

SUPREME COURT OF ILLINOIS

People v. Henry

204 Ill. 2d 267 (2003) · No. 93602 · Decided April 17, 2003

SUMMARY

The Illinois Supreme Court held that the circuit court unequivocally granted the defendant a directed verdict of acquittal on an aggravated battery charge. Reconsideration of that acquittal and submission of the charge to the jury violated the constitutional prohibition against double jeopardy. The court also addressed the effects of the jury's failure to reach a verdict on the involuntary manslaughter charge and the invalidity of a subsequent plea agreement entered while the appeal was pending.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Chief Justice McMorrow
JURISDICTION	Illinois
DECIDED	April 17, 2003
DOCKET	93602
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for leave to appeal from an Illinois Appellate Court judgment that vacated Henry's aggravated-battery and battery convictions, entered acquittals on those charges and involuntary manslaughter, and rejected the State's attempt to dismiss the appeal based on a subsequent plea agreement.
STANDARD OF REVIEW	De novo review of the double-jeopardy issue and whether the trial court's ruling constituted an acquittal; plain-error review of the unpreserved double-jeopardy claim.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Illinois
PARTIES	The People of the State of Illinois v. Jason Henry

TOPICS

- double jeopardy
- criminal procedure
- appellate procedure
- fifth amendment
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court's oral statement granting a directed verdict on aggravated battery was an unequivocal acquittal for double-jeopardy purposes.
2. Whether reconsidering and vacating that directed verdict, followed by submission of aggravated battery to the jury and Henry's conviction, violated the federal and Illinois constitutional prohibitions against double jeopardy.
3. Whether Henry's acquittal on aggravated battery required acquittal on the lesser-included offense of misdemeanor battery.
4. Whether the jury's inability to reach a verdict on involuntary manslaughter, followed by a mistrial, constituted an implied acquittal barring further prosecution.

HOLDINGS

1. The circuit court unequivocally granted Henry's motion for a directed finding on aggravated battery based on the insufficiency of the evidence to establish that the battery occurred on or about a public way. The ruling resolved factual elements of the charged offense and therefore constituted an acquittal for double-jeopardy purposes.
2. Once the circuit court unequivocally acquitted Henry of aggravated battery, it could not reconsider or vacate that acquittal and submit the charge to the jury. Henry's subsequent aggravated-battery conviction violated double jeopardy.
3. The acquittal on aggravated battery also required acquittal on misdemeanor battery because battery was a lesser-included offense of aggravated battery that could have been charged on the same indictment.
4. The jury's failure to reach a unanimous verdict on involuntary manslaughter, followed by the trial court's declaration of a mistrial, was not an implied acquittal. The State was not barred by double jeopardy from further prosecuting that charge.

KEY QUOTATIONS

“reconsideration and vacation of an order directing a verdict of not guilty exposes a criminal defendant to further proceedings for resolving the factual elements of the offense in violation of double jeopardy principles.” (204 Ill. 2d at 281)

“Simply stated, the jury was not “silent” as to the charge of involuntary manslaughter. Rather, the jury explicitly informed the court that it was unable to reach a unanimous decision with regard to the charge of involuntary manslaughter.” (204 Ill. 2d at 286)

FACTUAL BACKGROUND

Henry, who was sixteen, struck Curtis Hurlbut in the face, causing Hurlbut to fall backward and strike his head on a sidewalk, later resulting in Hurlbut's death. Henry was tried as an adult for involuntary manslaughter and aggravated battery, and the jury also received an instruction on misdemeanor battery. During trial, the circuit

court initially stated that it would grant a directed verdict on aggravated battery because the evidence did not show that Hurlbut was on or about a public way, but later vacated that ruling and submitted the charge to the jury. The jury convicted Henry of aggravated battery and battery but could not reach a verdict on involuntary manslaughter, leading the court to declare a mistrial on that charge.

PROCEDURAL HISTORY

Henry initially pleaded guilty in juvenile court to involuntary manslaughter, later withdrew the plea, and was transferred to adult criminal court. After a jury trial, the circuit court entered judgment on aggravated battery and battery; the jury did not reach a verdict on involuntary manslaughter, and the circuit court declared a mistrial on that charge. During the pendency of Henry's appeal, the parties entered a negotiated plea agreement, which the appellate court held void for lack of subject-matter jurisdiction. The appellate court also vacated the convictions and entered acquittals, concluding that the trial court's oral directed verdict on aggravated battery was an acquittal and that the jury's failure to reach a verdict on involuntary manslaughter constituted an implied acquittal. The Illinois Supreme Court affirmed the aggravated-battery and battery relief, reversed the acquittal on involuntary manslaughter, reversed the circuit court judgment, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the circuit court for further proceedings consistent with the opinion, including preservation of the acquittal on aggravated battery and battery and reversal of the appellate court's acquittal on involuntary manslaughter.

CASES CITED

- People v. Williams, 188 Ill. 2d 293 (1999)
- People ex rel. Daley v. Crilly, 108 Ill. 2d 301 (1985)
- People v. Mink, 141 Ill. 2d 163 (1990)
- People v. Knaff, 196 Ill. 2d 460 (2001)
- People v. Harrison, 395 Ill. 463 (1946)
- People v. Daniels, 187 Ill. 2d 301 (1999)
- People v. Cole, 91 Ill. 2d 172 (1982)
- People v. Enoch, 122 Ill. 2d 176 (1988)
- People v. Shaw, 186 Ill. 2d 301 (1998)
- Green v. United States, 355 U.S. 184 (1957)
- People v. Placek, 184 Ill. 2d 370 (1998)
- United States v. Wilson, 420 U.S. 332 (1975)
- United States v. Martin Linen Supply Co., 430 U.S. 564 (1977)
- Fong Foo v. United States, 369 U.S. 141 (1962)

- People v. Totten, 118 Ill. 2d 124 (1987)
- People v. King, 66 Ill. 2d 551 (1977)
- People v. Segara, 126 Ill. 2d 70 (1988)
- People v. Britt, 265 Ill. App. 3d 129 (1994)
- Blockburger v. United States, 284 U.S. 299 (1932)
- People v. Kokoraleis, 132 Ill. 2d 235 (1989)
- In re P.S., 175 Ill. 2d 79 (1997)
- People v. Levin, 157 Ill. 2d 138 (1993)
- United States v. Washington, 48 F.3d 73 (2d Cir. 1995)
- United States v. LoRusso, 695 F.2d 45 (2d Cir. 1982)
- United States v. Byrne, 203 F.3d 671 (9th Cir. 2000)
- United States v. Baggett, 251 F.3d 1087 (6th Cir. 2001)
- Tibbs v. Florida, 457 U.S. 31 (1982)
- Burks v. United States, 437 U.S. 1 (1978)
- People v. Lowe, 202 Ill. App. 3d 648 (4th Dist. 1990)