

Supreme Court Summaries

Opinions filed May 19, 2016

People v. Grant, 2016 IL 119162

Appellate citation: 2015 IL App (5th) 130416

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

Chief Justice Garman and Justices Freeman, Kilbride, Karmeier, Burke, and Theis concurred in the judgment and opinion.

In 2002, respondent James Grant was committed to the Department of Corrections under the Sexually Dangerous Persons Act. In 2012, he filed an application in the circuit court of Johnson County, seeking a determination that he was no longer sexually dangerous. This is known as a recovery proceeding. The trial court directed the Department of Corrections to prepare a socio-psychiatric report in accordance with the Act. That evaluation was prepared by a psychiatrist, a psychologist, and a licensed clinical social worker. The report indicated that the respondent had not made much progress, but also opined that he was at low risk to reoffend. The evaluators did not believe that his continued confinement was necessary, and they recommended his release.

The State disagreed with the report's conclusions, objected to portions of it, and sought the court's permission to call its own independent expert, who was not hired by the Department of Corrections. The respondent challenged this by arguing that this was not provided for by statute, a proposition with which the appellate and supreme courts would later agree. The trial court allowed the State's psychiatrist to testify, and she opined that the respondent had not recovered and should not be released. This was a jury proceeding, and the jury agreed with her. The respondent appealed.

In the appellate court, respondent Grant was awarded a new trial on the theory that statute does not contemplate the appointment of an independent psychiatric expert for the State in a recovery proceeding. The supreme court agreed, noting that when the legislature wants to grant the State the right to an independent psychiatric evaluation of a respondent, it knows how to do so, and that, if this was in fact the intention of the legislature, it needs to say so clearly.

Respondent had raised other issues that the appellate court did not reach in ordering a new trial. The supreme court said that the appellate court should address those remaining issues insofar as they are likely to occur on retrial. The cause was remanded to the appellate court.