

No.
IN THE
SUPREME COURT OF THE UNITED STATES

KEVION MATAZ FIELDS, PETITIONER,
-vs-

PEOPLE OF THE STATE OF ILLINOIS, RESPONDENT.

On Petition For Writ Of Certiorari
To The Appellate Court Of Illinois

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

The Sixth Amendment of the Constitution holds that every accused has the right “to be confronted with the witnesses against him.” U.S. Const. amend. VI (“Confrontation Clause”); see also *Crawford v. Washington*, 541 U.S. 36, 50 (2004) (“the principal evil at which the Confrontation Clause was directed” was the use of “*ex parte* examinations as evidence against the accused”). It is thus fundamentally antithetical to the tenets of the United States Constitution to deny a criminal defendant the opportunity to confront his accusers in court. But lower courts have historically disagreed over the extent of the Confrontation Clause’s protections. Indeed, in *People v. Fields*, 2026 IL App (4th) 4250151-U, the Illinois Fourth District Appellate Court confoundingly concluded that a witness’s accusations, if spoken via excited utterances, do not implicate the Confrontation Clause. This holding undermines both the sanctity of the Constitution’s promises and this Court’s previous understandings of the Confrontation Clause’s reach.

Specifically, in this case, the complaining witness implicated defendant Kevion Mataz Fields in a videotaped statement while police officers took detailed notes. But the complaining witness was not called to testify, and Fields never had the chance to cross-examine her. Her statements were nonetheless admitted and considered substantively as “excited utterances,” and the trial judge’s decision to admit and consider these statements was affirmed on direct appeal, under the rationale that her “excited utterances” were necessarily spoken during the course of an ongoing emergency. *People v. Fields*, 2026 IL App (4th) 4250151-U, ¶¶28, 33-35, 38. As such, the multi-fold question brought up by this decision and presented for review here is 1) whether the complaining witness’s excited utterances were

necessarily spoken during a concurrent ongoing emergency; and 2) whether the alleged existence of a concurrent ongoing emergency necessarily rendered this complaining witness's excited statements non-testimonial and admissible – even without affording Fields a chance at confrontation – or if her statements were instead testimonial in nature because the crime was already over and the police were taking detailed notes about names, addresses, and workplaces.

LIST OF PARTIES

Petitioner, petitioner-appellant below, is Kevion Mataz Fields.

Respondent, respondent-appellee below, is People of the State of Illinois.

RELATED CASES

People v. Fields, 2026 IL App (4th) 4250151-U.

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To The Supreme Court Of Illinois

The petitioner, Kevion Mataz Fields, respectfully prays that a writ of certiorari issue to review the judgment below.

OPINION BELOW

The unpublished decision of the Illinois Appellate Court is reported at *People v. Fields*, 2026 IL App (4th) 4250151-U, and is attached as Appendix A. (App. A). The order of the Illinois Supreme Court denying leave to appeal is available in the Westlaw database at 2026 WL 1486755, and is attached as Appendix B. (App. B).

JURISDICTION

The judgment of the Illinois Appellate court, First District, was entered on February 11, 2026. (App. A) The Illinois Supreme Court denied a timely petition for leave to appeal on May 27, 2026. (App. B). The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISION INVOLVED

The Sixth Amendment to the United States Constitution provides, in relevant part: “In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him.” U.S. Const. amend. VI.

INTRODUCTION

This case presents a multi-faceted Confrontation Clause question that has confused and divided state courts: 1) whether a witness's excited utterances implicating another in a crime necessarily indicate the existence of a concurrent ongoing emergency; and, 2) whether the existence of a concurrent ongoing emergency automatically renders a witness's excited utterances non-testimonial in nature, and thus permits the introduction of those statements in court without affording the defendant an opportunity for confrontation – or instead creates a presumption that the witness's statements were non-testimonial that may be rebutted where, as here, the witness's statements were not spoken for the purpose of preventing imminent harm.

In this case, the State moved to introduce body-worn camera footage that showed the complaining witness implicating Kevion Mataz Fields after a domestic altercation. However, the State never called the complaining witness to the stand, and made no showing that she was unavailable to testify. The judge nevertheless admitted and considered the footage over defense counsel's objections, reasoning that the statements were "excited utterances," and that they were therefore admissible as evidence against Fields.

On appeal, Fields argued, in pertinent part, that the complaining witness's statements – even if they were excited utterances – were also testimonial in nature, and that his rights under the Confrontation Clause were therefore violated because the complaining witness was never called to testify. *People v. Fields*, 2026 IL App (4th) 4250151-U, ¶2. Nonetheless, the appellate court affirmed, reasoning that the complaining witness's apparent distress and the general chaos of the scene showed that her statements were indeed excited utterances that were necessarily made during the course of an ongoing emergency, rendering them non-testimonial. *Id.* at ¶¶28, 33-35,

38.

The appellate court’s decision in this case conflicts with decisions from other state courts, which have held that 1) deciding whether a statement is an excited utterance; and 2) deciding whether an excited utterance was spoken during an ongoing emergency requires two separate analyses. *State v. Johnson*, 208 N.3d 949, 965 (Ohio Ct. App. 2023) (“Whether a statement may fall within a hearsay exception as an excited utterance under the rules of evidence is a separate inquiry from whether admission of that statement violates a defendant’s right to confront witnesses under the Confrontation Clause”); see also *State v. Tapper*, 993 N.W.2d 432, 436 (Minn. 2023). It also highlights the troubling propensity of state courts to automatically categorize all excited utterances that were spoken during the course of an ongoing emergency as non-testimonial in nature, even though both this Court and various federal courts of appeals have repeatedly cautioned that “whether an ongoing emergency exists is simply one factor . . . that informs the ultimate inquiry regarding the ‘primary purpose’ of an interrogation.” *Ohio v. Clark*, 576 U.S. 237, 245 (2015) (quoting *Michigan v. Bryant*, 562 U.S. 344, 366 (2011)); see also *United States v. Carter*, 158 F.4th 1319, 1328-1330 (11th Cir. 2025) (the existence of an ongoing emergency is but one factor that may render a witness’s statements non-testimonial); *United States v. Norwood*, 982 F.3d 1032, 1043 (7th Cir. 2020) (consideration of the “totality of the circumstances” is necessary to determine whether a statement made during an ongoing emergency was testimonial in nature) (emphasis in original). As such, this case presents an optimal vehicle for this Court to clarify the protections promised under the Confrontation Clause.

STATEMENT OF THE CASE

On September 30, 2022, Ondreas Edgeston flagged down a Rockford police officer while he was on patrol. Edgeston was outside her residence with her four young children and two dogs, and, according to officer Adam Dreger, her face was red and swollen. Initially, Edgeston told Dreger that someone in the house had “slammed her,” but she was subsequently upset by Dreger’s demands that she corral her excitable dogs – and the two argued over the matter. Specifically, Dreger yelled at Edgeston to “get [her] fucking dog,” and Edgeston screamed back that she was “trying,” which prompted her children to start crying.

After the dogs were secured in Edgeston’s house, Dreger subsequently stopped yelling, corralled the crying children, and took out his notepad – and Edgeston also calmed down and began telling Dreger what had happened. Based on this incident and subsequent investigation, Kevion Mataz Fields was charged with multiple counts of battery, resisting a Peace Officer, and child endangerment.

At Fields’s bench trial, video footage of Edgeston’s conversation with Officer Dreger was introduced, but Edgeston did not testify. Over defense counsel’s objections, the judge considered these statements and ruled that they were admissible as excited utterances. According to Edgeston’s video recorded statements, Fields had grown violent and “hit her a lot” on the corner near their shared house. Dreger took notes and asked for more details, including Edgeston’s full name, address, job, and phone number, as well as Fields’s full name, as he documented the incident.

Meanwhile, other officers arrived on scene and headed to the back of the residence. (R. 103) Eventually, Officer Joshua Fearnside radioed Dreger and told him that there was fighting involving Fields in the back of the residence, and Dreger headed to the back to assist.

Following a brief struggle, officers took Fields into custody. Meanwhile, paramedics assessed Edgeston's injuries and took her to a nearby hospital. After presenting this evidence, the State rested, and defense counsel entered a motion for directed finding, which the judge denied.

When fashioning her decision, the judge used the word "chaotic" to describe the video footage, and re-emphasized the fact that, because Edgeston and her children were upset, and because Edgeston's injuries appeared to be recent, her statements qualified as excited utterances. The judge also noted that she considered the hearsay statements substantively because she found them to be spontaneous and made under "excitement and stress," before finding Fields guilty of aggravated battery and domestic battery. She subsequently denied Fields's boilerplate motion for a new trial on February 13, 2025.

Due in part to his lack of violent criminal background, Fields was eligible for probation, and the parties agreed to a sentence of 180 days in jail and 24 months of probation. Fields timely appealed his convictions.

Appeal

On appeal, Fields argued 1) that Edgeston's statements were not actually excited utterances, and were thus inadmissible hearsay that the judge nonetheless admitted and considered; and, 2) that her statements were testimonial in nature, and that his rights under the confrontation clause were thus violated because Edgeston was never called as a witness. *People v. Fields*, 2026 IL App (4th) 4250151-U, ¶2. The appellate court affirmed, reasoning that Edgeston's apparent distress and the general chaos of dogs running around and children crying showed that her statements were indeed excited utterances made during the course of an ongoing emergency. *Id.* at ¶¶28, 33-35, 38.

Fields timely filed a petition for leave to appeal with the Illinois Supreme Court, which was denied on May 27, 2026. (App. B).

REASONS FOR GRANTING THE PETITION

This Court Should Grant Certiorari to 1) clarify the scope of the Confrontation Clause’s protections when a complaining witness implicates another via excited utterances; and 2) elucidate whether the existence of a concurrent ongoing emergency necessarily renders all statements spoken during the emergency non-testimonial in nature – or instead creates a presumption that the statements were non-testimonial that may be rebutted where, as here, the statements were not spoken for the purpose of preventing imminent harm.

The United States Constitution’s Confrontation Clause promises every criminal defendant the opportunity “to be confronted with the witnesses against him.” U.S. Const. amend. VI. But Kevion Mataz Fields was flatly denied that opportunity. His case illuminates a startling trend wherein state courts blatantly misapply, misinterpret, and ignore the Confrontation Clause’s solemn promise. As such, it is the perfect vehicle for this Court to clarify the scope of the Confrontation Clause’s protections and ensure uniformity among the lower courts in accordance with *Crawford v. Washington*.

Indeed, in *Crawford v. Washington* – a seminal case in Confrontation Clause jurisprudence – the trial judge admitted a witness’s recorded statement without requiring the prosecution to present that witness for cross-examination. *Crawford v. Washington*, 541 U.S. 36, 40-41 (2004). The prosecution played the recording for the jury, and argued in closing that the witness’s recorded statements refuted the accused’s self-defense argument. *Id.* at 40-41. On appeal, this Court found that the recording constituted “testimonial” evidence, which triggers the Sixth Amendment’s guarantee that the defendant be afforded an opportunity for cross-examination. *Id.* at 59, 68. This Court thus remanded for a new trial because “cross-examination might well have undermined” the weight the jury afforded the declarant’s testimony. *Id.* at 67. And,

although the *Crawford* court declined to define “testimonial” in precise terms, it advised that testimonial statements are those “that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial.” *Id.* at 51-52; see also *Ohio v. Clark*, 576 U.S. 237, 244 (2015) (statements spoken with the primary purpose of enabling police to respond to a perceived emergency are often non-testimonial in nature, but the totality of the circumstances must still be considered when deciding whether such statements implicate the confrontation clause) (citing *Hammond v. Indiana*, 547 U.S. 813 (2006); *Michigan v. Bryant*, 562 U.S. 344, 369-370 (2011) (“[s]impler is not always better, and courts making a “primary purpose” assessment should not be unjustifiably restrained from consulting all relevant information” to determine whether a statement is testimonial in nature).

Here, as in *Crawford*, the State sought to introduce video footage that showed the complaining witness excitedly implicating Fields, even though the State never called the complaining witness to the stand, and made no showing that she was unavailable to testify. See *People v. Chatman*, 2024 IL 129133, ¶43 (the State is required to either produce or demonstrate the unavailability of a declarant whose statement it wishes to use against a defendant). And yet, over defense counsel’s objections, the judge concluded that the complaining witness’s statements were admissible as “excited utterances,” and considered this footage substantively without regard for Fields’s rights under the Confrontation Clause.

On appeal, instead of correcting the judge’s mistake, the Fourth District Appellate Court advanced yet another incorrect interpretation of the Confrontation

Clause’s protections. Specifically, the appellate court held that the complaining witness’s apparent distress and the general chaos of the scene showed that her statements were indeed excited utterances that were *necessarily* made during the course of an ongoing emergency and thus did not implicate the Confrontation Clause. *People v. Fields*, 2026 IL App (4th) 4250151-U, ¶¶28, 33-35, 38.

But, historically, state courts—following *Crawford*—have held that determining whether a statement qualifies as an excited utterance and determining whether the introduction of that statement implicates a defendant’s rights under the Confrontation Clause requires two distinct analyses. See, e.g., *State v. Johnson*, 208 N.E.3d 949, 965 (Ohio Ct. App. 2023). This Court has also left room for the possibility that some statements spoken during an ongoing emergency might still implicate the confrontation clause. See, e.g., *Ohio v. Clark*, 576 U.S. 237, 245 (2015) (the existence of an ongoing emergency is not *determinative* when deciding whether an utterance was testimonial in nature). The perplexing decision in *Fields*’s case, which is but one in a string of recent perplexing decisions, thus begs the following questions: 1) whether a witness’s excited utterances implicating another in a crime *necessarily* indicate the existence of a concurrent ongoing emergency; and 2) whether the existence of a concurrent ongoing emergency automatically renders a witness’s excited utterances non-testimonial in nature, and thus permits the introduction of those statements in court without affording the defendant an opportunity for confrontation – or instead creates a presumption that the witness’s statements were non-testimonial, which is rebutted where, as here, the statements were not spoken for the purpose of preventing imminent harm.

A. The Overlap Between Excited Utterances and Ongoing Emergencies

Saliently, under Illinois law, for a statement to qualify as an excited utterance, there must have been: (1) an occurrence that was startling enough to produce a spontaneous and unreflecting statement; and (2) an absence of intervening time for the declarant to conjure up a fabrication. *People v. Poland*, 22 Ill. 2d 175, 181 (1961); *People v. Johnson*, 271 Ill. App. 3d 962, 964 (1995). The statement must also relate to the circumstances of the occurrence. *Id.* Ultimately, the issue is whether there was a lack of sufficient time which would allow for "reflection and invention," because "where people are under physical or mental shock, they experience a stress of nervous excitement which produces a statement that expresses the real belief of the speaker as to the facts just observed." *Poland*, 22 Ill. 2d at 181; *People v. Connolly*, 406 Ill.App.3d 1022, 1024 (2011). And, although these particular criteria are Illinois-specific, they mirror the criteria set out in the Federal Rules of Evidence governing the classification and admission of excited utterances. See Fed. R. Evid. 803(2) (a statement qualifies as an excited utterance if it relates to a startling event or condition and was made while the declarant was under the stress of excitement from that event or condition); see also *U.S. v. Brown*, 254 F.3d 454, 458 (3d Cir. 2001) ("[t]he rationale for the excited utterance exception lies in the notion that excitement suspends the declarant's powers of reflection and fabrication, consequently minimizing the possibility that the utterance will be influenced by self interest and therefore rendered unreliable") (citing *United States v. Joy*, 192 F.3d 761, 766 (7th Cir. 1999)).

Relatedly, the established tests in Illinois for deciding whether statements are "excited utterances" and deciding whether statements were spoken during an ongoing

emergency require two distinct analyses: one that mirrors the Federal Rules of Evidence, as described above, and one that is grounded in the tenets of the United States Constitution's Confrontation Clause. More specifically, when determining whether a statement qualifies as an excited utterance, an Illinois court must assess (1) the amount of time between the event and the statement; (2) the nature of the event; (3) the mental and physical condition of the declarant; (4) the presence or absence of self-interest on the part of the declarant; (5) the circumstances of the giving of the statement itself (such as whether it was volunteered or the result of questioning); and (6) the influence of intervening circumstances. *People v. Williams*, 193 Ill. 2d 306, 352, 352 (2000); Fed. R. Evid. 803(2). But when a court is considering whether a witness implicated a defendant during an ongoing emergency, it must assess whether the information known to the parties at the time of the statements would have led a reasonable person to believe that an emergency situation was underway, and whether the statements were spoken for purposes of responding to that emergency. *Michigan v. Bryant*, 562 U.S. 344, 360 (2011).

And yet, in this case, the Illinois appellate court considered only a few of the factors under its "excited utterance" test, and concluded – based solely on that limited consideration and a brief analysis of the officer's behaviors – that the complaining witness's excited utterances implicating Fields were necessarily spoken during the course of an ongoing emergency and were thus non-testimonial. *Fields*, 2026 IL App (4th) 4250151-U at ¶¶28, 33-35, 38. Indeed, the appellate court concluded that there was an ongoing emergency based only on the following facts: 1) the complaining witness had wounds and was "obviously upset and crying,"; 2) the complaining witness

had allegedly been physically assaulted by her partner; and, 3) Officer Dreger's questions were focused on "understanding what had just happened" and assessing "what needed to be done to assist." *Id.* at ¶34. As such, the Illinois appellate court did not even discuss *Bryant* or apply its factors for assessing whether there was a concurrent ongoing emergency, and thus hinged Fields's right to confrontation on the fact that the complaining witness was excitable from a recent event. *Id.* Saliently, had it been properly applied, a *Bryant* analysis would have shown that the parties *did in fact* believe the emergency to be over – seeing as the officer took out a notepad and asked for proper names, spellings, birth dates, and workplaces, which the complaining witness readily provided.

Additionally, the insinuation in this case – that excited utterances necessarily prove the existence of an ongoing emergency, thereby rendering those statements admissible, even in the absence of an opportunity for confrontation – has been disavowed by other state courts. For example, in *State v. Johnson*, the Ohio court of appeals held that "whether a statement may fall within a hearsay exception as an excited utterance under the rules of evidence is a separate inquiry from whether admission of that statement violates a defendant's right to confront witnesses under the Confrontation Clause." *State v. Johnson*, 208 N.E.3d 949, 965 (Ohio Ct. App. 2023). In that case, the court ultimately held that the witness's excited utterances made during the course of a 911 call did *not* show the existence of a concurrent ongoing emergency; the *Johnson* court found that the emergency had already ended by the time the witness spoke with operators, rendering her statements testimonial in nature. *Id.* at 965-969. Similarly, the Supreme Court of Minnesota held that determining whether

a statement qualifies as an excited utterance and determining whether that same statement was testimonial in nature requires two separate analyses. *State v. Tapper*, 993 N.W.2d 432, 436 (Minn. 2023). And, in that case, although the court found that the witness's statements were neither excited utterances *nor* spoken during the course of an ongoing emergency, it made clear that it conducted two distinct analyses to come to those separate conclusions. *Id.*

As such, the decision in the instant case – holding that an excited utterance necessarily shows the existence of a concurrent ongoing emergency – evidences both 1) Illinois-specific confusion about how to determine whether inculpatory statements were spoken during a concurrent ongoing emergency (which directly implicates a defendant's rights under the confrontation clause); and 2) a conflict with other state courts of last resort. Supreme Court intervention is thus crucial to remedy this growing division and confusion.

B. Confusion Surrounding whether a Statement spoken during an Ongoing Emergency is Testimonial in Nature

Turning to the next facet of the Confrontation Clause question at issue here – namely, whether the existence of a concurrent ongoing emergency automatically renders a witness's statements non-testimonial in nature, or instead creates a rebuttable presumption that the witness's statements were non-testimonial – this Court has repeatedly cautioned that “[i]n many, if not most, cases where police respond to a report of a crime, whether pursuant to a 911 call from the victim or otherwise, the purposes of an interrogation, viewed from the perspective of the police, are *both* to respond to the emergency situation *and* to gather evidence.” *Davis v. Washington*, 547 U.S. 813, 832, 839 (2006) (Thomas, C., concurrence in part); see also *Ohio v. Clark*, 576 U.S. 237, 245 (2015) (“whether an ongoing emergency exists is simply one factor ...

that informs the ultimate inquiry regarding the ‘primary purpose’ of an interrogation”) (quoting *Michigan v. Bryant*, 562 U.S. 344, 366 (2011)). As such, this Court has held that statements made during an ongoing emergency that “were neither a cry for help nor the provision of information enabling officers immediately to end a threatening situation” are still testimonial in nature and implicate the confrontation clause. *Davis*, 547 U.S. at 831-832 (citing *Crawford v. Washington*, 541 U.S. 36 (2004)) (although officers were called to investigate an unfolding situation, the implicating witness was not in immediate danger, and her statements were therefore testimonial in nature).

This Supreme Court precedent and directive appear straightforward. After all, according to the plain language of *Bryant*, *Davis*, and *Clark* (which build on *Crawford*), a statement made during an ongoing emergency is *not* always non-testimonial in nature – and these decisions urge judges to consider all relevant circumstances before coming to a conclusion. And yet, state courts continually issue decisions surrounding this important constitutional issue that conflict with this precedent.

Indeed, in the instant case, the Illinois appellate court plainly concluded that “[the complaining witness’s] statements to Officer Dreger were nontestimonial because Officer Dreger was addressing an ongoing emergency” without considering the fact that Officer Dreger was taking detailed notes and inquiring about names, spellings, workplaces, and addresses. *Fields*, 2026 IL App (4th) 4250151-U, ¶34. These actions tend to show that the complaining witness’s answers, like those in *Davis*, “were neither a cry for help nor the provision of information enabling officers immediately to end a threatening situation,” and were thus testimonial in nature, *even if* there was somehow

still an ongoing emergency. *Davis*, 547 U.S. at 832 (citing *Crawford v. Washington*, 541 U.S. 36 (2004)). But the Illinois appellate court failed to take any of these nuances into consideration.

And other state courts – including courts of last resort – have made similarly problematic sweeping statements which dissuade judges from engaging in careful analyses when faced with utterances spoken during potential ongoing emergencies. For example, in *State v. Jacinto*, 155 N.E.3d 1056 (Ohio Ct. App. 2020), a caller told a 911 operator that he had witnessed an altercation between two men, and reported that one of them had fallen to the ground. *Jacinto*, 155 N.E. 3d at 1067. In spite of this Court’s clear directives, the Ohio Court of Appeals found that the caller’s statements were non-testimonial in nature and thus did not implicate the confrontation clause – even though the threat of imminent harm was already over – because “911 calls are generally non-testimonial.” *Id.* at 1075-1078; see also *State v. Kirby*, 908 A.2d 506, 523-524 (Conn. 2006) (statements are not testimonial when “a crime [is] in progress”); *State v. Ayer*, 917 A.2d. 214, 225 (N.H. 2006) (no “rational police officer” who believed the emergency had not yet subsided would “interrogate persons to obtain information potentially relevant to a future prosecution”); *Cook v. State*, 199 S.W.3d 495, 498 (Tex. App. 2006) (“statements made to police during contact initiated by a witness at the beginning of an investigation are generally not considered testimonial”). As such, this case is but the most recent example of a state court deciding this important federal question in a way that conflicts with relevant Supreme Court decisions.

Notably, this string of state court decisions *also* conflicts with relevant federal court of appeals decisions, which have repeatedly held that the existence of an ongoing

emergency is simply one *factor* to consider when deciding whether a statement was testimonial in nature. See, e.g., *United States v. Carter*, 158 F.4th 1319, 1328-1330 (11th Cir. 2025) (an ongoing emergency was but one of many factors that rendered the witness's statements in this case non-testimonial); *United States v. Polidore*, 690 F.3d 705, 714 (5th Cir. 2012) (explaining that even statements made during a 911 call may be testimonial in nature) (citing *Davis. v. Washington*, 547 U.S. 813, 827 (2006)); *United States v. Latu*, 46 F.4th 1175, 1180 (9th Cir. 2022) (the existence of an ongoing emergency is not dispositive as to whether a witness's statements were testimonial in nature). Indeed, in *United States v. Norwood*, 982 F.3d 1032, 1043 (7th Cir. 2020) the 7th Circuit Court of Appeals explicitly held that “an ‘ongoing emergency’ is simply one consideration when applying the primary purpose test. *Bryant* made clear that the *totality of the circumstances* guides the primary purpose test, not any one factor”). And yet, state courts – including the court in Fields’s case – continue to issue conflicting decisions. This case thus presents a much-needed opportunity for this Court to clarify both the implications of the confrontation clause and its own precedent.

In sum, confusion abounds surrounding a defendant’s rights under the confrontation clause, and state courts continually issue decisions that conflict with the United States Supreme Court’s understanding of this fundamental constitutional protection. This case in particular presents a compelling vehicle for this Court to address two interrelated points of confusion and resolve this important federal question. This Court should take this opportunity to clarify, and it should find that either 1) the complaining witness’s excited utterances here were *not* spoken during an ongoing emergency, and therefore were testimonial in nature; or 2) the complaining

witness's statements *were* indeed testimonial – in spite of the existence of an ongoing emergency – because the primary purpose of her conversation with police was not to respond to an imminent threat.

CONCLUSION

For the foregoing reasons, petitioner, Kevion Mataz Fields, respectfully prays that a writ of certiorari issue to review the judgment of the Illinois Supreme Court.

Respectfully submitted,

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