictions based on the admission of statements from a body-worn-camera recording.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Overstreet; Chief Justice Theis; Justice Anne M. Burke; Justice Neville; Justice Michael J. Burke; Justice Carter; Justice Holder White
JURISDICTION	Illinois
DECIDED	November 28, 2022
DOCKET	127584
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State appealed from an appellate court judgment reversing Collins's convictions and remanding for a new trial. The Illinois Supreme Court granted the State's petition for leave to appeal but dismissed the appeal because the State abandoned the issue on which leave had been granted and argued different issues that were not presented in the petition for leave to appeal.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential.
PARTIES	The People of the State of Illinois v. Jodon Collins

TOPICS

- appellate procedure
- criminal procedure
- hearsay
- evidence
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the Illinois Law Enforcement Officer Body-Worn Camera Act made relevant body-worn-camera recordings admissible without evidentiary limitation.
2. Whether the audio statements in the body-worn-camera recording were hearsay or admissible under an exception to the hearsay rule.
3. Whether the appeal should be dismissed because the State abandoned the issue presented in its petition for leave to appeal and raised different issues that were not presented in that petition.

HOLDINGS

1. The court dismissed the appeal because the State abandoned the issue on which the court granted leave to appeal and failed to argue that threshold issue in its briefing, while raising different arguments that were not presented in the petition for leave to appeal.
2. Although the appeal was dismissed, the cause was remanded to the circuit court for a new trial consistent with the appellate court's judgment.

KEY QUOTATIONS

“Indeed, the State has failed to argue the threshold question presented to this court through its PLA and upon which we granted leave to appeal. Accordingly, we hereby dismiss the appeal.” (¶ 21)

“We remand this cause to the circuit court for a new trial.” (¶ 23)

FACTUAL BACKGROUND

Chicago police officers pursued Jodon Collins after he ran from a group near 3300 West Walnut Street. Officer Martin Hernandez testified that he saw Collins drop a black handgun during the chase and later recovered a handgun from the vacant lot. Hernandez's body-worn-camera recording contained radio statements directing other officers to the location where the gun had allegedly been dropped, and the circuit court admitted the recording over Collins's hearsay objections.

PROCEDURAL HISTORY

Following a jury trial in the Circuit Court of Cook County, Collins was convicted of unlawful possession of a weapon by a felon and being an armed habitual criminal and was sentenced to seven and one-half years' imprisonment. The Appellate Court, First District, reversed and remanded for a new trial, concluding that audio statements from a body-worn-camera recording were improperly admitted hearsay and that the error was not harmless beyond a reasonable doubt. The Illinois Supreme Court granted the State's petition for leave to appeal, but dismissed the appeal after the State conceded that it had abandoned the issue presented in its petition and instead raised unpreserved issues.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The cause was remanded to the circuit court for a new trial.

CASES CITED

- 2020 IL App (1st) 181746
- People v. Robinson, 223 Ill. 2d 165, 174 (2006)

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