

Supreme Court Summaries

Opinions filed July 8, 2016

People v. Geiler, 2016 IL 119095

Appellate citation: 2015 IL App (5th) 140423

JUSTICE KILBRIDE delivered the judgment of the court, with opinion.

Justices Thomas, Karmeier, and Theis concurred in the judgment and opinion.

Justice Burke specially concurred, with opinion, joined by Chief Justice Garman and Justice Freeman.

In 2014, Troy police stopped this defendant for speeding and issued him a ticket. Illinois Supreme Court Rule 552 requires that portions of such a traffic citation be transmitted to the clerk of the circuit court within 48 hours of issuance. Geiler's citation did not reach the clerk of the circuit court of Madison County until four days later. Troy police customarily kept traffic citations in a secure box and had them delivered to the county courthouse in Edwardsville on Monday if they were issued on a weekend and on Friday if they were issued during the week. At a hearing on the defendant's motion to dismiss, a Troy police detective testified that it was not "physically possible" to transport citations to the courthouse every day. The defendant offered evidence that about half of issued tickets complied with the 48-hour rule and about half did not. The circuit court dismissed the citation, finding "a clear and consistent violation of Rule 552 and not an inadvertent action." The appellate court affirmed, without considering whether the defendant was prejudiced by the rule violation. Both courts relied on a decision from the appellate court in 1989 to conclude that a clear and consistent violation of Rule 552 can warrant dismissal, even without a showing that the defendant has been prejudiced. The State appealed, arguing that there should be a showing of prejudice to support dismissal.

This appeal raises the issue of mandatory and directory requirements. The rule in question does not specify any consequences for its violation. The Illinois Supreme Court agreed with the appellate court that the rule in question is directory only. However, the appellate court went further in not requiring any showing of prejudice to the defendant before entering a dismissal. This is inconsistent with the Supreme Court's established precedent. The Supreme Court held in 2011 (in a case involving a different rule) that a charge may not be dismissed based on the violation of a directory rule absent a showing of prejudice to the defendant from the violation. A defendant in this situation might be entitled to relief if he could demonstrate that he was prejudiced by the rule violation, but he does not make that contention. No remedy for this defendant is required.

The Supreme Court observed that the record indicates that the police did not violate the rule deliberately but were simply unaware of it. The defendant apparently alerted police to the existence of the rule, with which the Troy police

department is now in compliance. Because the facts do not involve either deliberate or ongoing violations, the Supreme Court did not address the issue of whether the rule should be amended.

The courts below were reversed, and the cause was remanded to the circuit court for further proceedings on the traffic citation.