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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Lake County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 13-CF-2132
)	
MICHAEL M. SEALS,)	Honorable
)	Christopher R. Stride,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE BURKE delivered the judgment of the court.
Justices Zenoff and Spence concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in civilly committing the unfit defendant to a seven-year term without granting him credit: defendant was statutorily subject to the maximum term that a criminal defendant could receive, which was seven years despite the fact that a criminal defendant could receive credit, and the statute did not violate equal protection, as unfit defendants and criminal defendants were not similarly situated.

¶ 2 Defendant, Michael M. Seals, got into an altercation with his mother and stepfather and was charged with one count of aggravated domestic battery (720 ILCS 5/12-3.3(a) (West 2012)), two counts of aggravated battery (*id.* § 12-3.05(a)(1), (d)(2)), and two counts of domestic battery (*id.* § 12-3.2(a)(1)). He was found unfit to stand trial in September 2013, and he never attained

fitness. Accordingly, after a discharge hearing, where defendant was found not not guilty of, among other things, aggravated domestic battery, the court held a hearing pursuant to section 104-25(g)(2) of the Code of Criminal Procedure of 1963 (Criminal Code) (725 ILCS 5/104-25(g)(2) (West 2012)). The court found that defendant posed a serious threat to the public's safety and involuntarily civilly committed defendant to the custody of the Department of Human Services (DHS) for seven years. Defendant moved to reconsider, arguing, among other things, that he should receive credit toward his involuntary commitment term pursuant to section 3-6-3(a)(2)(vii) of the Unified Code of Corrections (Corrections Code) (730 ILCS 5/3-6-3(a)(2)(vii) (West 2012)). The court denied the motion, and this timely appeal followed. We affirm.

¶ 3

I. BACKGROUND

¶ 4 Defendant was charged with the above-noted offenses on July 30, 2013. He was taken into custody at that time, and on September 11, 2013, he was found unfit to stand trial. He was placed in the custody of DHS, and over one year later, the court held a discharge hearing. At that hearing, defendant was found not not guilty of, among other things, aggravated domestic battery, and he was ordered to undergo further treatment. See 725 ILCS 5/104-25(d) (West 2012). Defendant appealed, and this court affirmed the not not guilty findings and remanded the cause for proceedings under section 104-25(g)(2) of the Criminal Code. See *People v. Seals*, 2017 IL App (2d) 150250-U.¹

¶ 5 At the subsequent hearing, the court found that defendant continued to pose a serious threat to the public's safety. Thus, it ordered that defendant be involuntarily civilly committed to the custody of DHS and undergo further treatment. The court ordered that defendant's

¹ While defendant's appeal was pending in this court, he filed a motion for a hearing under section 104-25(g)(2) of the Criminal Code. That motion was granted.

involuntary commitment term would end on August 21, 2021. Defendant moved the court to reconsider, arguing, among other things, that his commitment termination date should be adjusted based on the date he was found unfit to stand trial (see *People v. Rasgaitis*, 222 Ill. App. 3d 855, 861 (1991)) and that, because he was found not not guilty of aggravated domestic battery, the termination date should be further modified by 378 days, which represented 4.5 days of credit for every 30 days of defendant's commitment (see 730 ILCS 5/3-6-3(a)(2)(vii) (West 2012)).² The court agreed that the termination date should be modified based on the date that defendant was deemed unfit to stand trial, but it found that defendant was not entitled to any credit. Accordingly, the court changed the termination date to September 11, 2020, seven years after defendant was found unfit to stand trial.

¶ 6

II. ANALYSIS

¶ 7 At issue in this appeal is whether defendant's involuntary commitment term should be reduced by 378 days given that he was found not not guilty of aggravated domestic battery. Because this issue presents a pure question of law, our review is *de novo*. *People v. Chapman*, 194 Ill. 2d 186, 217 (2000).

¶ 8 Section 104-25(g)(2) of the Criminal Code provides:

“If the defendant continues to be unfit to stand trial, the court shall determine whether he or she is subject to involuntary admission under the Mental Health and Developmental Disabilities Code or constitutes a serious threat to the public safety. If so found, the

² The maximum sentence defendant could receive for aggravated domestic battery, a Class 2 felony, is seven years. See *id.* § 4.5-35(a). Seven years is equal to 84 months. Eighty-four months multiplied by the 4.5 days of credit that a defendant convicted of aggravated domestic battery may receive (see *id.* § 3-6-3(a)(2)(vii)) equals 378 days of total credit.

defendant shall be remanded to [DHS] for further treatment and shall be treated in the same manner as a civilly committed patient for all purposes *** for the period of commitment equal to the maximum sentence to which the defendant would have been subject had he or she been convicted in a criminal proceeding.” 725 ILCS 5/104-25(g)(2) (West 2012).

¶ 9 Section 104-25(g)(4) of the Criminal Code further emphasizes that the term of a defendant’s involuntary commitment may not exceed the maximum sentence. Specifically, it states:

“In no event may the treatment period be extended to exceed the maximum sentence to which a defendant would have been subject had he or she been convicted in a criminal proceeding. For purposes of this Section, the maximum sentence shall be determined by Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V of the [Corrections Code], excluding any sentence of natural life.” 725 ILCS 5/104-25(g)(4) (West 2012).

¶ 10 The most serious offense of which defendant was found not not guilty was aggravated domestic battery. Aggravated domestic battery is a Class 2 felony. 720 ILCS 5/12-3.3(b) (West 2012). The maximum sentence a defendant faces for a Class 2 felony is seven years. 730 ILCS 5/5-4.5-35(a) (West 2012). The court ordered that defendant be involuntarily civilly committed for seven years.

¶ 11 Although defendant acknowledges that his involuntary commitment term is equal to the maximum sentence he could have received had he been sentenced at a criminal proceeding, he argues that his term of commitment should be reduced by 378 days because, had he been sentenced at a criminal proceeding, he would have been entitled to this credit. We disagree.

¶ 12 This court addressed this issue in *People v. Williams*, 142 Ill. App. 3d 858 (1986). There, the defendant contended that he was entitled to good-time credit to reduce the term of his involuntary civil commitment. *Id.* at 860. We found that he was not, as the statute did not provide that involuntarily civilly committed defendants could receive this credit. *Id.* at 863. Rather, sections 104-25(g)(2) and (g)(4) of the Criminal Code referred only to the maximum sentence a defendant could receive under the Corrections Code. *Id.* Here, that sentence is seven years. The fact that a criminal defendant may get credit against that sentence does not mean that it is not a seven-year sentence.

¶ 13 While defendant recognizes that *Williams* applies, he argues that this court should not follow *Williams*, because denying him credit is unconstitutional. In support of this argument, defendant references various constitutional terms. These claims are not fully developed.³ Nevertheless, we choose to address what is at the heart of defendant's argument, *i.e.*, that giving this credit to criminal defendants and not to defendants who are involuntarily civilly committed denies civilly committed defendants equal protection of the law. We disagree.

¶ 14 This court addressed a similar issue in *Williams*. There, we observed:

“Defendants who have been awarded good-time credit as a result of being found not guilty by reason of insanity, guilty but mentally ill, guilty after being found fit by use of special provisions and assistance, and guilty after being found fit are situated differently than defendants committed due to unfitness for trial. The distinction is obvious. The former groups have gone through the trial process, have been found guilty of a crime and

³ For example, defendant states that he was denied procedural and substantive due process. In support of these claims, he asserts only that he has a liberty interest that has been denied.

have had a sentence imposed. As such, they are subject to criminal classification.” *Id.*; see also, *People v. Rasgaitis*, 222 Ill. App. 3d 855, 861-62 (denial of good time credit against a term of commitment did not deprive the defendant of either equal protection or due process).

¶ 15 Here, defendant claims that awarding good-time credit to fit defendants who are sentenced after criminal proceedings and not to unfit defendants who are involuntarily civilly committed can result in unfit defendants being detained longer than fit defendants. Although that might be true, these defendants are not similarly situated. *In re Destiny P.*, 2017 IL 120796, ¶ 15 (equal protection claim requires that classes be similarly situated). The former, who have gone through criminal proceedings, are classified as criminal defendants while the latter, who are detained solely for the purpose of undergoing treatment in the hope that they attain fitness for criminal proceedings are not. See *Id.* (“Two classes are similarly situated only when they are in all relevant respects alike.”).

¶ 16

III. CONCLUSION

¶ 17 For the reasons stated, we affirm the judgment of the circuit court of Lake County. As part of our judgment, we grant the State’s request that defendant be assessed \$50 as costs for this appeal. 55 ILCS 5/4-2002(a) (West 2016); see also *People v. Nicholls*, 71 Ill. 2d 166, 178 (1978).

¶ 18 Affirmed.