

NOTICE
This Order was filed under
Supreme Court Rule 23 and is
not precedent except in the
limited circumstances allowed
under Rule 23(e)(1).

2025 IL App (4th) 240998-U

NO. 4-24-0998

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

May 16, 2025

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Peoria County
REV I. BLAKES,)	No. 22CF485
Defendant-Appellant.)	
)	Honorable
)	John P. Vespa,
)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices Knecht and Vancil concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant failed to establish that the unlawful possession of a weapon by a felon statute (720 ILCS 5/24-1.1(a) (West 2022)) is facially unconstitutional under the second amendment to the United States Constitution (U.S. Const., amend. II).

¶ 2 On April 4, 2024, a jury convicted defendant, Rev I. Blakes, of first degree murder (720 ILCS 5/9-1(a)(1) (West 2022)) and unlawful possession of a weapon by a felon (UPWF) (*id.* § 24-1.1(a) (West 2022)), finding defendant discharged a firearm resulting in the death of another. The trial court sentenced defendant to 50 years' imprisonment for murder and imposed a consecutive sentence of 2 years' imprisonment for UPWF. On appeal, defendant argues the UPWF statute is facially unconstitutional. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Based on the scope of defendant's appeal, a lengthy discussion of the facts of the case is not required. Therefore, we include only the facts necessary to address defendant's

contention on appeal.

¶ 5 In July 2022, the State charged defendant with murder and UPWF. In April 2024, a jury convicted defendant of both charges and found defendant discharged a firearm resulting in the death of another.

¶ 6 The presentence investigation report showed defendant had previously been convicted of multiple felonies. In July 2022, the trial court denied defendant's motion for a new trial and sentenced him to 50 years' imprisonment for murder and imposed a consecutive sentence of 2 years' imprisonment for UPWF. Defendant did not file a motion to reconsider his sentence.

¶ 7 This appeal followed.

¶ 8 II. ANALYSIS

¶ 9 On appeal, defendant argues the UPWF statute is facially unconstitutional based primarily on the second amendment (U.S. Const., amend. II) analysis announced in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022).

¶ 10 We first note, defendant did not file a motion to reconsider his sentence raising his constitutional challenge. However, the State does not argue defendant forfeited the issue, and a challenge to the facial constitutionality of a statute "is one which is exempt from forfeiture and may be raised at any time." *People v. Doehring*, 2024 IL App (1st) 230384, ¶ 12.

¶ 11 "Statutes are presumed constitutional, and to rebut that presumption, the party challenging a statute's constitutionality has the burden of establishing a clear violation." *People v. Bochenek*, 2021 IL 125889, ¶ 10. "The constitutionality of a statute is a question of law subject to *de novo* review." *People v. Gray*, 2017 IL 120958, ¶ 57.

¶ 12 Defendant challenges the facial constitutionality of the UPWF statute. "A party bringing a facial challenge to a statute faces a particularly heavy burden." *People v. Villareal*, 2023

IL 127318, ¶ 14. “A statute will be deemed facially unconstitutional only if there is no set of circumstances under which the statute would be valid.” *Bochenek*, 2021 IL 125889, ¶ 10. “If it is reasonably possible to construe the statute in a way that preserves its constitutionality, we must do so.” *Id.*

¶ 13 This court has already determined the UPWF statute is facially constitutional, holding that felons do not fall within the scope of *Bruen*. *People v. Burns*, 2024 IL App (4th) 230428, ¶ 21. The defendant in *Burns* argued the UPWF statute was unconstitutional under *Bruen* because the State could not establish the UPWF statute “is consistent with the United States’s historical tradition of firearm regulation.” *Id.* ¶ 16. We rejected that argument, holding *Bruen* did not apply because *Bruen* only applied to law-abiding citizens and, based on the defendant’s status as a felon, the defendant was not a law-abiding citizen. *Id.* ¶ 21. We need not further repeat that analysis here, as it is clearly set forth in *Burns*. Moreover, this court has reaffirmed our decision in *Burns* on numerous occasions. See *People v. Montgomery*, 2025 IL App (4th) 240437-U; *People v. Huff*, 2025 IL App (4th) 240762; *People v. Moore*, 2025 IL App (4th) 240444-U; *People v. Pruitte*, 2024 IL App (4th) 240013-U; *People v. Dillard*, 2024 IL App (4th) 231090-U; *People v. Bruce*, 2025 IL App (4th) 240706-U; *People v. Stokich*, 2024 IL App (4th) 240192-U; *People v. Mallery*, 2024 IL App (4th) 231397-U. Furthermore, we note, in the case *sub judice*, defendant does not contest his status as a felon.

¶ 14 Defendant acknowledges this court’s decision in *Burns* but suggests it was wrongly decided based on the United States Supreme Court’s recent decision in *United States v. Rahimi*, 602 U.S. 680 (2024). However, we have also rejected on multiple occasions defendants’ argument that *Rahimi* requires we find the UPWF statute facially unconstitutional. See *Montgomery*, 2025 IL App (4th) 240437-U; *Huff*, 2025 IL App (4th) 240762; *Moore*, 2025 IL App (4th) 240444-U;

Pruitt, 2024 IL App (4th) 240013-U; *Dillard*, 2024 IL App (4th) 231090-U; *Mallery*, 2024 IL App (4th) 231397-U; *Stokich*, 2024 IL App (4th) 240192-U. We need not repeat the analysis of those cases here, as they clearly reject the argument *Rahimi* is applicable to a challenge that the UPWF statute is facially unconstitutional.

¶ 15 For the reasons set forth in those cases, defendant's reliance on *Rahimi* is misplaced, and there is nothing in *Rahimi* that requires this court to reconsider its decision in *Burns*. Indeed, as we noted in *Dillard*, rather than undermining this court's analysis in *Burns* and our other prior decisions, the decision in *Rahimi* reinforced our analysis. See *Dillard*, 2024 IL App (4th) 231090-U, ¶ 26 (discussing *Rahimi*). Considering the multitude of decisions from this court concluding a felon is outside the purview of the *Bruen* standard when challenging the UPWF statute as facially unconstitutional, and in light of our decisions concluding this was not altered by *Rahimi*, defendant's facial challenge fails. See *Moore*, 2025 IL App (4th) 240444-U, ¶ 62. Therefore, in accordance with our decision in *Burns*, we reject defendant's argument regarding the facial constitutionality of the UPWF statute.

¶ 16 III. CONCLUSION

¶ 17 For the reasons stated, we affirm the judgment of the trial court.

¶ 18 Affirmed.