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and did not fulfill the court's obligation to ascertain that he knowingly waived his right to a jury trial. We affirm.

¶ 3 On May 20, 2012, Richardson was arrested for possession of a controlled substance (heroin). On June 11, 2012, Richardson was released on electronic home monitoring in lieu of posting bond. At a court date on August 9, 2012, Richardson did not appear. His fiancée, Pamela Henry, was in court and told the trial court that Richardson had been admitted to the psychiatric ward of Ingalls Memorial Hospital. Henry did not present any verification of Richardson's hospitalization. Richardson's counsel informed the court that there were "some issues of concern" the last time she saw her client.

¶ 4 Nine months later, on May 2, 2013, the parties appeared for the scheduled trial date. After both parties stated that they were ready to proceed with the trial, the following colloquy occurred:

"THE COURT: Mr. Richardson, your lawyer has given me a document entitled Jury Waiver.

Mr. Richardson: Yes.

THE COURT: Do you know what a jury is?

Mr. Richardson: Yes.

THE COURT: Your lawyer has given me a document entitled Jury Waiver. Is that your signature at the bottom?

Mr. Richardson: Yes, sir.

THE COURT: By signing that and giving that to me you have indicated to me in a formal way that you wish to [give] up your right to [a] jury trial; is that correct?

Mr. Richardson: Yes, sir.

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THE COURT: The Jury Waiver will be made part of the record."

¶ 5 In his motion for a new trial, Richardson did not argue the validity of the jury waiver. During a presentence investigation, Richardson indicated that he dropped out of middle school at age 16, was enrolled in special education classes throughout school and was illiterate. Richardson also represented that he had no history of or need for mental health counseling or treatment.

¶ 6 The sole issue raised on appeal is whether Richardson knowingly and voluntarily waived his right to a jury trial. Richardson contends that the trial court did not meet its obligation to ensure he understandingly waived his right to a jury trial in light of his "psychiatric illness" before trial and his statements during the presentence investigation that he had not completed grade school, had a learning disability and was illiterate. Therefore, Richardson argues the trial court's "perfunctory questioning" was not sufficient to allow him to understandingly waive his right to a jury trial.

¶ 7 The parties agree that Richardson did not address or argue the validity of his jury waiver at trial or in a posttrial motion, which results in forfeiture of the issue on appeal. See *People v. Bracey*, 213 Ill. 2d 265, 270 (2004). But because a defendant's right to a jury trial is a fundamental right (see *In re R.A.B.*, 197 Ill. 2d 358, 363 (2001)), we will address the merits of the jury waiver despite the procedural default. The validity of the jury waiver may be reviewed under the second prong of the plain-error doctrine. See *People v. Bannister*, 232 Ill. 2d 52, 65 (2008) (stating the second prong of the plain-error doctrine is whether the "error is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process").

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¶ 8 The right to a trial by jury is a fundamental right afforded to criminal defendants. U.S. Const., amends. VI, XIV; Ill. Const. 1970, art. I, §§ 8, 13; *Bannister*, 232 Ill. 2d at 65. But a defendant may waive his right to a jury trial, so long as he does so knowingly and voluntarily. *Bannister*, 232 Ill. 2d at 65; see 725 ILCS 5/103–6 (West 2012) (“Every person accused of an offense shall have the right to a trial by jury unless *** understandingly waived by defendant in open court[.]”). Whether a waiver for a trial by jury is valid is not determined by an exact formula, but rather on a case-by-case basis. *Bracey*, 213 Ill. 2d at 269. The trial court is not required to give any specific admonition or declaration to the defendant for an effective jury waiver. *Bannister*, 232 Ill. 2d at 66. A written jury waiver, although not conclusive, helps demonstrate a defendant's intent to waive his right to a jury trial. *Bracey*, 213 Ill. 2d at 269. We review the validity of defendant's jury waiver *de novo* as the facts are not in dispute and this appeal presents solely a question of law.

¶ 9 Richardson cites *People v. Phuong*, 287 Ill. App. 3d 988 (1997), *People v. Sebag*, 110 Ill. App. 3d 821 (1982), and *People v. Murff*, 69 Ill. App. 3d 560 (1979), in support of his position. We find each case inapposite.

¶ 10 In *Phuong*, the defendant, a Chinese-speaking woman who had recently immigrated to the United States was charged with retail theft. *Phuong*, 287 Ill. App. 3d at 991. Before her trial, she signed a jury waiver that had been translated into Chinese. Without any elaboration, the trial court told the defendant that she could be tried by either a judge or a jury. The defendant's attorney stated that the defendant had selected a bench trial. *Id.* In finding that the defendant did not knowingly waive her right to a jury trial, the appellate court found significant that she had testified at trial through a Chinese interpreter. *Id.* at 996. The court also stated that it was "not

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convinced that the mere translation of the language of the waiver form adequately conveyed its meaning to [the] defendant." *Id.*

¶ 11 In *Sebag*, defendant was convicted of public indecency and acquitted of battery after a bench trial. *Sebag*, 110 Ill. App. 3d at 822. The following colloquy occurred between the *pro se* defendant and the trial court:

"THE COURT: You are entitled to have your case tried before a jury or judge.

DEFENDANT SEBAG: Judge.

THE COURT: Jury waiver. Do you understand that by waiving a jury at this time that you cannot reinstate it; do you understand that?

DEFENDANT SEBAG: Yes." *Id.* at 829-30.

In finding that the defendant's jury waiver was not valid, the reviewing court stated "[t]he defendant was without the benefit of counsel, and it does not appear that he was advised of the meaning of a trial by jury nor does it appear that he was familiar with criminal proceedings." *Id.*

¶ 12 Finally, in *Murff*, defendant was convicted of simple battery. *Murff*, 69 Ill. App. 3d at 561. The following exchange took place between the trial court and the defendant:

"COURT: You want to be tried by me today?

DEFENDANT: Since I wouldn't be allowed to have a continuance, I guess I would have to.

COURT: We are going to resolve it today. When you do, Mr. Murph [*sic*], you waive your right to a jury trial that means you give up your opportunity to have on trial your case before twelve people from throughout the community, and those people would determine your guilt or innocence. Do you understand that?

DEFENDANT: Your Honor, I also have a witness, but the witness isn't here today.

COURT: Well, I am denying your continuance, Mr. Murph [*sic*], because the case had been up sometime already, and we have to go to trial today." *Id.* at 564.

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The appellate court found that the defendant did not knowingly and understandingly waive his right to a trial by jury. It held that the record "fail[ed] to reveal that defendant understood the concept of a jury trial, or that he understood that he was entitled to demand a jury trial, or that he knowingly waived that right in favor of a trial by the court." *Id.* While the trial court did tell the defendant that a jury trial consisted of 12 members of the community, the colloquy revealed that the defendant was never affirmative and unequivocal in any of his responses to the court. He stated that he "guess[ed]" he would have to be tried by the judge and never actually responded to the question of if he understood the meaning of a jury trial. *Id.* There was also no evidence of a written jury waiver. Finally, the court determined that in light of defendant's paranoid schizophrenia, the court should have exercised "greater concern" to determine the validity of the waiver. *Id.*

¶ 13 None of the factors that prompted the courts in *Phuong*, *Sebag*, and *Murff* to find that the jury waivers were not valid are present here. Richardson has lived in this country his entire life and the written jury waiver he executed was in his native language. Further, Richardson was represented by counsel and the court's admonitions, while brief, were adequate to explore both Richardson's understanding of his right to a jury trial and his knowing waiver of that right.

¶ 14 While Richardson argues that the trial court "was aware that [he] was suffering from a psychiatric illness before trial," and argues that, like we found in *Murff*, the trial court should have taken special care to ascertain the validity of his jury waiver in light of that fact, we find no support in the record for this contention. Richardson's fiancée reported his admission to the psychiatric ward of Ingalls Memorial Hospital on August 9, 2012 – almost nine full months

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before Richardson's jury waiver and trial on May 2, 2013. The only evidence of any "psychiatric illness" was the representation that Richardson was admitted to the hospital. No diagnosis was ever presented to the trial court that would support the conclusion that Richardson suffered from a mental condition that impaired his ability to understand and waive his right to a trial by jury. Finally, when given the opportunity to detail any mental health issues in the course of his presentence investigation, Richardson disclaimed any past or present mental conditions or need for treatment. Therefore, there is no basis in the record to conclude that the trial court should have been aware of any mental health issue that would have interfered with Richardson's ability to validly waive his right to a jury trial.

¶ 15 Richardson also argues that his criminal background does not justify a presumption that he had knowledge of his right to a jury trial and cites *In re R.A.B.* However, *R.A.B.* involved a teenage defendant whose criminal justice experience was limited to juvenile delinquency matters, which are never tried to a jury. *In re R.A.B.*, 197 Ill. 2d at 360. Because this case involves an adult with a lengthy criminal history, we find *R.A.B.* factually distinguishable. And while most of Richardson's criminal matters were resolved through guilty pleas and not trials, we do not believe this fact offsets the sufficiency of the trial court's admonitions in connection with Richardson's jury waiver.

¶ 16 Finally, Richardson argues that he is uneducated, illiterate and has a learning disability, thus rendering the trial court's admonitions inadequate. But we have reviewed the record, including Richardson's trial testimony and his indication to the trial judge that he understood his appeal rights after sentencing and find that even assuming Richardson is illiterate and learning disabled, he was nonetheless capable of understanding and waiving his right to a jury trial.

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While the colloquy between Richardson and the trial court was brief, we again reiterate that no specific admonition is required for a valid jury waiver. See *Bannister*, 232 Ill. 2d at 66. The trial court asked Richardson explicitly if he knew what a jury trial was and without hesitation, he responded "[y]es." It may have been preferable at that point for the court to describe a jury trial or ask Richardson to do the same in his own words, but, under the circumstances here, that omission does not render the admonitions deficient. Furthermore, Richardson signed a jury waiver that was presented to the court, demonstrating his intent to waive a jury trial. See *Bracey*, 213 Ill. 2d at 269. Finally, Richardson was represented by counsel and never equivocated in any of his statements to the court relating to a jury trial.

¶ 17 Under *de novo* review and the principles of plain error, we have considered all of Richardson's arguments and conclude that the jury waiver was valid. The judgment of the circuit court of Cook County is affirmed.

¶ 18 Affirmed.