

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of Cook County.
Plaintiff-Appellee,)	
)	
v.)	No. 15 CR 60028
)	
CALVIN SHIELDS,)	The Honorable
)	Joseph M. Claps,
Defendant-Appellant.)	Judge, presiding.
)	

JUSTICE HYMAN delivered the judgment of the court.
Presiding Justice Mason and Justice Pucinski concurred in the judgment.

ORDER

¶ 1 *Held:* Record is insufficient to rule on Shield’s claim that trial counsel provided ineffective assistance for failing to move to quash arrest and suppress his statement to police.

¶ 2 Calvin Shields was convicted of residential burglary for breaking into Albert Lee’s garage. He argues that his trial counsel provided ineffective assistance for failing to move to quash his arrest and suppress the resulting statement.

¶ 3 Background

¶ 4 Chicago police officer Landrum, who lived across an alley from Albert Lee, was off-duty and taking out the trash at 10:00 p.m. on January 9, 2015. As he left his house and walked through his backyard toward the trash cans, he heard movement in the alley; as he walked closer, he saw a man in dark clothes run south down the alley. The running man was about 20 feet away from Officer Landrum. Landrum threw away his trash, then saw a hole in the siding of Lee's garage. Landrum walked to the front of Lee's home and rang Lee's doorbell; after waiting two minutes for Lee to answer, Landrum went to his own home and retrieved his cell phone. He went to his own backyard and called the police. About five minutes later, Landrum saw Shields, who was wearing dark clothing, walking in the alley, about a garage and a half from Lee's garage. Landrum detained Shields but did not search him.

¶ 5 When on-duty police arrived, they awakened Lee, who saw the damage to his garage and noticed two items (a gas can and a shovel) from the garage, now lying on the ground outside it. Chicago police officer Ferreras questioned Shields at the police station, and Shields confessed that he pulled the siding off the garage and took a red can. But he saw a symbol for an alarm system on the garage, so he dropped the can and fled. Shields did not have any burglary tools, or items from the garage, when he was arrested.

¶ 6 The trial court found Shields guilty and sentenced him to eight and a half years of imprisonment.

¶ 7 Analysis

¶ 8 Shields argues that the initial detention was illegal and his trial counsel should have moved to quash his arrest and suppress his statement. See *Strickland v. Washington*, 466 U.S. 668 (1984). To succeed, Shields must show both that his counsel's performance fell below an objective standard of reasonableness, and that the proposed motion was meritorious and there

was a reasonable probability of a different outcome at trial without the suppressed evidence. See *People v. Peterson*, 2017 IL 120331, ¶ 79 (reciting *Strickland* standard); *People v. Henderson*, 2013 IL 114040, ¶ 12 (applying *Strickland* standard to unargued motion to suppress evidence).

¶ 9 Shields asks us to reverse his conviction and remand for a new trial or, in the alternative, remand to allow him to file that a motion to quash arrest and suppress his statement. Neither is appropriate here.

¶ 10 In his trial testimony, Officer Landrum explained that he detained Shields because he was wearing dark clothes, walking near the crime scene a few minutes after Officer Landrum saw a man in dark clothes running near the crime scene. This information is arguably sufficient for us to determine the second prong of *Strickland*—whether there is a reasonable probability that a motion to quash would have been successful.

¶ 11 But Shields cannot overturn his conviction only on the prejudice prong; he must also show deficient performance. And this record contains no information as to why trial counsel chose not to file that motion, or even made a conscious choice not to do so. Unlike our decision in *People v. Maxfield*, 2018 IL App (1st) 151965-UB, a remand to the trial court for filing of a motion to suppress would not be helpful, because it would not tell us anything about trial counsel’s motivations.

¶ 12 Though our supreme court encourages review of ineffective assistance claims on direct appeal, it also acknowledges that some claims are better handled in collateral proceedings. *People v. Veach*, 2017 IL 120649, ¶ 46. This case falls into that category. We decline to rule on the claim, and Shields may raise it in a petition for postconviction relief.

¶ 13 Affirmed.