Office of the State Appellate Defender

Summary of Significant Criminal Issues Pending in the Illinois Supreme Court

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APPEAL

No. 131926
People v. Jones, Defense leave to appeal granted 9/24/25 from 2025 IL App (4th) 230926-U.

Whether the appellate court erred when it held that the Illinois Supreme Court's decision in **People v. Mata**, 217 Ill. 2d 535 (2005), that "'sentencing issues' or 'sentencing-phase issues' are rendered moot by the governor's commutation," meant defendant's proportionate penalties attack on his sentence, which had been commuted by the governor from death to natural life, is moot.

Defense counsel: Joseph Benak, Chicago OSAD

No. 132234
People v. Vargas, Defense leave to appeal granted 11/26/25 from 2025 IL App (2d) 240609, oral argument held 9/22/26.

Whether completion of a sentence renders moot an appellate challenge to the underlying probation revocation, either because probation revocation does not create collateral consequences or because immigration status is not a sufficient collateral consequence.

Defense counsel: Dominique Estes, Elgin OSAD

BAIL – PRETRIAL RELEASE & DETENTION

No. 132403
People v. Post, Defense leave to appeal granted 11/26/25 from 2025 IL App (4th) 250598, oral argument held 5/12/26.

Whether the standard of review for detention hearings announced in **People v. Morgan**, 2025 IL 130626, applies to continued pretrial detention hearings.

Whether a defendant must demonstrate a change of circumstances before a court must revisit the issue of pretrial detention.

Defense counsel: James Wozniak, Chicago OSAD

No. 132652
People v. Williams, Defense leave to appeal granted 1/29/26 from 2025 IL App (2d) 250370, oral argument held 9/15/26.

Whether the 21-day deadline for the State's filing of a petition to deny pretrial release under 725 ILCS 5/110- 6.1(c)(1) is mandatory or directory, where the appellate court held that the requirement is directory and that an untimely petition should not be struck absent a showing that the defendant was prejudiced by the delay.

Defense counsel: Benjamin Wimmer. OSAD PFA Unit

No. 132703
People v. Finney, Defense leave to appeal granted 2/13/26 from 2025 IL App (5th) 250741-U, oral argument held 9/15/26.

Whether, where a defendant's pretrial-release hearing includes only proffered evidence, but subsequent preliminary proceedings include live testimony, the standard of review is *de novo* or deferential.

Defense Counsel: Michael Orenstein, OSAD PFA Unit

No. 133409
People v. Arrington, Defense leave to appeal granted 8/11/26 from 2026 IL App (4th) 260297

Whether the parties are permitted to introduce new evidence relating to pretrial detention at the hearing on a motion for relief filed pursuant to Illinois Supreme Court Rule 604(h)(2).

Defense counsel: James Wozniak, OSAD PFA Unit

BATTERY, ASSAULT & STALKING OFFENSES

No. 133234
(New) People v. Webster, Defense leave to appeal granted 9/30/26 from 2026 IL App (2d)
250185.

Whether public social-media posts constitute prohibited "contact" under the Stalking No Contact Order Act, even where the defendant did not send the posts to the protected person, identify her by name, publish them in a forum she followed, or take any other action to cause her to view them, if such posts are readily available to the public and may reasonably come to that person's attention.

Defense counsel: Zachary Wallace, Elgin OSAD

COLLATERAL REMEDIES

No. 130707
People v. Lesley, State leave to appeal granted 11/26/25 from 2024 IL App (3d) 210330.

Whether, for purposes of the Certificate of Innocence statute [735 ILCS 5/2-7-2], a petitioner who voluntarily pled guilty to an offense which was subsequently deemed unconstitutional did not cause or bring about his conviction under subsection (g)(4).

Whether a petitioner who entered a negotiated guilty plea to multiple indictments must prove his innocence of all charges of both indictments in order to obtain a certificate of innocence.

Defense counsel: Joel Flaxman, Chicago

No. 132043
People v. Lynon, Defense leave to appeal granted 11/26/25 from 2025 IL App (1st) 231422-U.

Whether a *pro se* defendant's failure to raise a claim in a **Krankel** proceeding results in forfeiture of that claim in his subsequent *pro se* post-conviction petition.

Defense counsel: Linda Olthoff, Chicago OSAD

No. 132067
People v. Hammond, Defense leave to appeal granted 9/24/25 from 2025 IL App (1st) 230583-U, oral argument held 9/17/26.

Whether a post-conviction attorney's Rule 651(c) certificate allows a presumption that they attempted but failed to find necessary supporting evidence, when the record otherwise objectively shows that counsel did not attach required evidence in support of the defendant's claims

Defense counsel: Caroline Bourland, Chicago OSAD

No. 132458
People v. Hewitt, Defense leave to appeal granted 1/28/26 from 2025 IL App (1st) 231294

Whether, at the first stage of post-conviction proceedings, a petition raising an emerging adult proportionate penalties claim must overcome forfeiture for not having rased the claim at the petitioner's original sentencing hearing or on direct appeal, or whether forfeiture considerations are best addressed during later stages of the proceedings where petitioner has the right to the assistance of counsel.

Defense counsel: Deepa Punjabi, Chicago OSAD

No. 132878
People v. Peak, Defense leave to appeal granted 5/27/26 from 2025 IL App (5th) 231222-U.

Whether, at the second stage of post-conviction proceedings, it is counsel's duty, not the petitioner's, to attempt to obtain affidavits from supporting witnesses identified by name in the *pro se* petition.

Whether, in order to establish a claim of unreasonable assistance of counsel under **People v. Addison**, 2023 IL 127119, a petitioner need not demonstrate prejudice from counsel's second-stage failure to attempt to obtain supporting evidentiary material.

Whether post-conviction counsel may at once confess the belief that the *pro se* petition lacks merit, refuse to withdraw, fail to amend the petition, and yet continue to advance the *pro se* claims at a hearing.

Defense counsel: Patrick Sullivan, Chicago OSAD

No. 133028
People v. Simpson, Defense leave to appeal granted 5/27/26 from 2026 IL App (5th) 231214-U.

Whether the appellate court erred when it remanded only one claim to the circuit court after finding unreasonable assistance of post-conviction counsel as to that claim, and held that appellant's failure to raise the remaining post-conviction claims on appeal resulted in forfeiture of those claims, or whether a successful challenge to post-conviction counsel's performance always results in remand of the entire petition.

Defense counsel: Christofer Bendik, Chicago OSAD

No. 133242
(New) People v. Bush, Defense leave to appeal granted 9/30/26 from 2026 IL App (1st) 242414-U.

Whether the standard of review on appeal from a third-stage evidentiary hearing involving an ineffective assistance of counsel claim is bifurcated, with the ultimate legal question of counsel's ineffectiveness review *de novo*, or whether the entire judgment is reviewed for manifest error.

Whether post-conviction counsel provides unreasonable assistance despite the filing of a Rule 651(c) certificate, where counsel does not amend the *pro se* petition after admitting it required amendment due to missing supporting documentation and its failure to assert the prejudice component of an ineffectiveness claim.

Defense counsel: Hayley Yussman, Chicago OSAD

No. 133355
(New) People v. Nicasio, Defense leave to appeal granted 9/30/26 from 2026 IL App (1st) 240992-U.

Whether a petitioner must demonstrate prejudice from unreasonable assistance
that he receives at the first stage of post-conviction proceedings from privately retained counsel, where the claim alleged ineffective assistance of counsel for failing to present medical expert testimony and PC counsel failed to attach an affidavit from the proposed witness or explain why such support was not attached.

Defense counsel: Emily Filpi, Chicago OSAD

CONFESSIONS

No. 133192
(New) People v. Andrews, Defense leave to appeal granted 9/30/26 from 2026 IL App (5th) 250290

Whether 725 ILCS 5/115-6 authorizes a court to order a defendant to submit to a mental-health examination by a State expert for purposes of a pretrial motion to suppress, or, alternatively, whether a court has the inherent authority to issue such an order.

Defense counsel: Dimitri Golfis, Ottawa OSAD

CONTROLLED SUBSTANCES

No. 133142
(New) People v. Williams, Defense leave to appeal granted 9/30/26 from 2026 IL App (5th) 231356-U

Whether the trial court erred in treating defendant's possession of cannabis-edibles as unlawful based solely on their total weight where the Cannabis Regulation and Tax Act measures possession limits for edibles not by total weight but by the amount of the THC contained within.

Whether a reviewing court may infer that a defendant's possession of edibles violated transportation-related provisions of CRTA and the Illinois Vehicle Code where that theory was neither charged nor proven.

Defense counsel: Amy O'Toole, Chicago OSAD

COUNSEL

No. 131527
People v. Gizel, State leave to appeal granted 9/24/25 from 2025 IL App (1st) 231183-U.

Whether a trial court abuses its discretion and commits second prong plain error when it allows a defendant to proceed *pro se* where defendant is found fit to stand trial but where there also is evidence that defendant's mental illness is severe enough to render him incapable of self-representation in accordance with **Indiana v. Edwards**, 544 U.S. 164 (2008).

Defense counsel: Maximillian Hughes-Zahner, Chicago OSAD

DISORDERLY, ESCAPE, RESISTING AND OBSTRUCTING OFFENSES

No. 132938
People v. Carswell, Defense leave to appeal granted 5/27/26 from 2026 IL App (1st) 231884.

Whether subsection (d) of the resisting arrest statute [720 ILCS 5/31-1], which states that "a person shall not be subject to arrest for resisting arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest," creates an element that must be proved beyond a reasonable doubt.

Defense counsel: Silpa Bulusu, Chicago OSAD

DOUBLE JEOPARDY – COLLATERAL ESTOPPEL

No. 132945
People v. Munoz, State leave to appeal granted 5/27/26 from 2026 IL App (2d) 250025

Whether the circuit court properly dismissed defendant's felony DUI charge on double jeopardy grounds, after defendant pled guilty to a misdemeanor DUI charge brought by the Village of Carpentersville based on the same conduct.

Defense counsel: Kerry Goettsch, Elgin OSAD

EVIDENCE

No. 132785
People v. Doss, Defense leave to appeal granted 3/25/26 from 2025 IL App (1st) 241265-U

Whether, a verbal threat made by the alleged victim, such as a threat to kill the defendant, is admissible under **People v. Lynch**, 104 Ill. 2d 194 (1984).

Defense counsel: Christina Law Merriman, Chicago OSAD

FITNESS

No. 131527
People v. Gizel, State leave to appeal granted 9/24/25 from 2025 IL App (1st) 231183-U.

Whether a trial court abuses its discretion and commits second prong plain error when it allows a defendant to proceed *pro se* where defendant is found fit to stand trial but where there also is evidence that defendant's mental illness is severe enough to render him incapable of self-representation in accordance with **Indiana v. Edwards**, 544 U.S. 164 (2008).

Defense counsel: Maximillian Hughes-Zahner, Chicago OSAD

No. 130932
People v. Johnson, Defense leave to appeal granted 9/25/24 from 2024 IL App (5th) 220608, oral argument held 1/13/26.

Whether the appellate court violated due process when it: (1) vacated the trial court's order finding defendant restored to fitness without also vacating the guilty plea that was entered after the erroneous fitness finding; and (2) ordered a retrospective restoration proceeding. (§§21-2, 21-3(f), 21-4)

Defense counsel: Bradley Jarka, Chicago OSAD

FORGERY

No. 133063
(New) People v. Davis, State leave to appeal granted 9/30/26 from 2026 IL App (3d) 250122

Whether, for purposes of the offense of forgery, "intent to defraud" as defined in 720 ILCS 5/17-0.5 is limited to conduct which causes a pecuniary loss to another or benefit to a defendant, or whether the definition includes conduct that does not result in a financial loss or gain.

Defense counsel: Adam Weaver, Ottawa OSAD

GUILTY PLEAS

No. 132278
People v. Williams, State leave to appeal granted 1/28/26 from 2025 IL App (4th) 240738.

Whether, after a negotiated guilty plea, defense counsel's erroneous filing of a motion to reconsider sentence, instead of the correct motion to withdraw the plea, rebuts a facially complaint Rule 604(d) certificate because the motion filed by counsel did not adequately present or preserve the contentions of error, or whether the appellate court is precluded from so holding because the lack of a motion to withdraw the plea requires dismissal of the appeal under Rule 604(d).

Defense counsel: Edward Wittrig, Springfield OSAD

INSANITY – MENTALLY ILL – INTOXICATION

No. 131820
People v. Luchins, Defense leave to appeal granted 9/24/25 from 2025 IL App (1st) 221604-U.

Whether a defendant may raise a defense of involuntary intoxication after voluntarily consuming a cannabis edible that he was unaware was laced with a dangerous adulterant which caused him to enter a psychotic delusional state.

Defense counsel: Jessica Arizo, Elgin OSAD

JUDGE

No. 129992
People v. Morris, State leave to appeal granted 11/26/25 from 2023 IL App (1st) 220035.

Whether the appellate court misconstrued defendant's excessive sentence claim as a claim of judicial bias, which was not raised on appeal, and then erred in granting relief on that ground. Alternatively, if the appellate court's decision is construed as finding an abuse of discretion in the sentence itself, whether that decision was error.

Defense counsel: Grace Palacio, Chicago OSAD

JURY

No. 132427
People v. Burton, State leave to appeal granted 1/28/26 from 2025 IL App (4th) 240933

Whether the trial court erred under Rule 431(b) when it asked potential jurors if they understood and accepted that defendant's "failure" to testify could not be held against him instead of asking if they understood and accepted that "if defendant does not testify it cannot be held against him." If the court did err, whether the evidence was closely-balanced so as to allow first-prong plain-error review.

Defense counsel: Maria Harrigan, Springfield OSAD

No. 132710
People v. Jones, State leave to appeal granted 5/27/26 from 2025 IL App (1st) 221555-U.

Whether a trial court commits second-prong plain error when it gives a jury instruction which omits an essential element bearing on the requisite mental state for the offense, or whether such an error is subject to harmlessness review and thus does not constitute second-prong plain error.

Defense counsel: Christopher Gehrke, Chicago OSAD

No. 133078
(New) People v. Burt, Defense leave to appeal granted 9/30/26 from 2026 IL App (4th) 241492-U

Whether, where there has been pretrial publicity about the defendant's prior guilty plea, potential jurors must be asked whether they have knowledge of that since-vacated plea, and whether failure to inquire about that knowledge renders a defendant's trial fundamentally unfair.

Defense counsel: Bruce Kirkham, Elgin OSAD

JUVENILE PROCEEDINGS

No. 131560
People v. Green-Hosey, State leave to appeal granted 9/24/25 from 2025 IL App (2d) 240284, oral argument held 9/16/26.

Whether an emerging adult defendant can establish a proportionate penalties violation by showing that he was subject to a mandatory sentence of *de facto* life without parole and was developmentally equivalent to a juvenile or whether defendant must affirmatively demonstrate that his *de facto* life sentence "shocked the moral sense of the community."

Whether an emerging adult defendant must offer affirmative evidence that he has the specific characteristics of a juvenile in order to satisfy his burden of showing that he is developmentally equivalent to a juvenile

Defense counsel: Toni Heniff, Elgin OSAD

No. 131926
People v. Jones, Defense leave to appeal granted 9/24/25 from 2025 IL App (4th) 230926-U.

Whether the appellate court erred when it held that the Illinois Supreme Court's decision in **People v. Mata**, 217 Ill. 2d 535 (2005), that "'sentencing issues' or 'sentencing-phase issues' are rendered moot by the governor's commutation," meant defendant's proportionate penalties attack on his sentence, which had been commuted by the governor from death to natural life, is moot.

Defense counsel: Joseph Benak, Chicago OSAD

No. 132018
People v. Smith, Defense leave to appeal granted 9/24/25 from 2025 IL App (1st) 240121-U, oral argument held 9/16/26.

Whether an adult petitioner, who establishes that his transfer to adult court for a crime committed as a juvenile was void, has an available remedy, as in **People v. Brown**, 225 Ill. 2d 188, 199 (2007) ("[t]he transfer is void just as the transfer statute is void," and defendant is "entitled to a new transfer hearing"), or has no remedy in light of **People v. Hunter**, 2017 IL 121306 (remand for new juvenile transfer hearing "no longer feasible" because defendant was an adult and the juvenile court lacked jurisdiction over his case).

Defense counsel: Victoria Rose, Chicago OSAD

No. 132048
People v. Thomas, Defense leave to appeal granted 9/24/25 from 2025 IL App (5th) 230304-U.

Whether it's possible for an appellate court to correctly hold both that a proportionate penalties claim was forfeited because it wasn't raised on direct appeal, and that appellate counsel was not ineffective for failing to raise the claim because the basis for the claim was not supported by precedent at the time of his direct appeal.

Defense counsel: Pamela Rubeo, Chicago OSAD

No. 132458
People v. Hewitt, Defense leave to appeal granted 1/28/26 from 2025 IL App (1st) 231294

Whether, at the first stage of post-conviction proceedings, a petition raising an emerging adult proportionate penalties claim must overcome forfeiture for not having rased the claim at the petitioner's original sentencing hearing or on direct appeal, or whether forfeiture considerations are best addressed during later stages of the proceedings where petitioner has the right to the assistance of counsel.

Defense counsel: Deepa Punjabi, Chicago OSAD

PROBATION, PERIODIC IMPRISONMENT, CONDITIONAL DISCHARGE & SUPERVISION

No. 132234
People v. Vargas, Defense leave to appeal granted 11/26/25 from 2025 IL App (2d) 240609, oral argument held 9/22/26.

Whether completion of a sentence renders moot an appellate challenge to the underlying probation revocation, either because probation revocation does not create collateral consequences or because immigration status is not a sufficient collateral consequence.

Defense counsel: Dominique Estes, Elgin OSAD

REASONABLE DOUBT

No. 133142
(New) People v. Williams, Defense leave to appeal granted 9/30/26 from 2026 IL App (5th) 231356-U

Whether the trial court erred in treating defendant's possession of cannabis-edibles as unlawful based solely on their total weight where the Cannabis Regulation and Tax Act measures possession limits for edibles not by total weight but by the amount of the THC contained within.

Whether a reviewing court may infer that a defendant's possession of edibles violated transportation-related provisions of CRTA and the Illinois Vehicle Code where that theory was neither charged nor proven.

Defense counsel: Amy O'Toole, Chicago OSAD

SEARCH & SEIZURE

No. 133332
(New) People v. Wallace, Defense leave to appeal granted 9/30/26 from 2026 IL App (4th) 250795.

Whether police officers conducting an inventory of a vehicle can require a passenger to leave their backpack in the vehicle, rendering it susceptible to a valid search.

Whether an inventory search that is conducted in violation of department policy (the officers failed to inventory and list property on a tow form) can lead to a valid search incident to arrest once the improper inventory search reveals contraband.

Defense counsel: Nicholas O'Connor, Elgin OSAD

SENTENCING

No. 129992
People v. Morris, State leave to appeal granted 11/26/25 from 2023 IL App (1st) 220035.

Whether the appellate court misconstrued defendant's excessive sentence claim as a claim of judicial bias, which was not raised on appeal, and then erred in granting relief on that ground. Alternatively, if the appellate court's decision is construed as finding an abuse of discretion in the sentence itself, whether that decision was error.

Defense counsel: Grace Palacio, Chicago OSAD

No. 131560
People v. Green-Hosey, State leave to appeal granted 9/24/25 from 2025 IL App (2d) 240284, oral argument held 9/16/26.

Whether an emerging adult defendant can establish a proportionate penalties violation by showing that he was subject to a mandatory sentence of *de facto* life without parole and was developmentally equivalent to a juvenile or whether defendant must affirmatively demonstrate that his *de facto* life sentence "shocked the moral sense of the community."

Whether an emerging adult defendant must offer affirmative evidence that he has the specific characteristics of a juvenile in order to satisfy his burden of showing that he is developmentally equivalent to a juvenile

Defense counsel: Toni Heniff, Elgin OSAD

No. 131926
People v. Jones, Defense leave to appeal granted 9/24/25 from People v. Jones, 2025 IL App (4th) 230926-U.

Whether the appellate court erred when it held that the Illinois Supreme Court's decision in **People v. Mata**, 217 Ill. 2d 535 (2005), that "'sentencing issues' or 'sentencing-phase issues' are rendered moot by the governor's commutation," meant defendant's proportionate penalties attack on his sentence, which had been commuted by the governor from death to natural life, is moot.

Defense counsel: Joseph Benak, Chicago OSAD

No. 132048
People v. Thomas, Defense leave to appeal granted 9/24/25 from 2025 IL App (5th) 230304-U.

Whether it's possible for an appellate court to correctly hold both that a proportionate penalties claim was forfeited because it wasn't raised on direct appeal, and that appellate counsel was not ineffective for failing to raise the claim because the basis for the claim was not supported by precedent at the time of his direct appeal.

Defense counsel: Pamela Rubeo, Chicago OSAD

No. 132060
People v. Stuckey, Defense leave to appeal granted 9/24/25 from 2025 IL App (4th) 241021-U, oral argument held 9/17/26.

Whether a sentencing court errs when it considers a defendant's childhood misbehavior in school as aggravating evidence at sentencing, given that the evidence is often unreliable hearsay, the crime is unrelated to the misbehavior, the misbehavior occurs at a young age, and courts often neglect to consider the misbehavior in the context of **Miller**.

Defense counsel: Amy Kemp, Springfield OSAD

No. 132265
People v. Stafford, Defense leave to appeal granted 11/26/25 from 2025 IL App (2d) 240250, oral argument held 9/22/26.

Whether a defendant released on bond prior to trial on the condition that he submit to GPS monitoring and, with certain exceptions, home confinement, is entitled to sentencing credit under 730 ILCS 5/5-4.5-100(b), or whether the statute is inapplicable because the definition of "home confinement" in 730 ILCS 5/5-8A-2(C) requires that the conditions be set by the "supervising authority," and a trial court is not a supervising authority.

Defense counsel: Jaime Montgomery, Elgin OSAD

No. 132312
People ex rel. Mosser v. Kliment (Phillip Lawson, def.), State leave to file mandamus granted 10/20/25, oral argument held 9/23/26.

Whether the trial court was required to order defendant to pay restitution to the City of Batavia as the "insurance carrier" for a police officer injured as a result of the underlying offense. Alternatively, whether the City of Batavia is an "other victim" entitled to restitution pursuant to 730 ILCS 5/5-5-6(b).

Defense counsel: Bruce Kirkham, Elgin OSAD

No. 132458
People v. Hewitt, Defense leave to appeal granted 1/28/26 from 2025 IL App (1st) 231294

Whether, at the first stage of post-conviction proceedings, a petition raising an emerging adult proportionate penalties claim must overcome forfeiture for not having rased the claim at the petitioner's original sentencing hearing or on direct appeal, or whether forfeiture considerations are best addressed during later stages of the proceedings where petitioner has the right to the assistance of counsel.

Defense counsel: Deepa Punjabi, Chicago OSAD

No. 132781
People v. Lanning, Defense leave to appeal granted 3/25/26 from 2025 IL App (5th) 230406-U.

Whether consideration of the victim's age is a double enhancement when sentencing a defendant for aggravated criminal sexual assault, where the age of the victim is an element of the offense (in this case, under 18 but at least 13); or whether the sentencing court may properly use a "sliding scale" and consider the crime more egregious the closer the victim is to age 13.

Defense counsel: Anne Izzi, Chicago OSAD

SPEEDY TRIAL

No. 131608
People v. Jackson, Defense leave to appeal granted 5/28/25 from 2025 IL App (5th) 230504-U, oral argument held 5/13/26.

Whether, following a period of agreed delay, the speedy trial clock restarts when a defendant demands trial or whether the clock does not restart until the case is again placed on the trial call.

Defense counsel: Madison Heckel, Chicago OSAD

No. 133015
People v. Davis, Defense leave to appeal granted 5/27/26 from 2026 IL App (1st) 231754-U

Whether defendant's single missed court appearance, for which the trial court refused the State's request to issue a warrant, constitutes a "failure to appear" that waived defendant's rights under Section 103-5(b) of the Speedy Trial Act, or if this section is triggered only by a judicial finding that defendant failed to appear.

Defense counsel: Alison Shah, Chicago OSAD

STATUTES

No. 132186
People v. Sandlass, State leave to appeal granted 11/26/25 from 2025 IL App (2d) 240557-U.

Whether the plain language of sections 2-118.1(b) and 11-501.1(h) of the Vehicle Code require the trial court to wait until the Secretary of State has filed a confirmation of a statutory summary suspension with the trial court before holding a hearing on a
defendant's petition to rescind suspension.

Defense counsel: James Jenks, North Riverside

No. 133234
(New) People v. Webster, Defense leave to appeal granted 9/30/26 from 2026 IL App (2d)
250185.

Whether public social-media posts constitute prohibited "contact" under the Stalking No Contact Order Act, even where the defendant did not send the posts to the protected person, identify her by name, publish them in a forum she followed, or take any other action to cause her to view them, if such posts are readily available to the public and may reasonably come to that person's attention.

Defense counsel: Zachary Wallace, Elgin OSAD

WAIVER – PLAIN ERROR – HARMLESS ERROR

No. 132710
People v. Jones, State leave to appeal granted 5/27/26 from 2025 IL App (1st) 221555-U.

Whether a trial court commits second-prong plain error when it gives a jury instruction which omits an essential element bearing on the requisite mental state for the offense, or whether such an error is subject to harmlessness review and thus does not constitute second-prong plain error.

Defense counsel: Christopher Gehrke, Chicago OSAD

No. 133028
People v. Simpson, Defense leave to appeal granted 5/27/26 from 2026 IL App (5th) 231214-U

Whether the appellate court erred when it remanded only one claim to the circuit court after finding unreasonable assistance of post-conviction counsel as to that claim, and held that appellant's failure to raise the remaining post-conviction claims on appeal resulted in forfeiture of those claims, or whether a successful challenge to post-conviction counsel's performance always results in remand of the entire petition.

Defense counsel: Christofer Bendik, Chicago OSAD