

SUPREME COURT OF ILLINOIS

In re Destiny P.

2017 IL 120796 (Ill. 2017) (Ill. 2017) · No. 120796 · Decided October 19, 2017

SUMMARY

The Illinois Supreme Court held that first-time juvenile offenders charged with first degree murder are not similarly situated for equal protection purposes to recidivist juvenile offenders prosecuted under the habitual juvenile offender or violent juvenile offender statutes. The court reversed the finding that the relevant Juvenile Court Act provisions were unconstitutional as applied and affirmed the rejection of the respondent’s due process challenge to the denial of a jury trial.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Thomas; Chief Justice Karmeier; Justice Freeman; Justice Kilbride; Justice Garman; Justice Theis; Justice Burke
JURISDICTION	Illinois
DECIDED	October 19, 2017
DOCKET	120796
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal by the State from an order of the Cook County circuit court finding provisions of the Juvenile Court Act unconstitutional as applied to a first-time juvenile offender charged with first degree murder; respondent cross-appealed the rejection of her due process challenge.
STANDARD OF REVIEW	Constitutional challenges to statutes are reviewed de novo. Statutes are presumed constitutional, and the challenger bears the burden of establishing a clear constitutional violation.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Illinois
PARTIES	The People of the State of Illinois v. Destiny P.

TOPICS

- equal protection
- due process
- constitutional law
- appellate procedure
- standard of review

PRACTICE AREAS

constitutional law

juvenile law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the Juvenile Court Act's denial of a jury trial to a first-time juvenile offender charged with first degree murder violated equal protection under the United States or Illinois Constitutions.
2. Whether, after the 1998 amendments to the Juvenile Court Act, due process requires a jury trial for a juvenile charged with first degree murder and facing mandatory incarceration.

HOLDINGS

1. Sections 5-101(3) and 5-605(1) of the Juvenile Court Act do not violate equal protection as applied to a first-time juvenile offender charged with first degree murder because that offender is not similarly situated in all relevant respects to recidivist juveniles charged with different offenses under the habitual juvenile offender or violent juvenile offender statutes.
2. Due process does not require a jury trial for a juvenile charged with first degree murder, even after the 1998 amendments to the Juvenile Court Act and even when the juvenile faces mandatory incarceration.

KEY QUOTATIONS

“Nevertheless, we have held that the comparison groups must be “in all relevant respects alike.”” (¶ 17)

“The inquiry is whether the legislature has violated the constitution by treating similarly situated individuals differently, and this the legislature simply has not done.” (¶ 21)

“Thus, we reject respondent’s argument that jury trials for juveniles are required as a matter of due process, and we affirm the trial court’s judgment denying respondent a jury trial on this basis.” (¶ 26)

FACTUAL BACKGROUND

Destiny P., who was 14 years old and had no criminal background, was charged with four counts of first degree murder and several other offenses. She sought a jury trial, acknowledging that the Juvenile Court Act did not provide one for first-time juvenile offenders charged with first degree murder. She argued that the denial violated due process and equal protection because certain habitual and violent juvenile offenders received statutory jury-trial rights.

PROCEDURAL HISTORY

The Cook County circuit court denied respondent's due process challenge but held that sections 5-101(3) and 5-605(1) of the Juvenile Court Act violated equal protection as applied because they denied a jury trial to first-time juvenile offenders charged with first degree murder while granting jury trials in certain recidivist proceedings. The State appealed, and respondent cross-appealed. The Illinois Supreme Court affirmed the due process ruling, reversed the equal protection ruling, and remanded.

DISPOSITION

REMAND INSTRUCTIONS

The cause was remanded for further proceedings after affirming the denial of the due process challenge and reversing the finding that sections 5-101(3) and 5-605(1) were unconstitutional as applied.

CASES CITED

- *McKeiver v. Pennsylvania*, 403 U.S. 528, 545 (1971)
- *In re Fucini*, 44 Ill. 2d 305, 308 (1970)
- *People ex rel. Birkett v. Konetski*, 233 Ill. 2d 185, 200, 204-06 (2009)
- *People v. Boeckmann*, 238 Ill. 2d 1, 6-7 (2010)
- *In re Lakisha M.*, 227 Ill. 2d 259, 263 (2008)
- *Wauconda Fire Protection District v. Stonewall Orchards, LLP*, 214 Ill. 2d 417, 434 (2005)
- *People v. Whitfield*, 228 Ill. 2d 502, 512 (2007)
- *City of Urbana v. Andrew N.B.*, 211 Ill. 2d 456, 466 (2004)
- *In re M.A.*, 2015 IL 118049, ¶¶ 25-33
- *In re Derrico G.*, 2014 IL 114463, ¶ 92
- *In re R.A.B.*, 197 Ill. 2d 358, 363 (2001)
- *Duncan v. Louisiana*, 391 U.S. 145 (1968)
- *People v. Taylor*, 221 Ill. 2d 157, 170 (2006)
- *In re Rodney H.*, 223 Ill. 2d 510, 520 (2006)
- *In re W.C.*, 167 Ill. 2d 307, 320 (1995)
- *People ex rel. Carey v. Chrastka*, 83 Ill. 2d 67, 80 (1980)
- *In re M.G.*, 301 Ill. App. 3d 401, 409 (1998)
- *In re G.O.*, 304 Ill. App. 3d 719, 726-29 (1999)
- *In re G.O.*, 191 Ill. 2d 37 (2000)
- *In re Jonathon C.B.*, 2011 IL 107750, ¶¶ 87-97
- *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 541 (1985)
- *Lyon*, 209 Ill. 2d at 278