2026 IL App (4th) 250612

NO. 4-25-0612

FILED
February 24, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JARED R. WILLIAMS, Defendant-Appellant.	))))))))	Appeal from the Circuit Court of Peoria County No. 23CF682 Honorable Stephen A. Kouri, Judge Presiding.

JUSTICE DOHERTY delivered the judgment of the court, with opinion.
Justices Lannerd and Cavanagh concurred in the judgment and opinion.

OPINION

¶ 1 Defendant Jared R. Williams, age 17 at the time of the offense, was charged with first degree murder (720 ILCS 5/9-1(a)(2) (West 2022)). Due to defendant's age, the Juvenile Court Act of 1987 (Act) (705 ILCS 405/5-130(1)(a) (West 2022)) excludes such a prosecution from the jurisdiction of our juvenile court system. Following a jury trial, defendant was convicted not of first degree murder, but of the uncharged lesser offense of second degree murder; the latter is not automatically excluded from juvenile court jurisdiction. Upon such a conviction, a trial court "must proceed" to impose a juvenile sentence under the Act unless the State seeks a hearing to determine whether adult sentencing is appropriate. *Id.* § 5-130(1)(c)(ii). To pursue such a hearing, the State is required to file a motion "within 10 days following the entry of a finding or the return of a verdict." *Id.* The State filed such a motion here, but beyond 10 days following the verdict. The

trial court conducted a hearing pursuant to the State's motion and found that adult sentencing was appropriate.

¶ 2 The sole issue presented on appeal is whether the State's motion was timely and, if not, whether the adult sentence imposed on defendant must be vacated in favor of juvenile sentencing under the Act. We conclude that the motion was untimely and that defendant must be resentenced as a juvenile, so we reverse his adult sentence and remand for resentencing.

¶ 3 I. BACKGROUND

¶ 4 As the issue on appeal relates only to defendant's sentencing, we set forth only the portion of the procedural history necessary to address that issue. As noted above, the sole offense with which defendant was charged was first degree murder. Because he was older than age 15 at the time of the alleged offense, the Act requires that he be "prosecuted under the criminal laws of this State," rather than pursuant to the juvenile justice provisions of the Act. *Id.* § 5-130(1)(a). At trial, the court instructed the jury of the circumstances under which it could find defendant guilty of second degree, rather than first degree, murder.

¶ 5 The jury returned a verdict against defendant for only second degree murder. Upon return of the verdict, the trial court issued an order stating "[t]hat on April 2, 2025 at 2:14 PM the Jury returned its verdict(s) in open Court as follows: *** The Court finds the defendant Guilty of Second Degree Murder." The order also stated: "This matter is referred to the Adult Probation Office of Peoria County for a pre-sentence investigation and report and if post-trial motions are filed and denied, or not filed, sentencing hearing is set for said motions date and hour." The court set the matter over to May 21 for hearing on posttrial motions.

¶ 6 When the case was called on May 21, the prosecutor told the trial court that he had "just been provided with case law from the defense that I need to go over and analyze. It would

affect the defendant's sentencing." The record reflects that the "case law" referenced was the supreme court's decision in *People v. Fort*, 2017 IL 118966, which, according to defense counsel, required defendant to be sentenced as a juvenile unless the State files the appropriate motion in a timely manner. Defendant's position was that the 10-day period for filing such a motion had expired. The State sought and received a continuance to investigate the merits of defendant's position. The court informed the parties that, if they disagreed on the issue, they should "be prepared then to argue what the sentencing range is" when they returned for a sentencing hearing on June 6.

¶ 7 The following day, on May 22, 2025, the State filed a motion requesting "a hearing pursuant to 705 ILCS 405/5-130(1)(c)(ii) to determine if the defendant should be sentenced under Chapter V of the Unified Code of Corrections."

¶ 8 Near the outset of the June 6 hearing, the trial court commented that "it may or may not be necessary for us to have a juvenile hearing," but until that was determined the court felt an open hearing was appropriate. Consequently, it opened the courtroom to the public. Defendant's position was that, pursuant to statute and *Fort*, the jury's return of a verdict of second degree murder would presumptively mean that defendant would be sentenced as a juvenile. In defendant's view, this path could be interrupted only if the State filed an appropriate motion within 10 days of the "finding or verdict" as to defendant's guilt, and the motion here was not filed within that time. The State argued that the "finding" referred to in the statutory phrase "finding or verdict" was a substantively different finding than the finding of guilt.

¶ 9 The trial court agreed with the State, finding that there must be "a finding of the court that this is not a conviction of an offense that requires an automatic transfer to adult court" to trigger the State's 10-day period for the requisite motion.

¶ 10 Following its ruling, the trial court instructed the public to leave the courtroom and proceeded to the merits of whether defendant should be sentenced as an adult. The parties made their arguments based on the applicable statutory factors, and the court ultimately agreed with the State that adult sentencing was appropriate.

¶ 11 The public was then invited back into the courtroom for sentencing. Defendant was sentenced to seven years' imprisonment, with day-for-day credit, followed by three years of mandatory supervised release. Defendant filed a motion to reconsider on the same basis on which he had opposed adult sentencing to begin with, but the trial court denied the motion.

¶ 12 This appeal followed.

¶ 13 II. ANALYSIS

¶ 14 The Act provides that only a few specified crimes are excluded from the jurisdiction of the juvenile court where the defendant is age 16 or older at the time of the offense. These "automatic transfer" charges must be heard according to criminal law applicable to adults. 705 ILCS 405/5-130(1)(a) (West 2022). Here, defendant was charged with one of the listed automatic transfer offenses—first degree murder—so he was prosecuted as an adult.

¶ 15 The result of defendant's jury trial, however, was a conviction for the uncharged lesser offense of second degree murder, not first degree murder; second degree murder is not an automatic transfer offense. The Act provides how a court is to proceed when a juvenile defendant is convicted of a nonautomatic transfer offense in adult court:

> "If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter

> V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict." *Id.* § 5-130(1)(c)(ii).

¶ 16 The parties disagree about when the 10-day period for the State to file a motion seeking adult sentencing commenced. Defendant contends that the statute plainly provides that the 10-day period begins to run from "the return of a verdict," meaning that the period expired long before the State's motion was filed. The State, on the other hand, contends that the period alternatively begins to run upon "the entry of a finding." The understanding of what the requisite "finding" means is essential to the State's interpretation of the statute.

¶ 17 A. Rules of Statutory Construction

¶ 18 When an issue on appeal involves statutory construction, it is an issue of law that we address *de novo*. *In re D.D.*, 196 Ill. 2d 405, 418 (2001). The cardinal rule in interpreting a statute is to give effect to the intent of the legislature. *Id.* The language of the statute is the best and most reliable indicator of the legislature's intent. *People v. Collins*, 214 Ill. 2d 206, 214 (2005). Where the language is plain and unambiguous, we may not read into it exceptions, limitations, or other conditions. *D.D.*, 196 Ill. 2d at 419.

¶ 19 Where the statutory language is ambiguous, a reviewing court may look beyond the language and resort to further aids of statutory construction. *Id.* In addition to examining the statutory language, we may discern legislative intent by considering "the purpose and necessity for the law, the evils sought to be remedied, and goals to be achieved." *People ex rel. Sherman v. Cryns*, 203 Ill. 2d 264, 280 (2003). " 'Legislative intent can be ascertained from a consideration of the entire Act, its nature, its object and the consequences that would result from construing it one

way or the other.' " *Id.* (quoting *Fumarolo v. Chicago Board of Education*, 142 Ill. 2d 54, 96 (1990)). Throughout this process, we presume that the legislature did not intend absurdity, inconvenience, or injustice. *Id.*; see *People v. Marshall*, 242 Ill. 2d 285, 293 (2011) (stating that the process of statutory interpretation should not be divorced from consideration of real-world results, and in construing a statute, courts should presume that the legislature did not intend unjust consequences).

¶ 20 B. Competing Interpretations of Section 5-130(1)(c)(ii).

¶ 21 As noted above, defendant's interpretation of section 5-130(1)(c)(ii) focuses on its second sentence: "To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict." 705 ILCS 405/5-130(1)(c)(ii) (West 2022). In defendant's mind, application of this provision here is clear, as there was a verdict returned on April 2, 2025, and the State's motion was not filed until 50 days later. Further, defendant's interpretation of the "finding" referenced in the second sentence of section 5-130(1)(c)(ii) is that it simply refers to the finding of defendant's guilt of a nonautomatic transfer offense.

¶ 22 Defendant's view is consistent with the understanding that a determination of guilt can arise by one of two mutually exclusive ways: a guilty verdict following a jury trial or a judicial finding of guilt following a bench trial. It is understandable that, because a determination of guilt must come in one of these two ways, both would be referenced as triggers. For example, the statute pertaining to the deadline for filing a motion for a new trial in a criminal case uses the same language, specifying that such a motion is due "within 30 days *following the entry of a finding or the return of a verdict*." (Emphasis added.) 725 ILCS 5/116-1(b) (West 2024).

¶ 23 The State concedes that the 10-day requirement of the statute is mandatory and not

merely directory. However, it offers a contrary interpretation: that the "finding" referenced is not the finding of defendant's guilt but some other declaration by the court about the nature of the offense of which he has been found guilty. The State's focus turns to the first sentence of section 5-130(1)(c)(ii), which states as follows:

> "If after trial or plea the court *finds* that the minor committed an offense not covered by paragraph (a) of this subsection (1), *that finding* shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article." (Emphases added.) 705 ILCS 405/5-130(1)(c)(ii) (West 2022).

¶ 24 For clarity, we will sometimes refer to the defendant's view of the "finding" as the "finding of guilt" and the State's view as the "finding of nonautomatic transfer." The State's view is that there will implicitly be *two* necessary findings in this context: (1) the finding of guilt on the offense charged (which here incidentally happens to be a nonautomatic transfer offense) and (2) a specific finding of nonautomatic transfer. The State's position is that, while the jury may have returned a verdict of guilt against defendant on April 2, the trial court never actually made a separate finding that the offense on which he was found guilty was not an automatic transfer offense. In the State's view, the 10-day period here never even commenced, much less expired.

¶ 25 We find the State's interpretation untenable for a number of reasons. The most obvious concern is that the Act explicitly commences the running of the 10-day period upon return of the verdict, and the verdict here was returned well more than 10 days before the State's motion was filed. The State offers no cogent reason why the return of the verdict would not be a competent

trigger for the running of the 10-day period.

¶ 26 The State attempts to escape this conundrum by arguing that there can be *two* 10-day periods, each triggered by a different event (*i.e.*, *either* the finding of nonautomatic transfer *or* the verdict of guilt). This interpretation would mean that a period triggered by return of the verdict could start and then expire, and a *second* period could open later. After all, the State argues, the statute does not specify that the period is determined by "whichever is sooner." The State offers no explanation as to why the legislature would desire such a loose structure. The very existence of a 10-day time limit—a fairly short time frame in the law—seems to suggest that some urgency is required if a matter presumptively on the juvenile track should instead be subject to adult sentencing.

¶ 27 A statute is ambiguous when it can be reasonably interpreted in two ways. *People v. Holloway*, 177 Ill. 2d 1, 8 (1997). Here, defendant's interpretation of the statute is straightforward, while the State's is strained and more difficult to characterize as reasonable. However, even if we conclude that the statute is ambiguous, it would then be proper for us to consider other rules of construction to resolve the ambiguity. *People v. Reyes*, 2023 IL 128461, ¶ 30 (stating that the court may consider aids to construction, including legislative history, in interpreting a statute which is ambiguous).

¶ 28 Initially, we observe that the State's interpretation would render part of the statute mere surplusage. The essence of the State's position is that it has 10 days from the "finding"—as it construes it—to file its motion, regardless of when the verdict occurs. "When interpreting a statute, each word, clause, and sentence must be given a reasonable meaning if possible, and no part of the statute should be rendered superfluous or meaningless." *People v. Reed*, 2025 IL 130595, ¶ 25. Here, the State's interpretation would give the words "or the return of a verdict" in

the second sentence of section 5-130(1)(c)(ii) no meaning.

¶ 29 Another rule of statutory construction is that a legislative amendment may be an indication of legislative intent, as an amendment is presumed to indicate an intent to change the law. *People v. Stewart*, 2022 IL 126116, ¶ 20. The language at issue here was adopted by the passage of Public Act 90-590 (eff. Jan. 1, 1999) (adding 705 ILCS 405/5-130(1)(c)(ii)). Prior to the enactment of that legislation, a similar provision existed in Illinois:

> "If after trial or plea the minor *is only convicted of* an offense not covered by paragraph (a) of this subsection (6), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-22 and 5-23 of this Act. Should the State request a hearing it must do so by written motion within 10 days following the entry of a finding or the return of a verdict." (Emphasis added.) 705 ILCS 405/5-4(6)(c)(ii) (West 1996).

The highlighted words in the former statute—"is only convicted of"—are now replaced in the new statute with the words, "the court finds that the minor committed" a nonautomatic transfer offense. Does the change in language suggest a change in meaning?

¶ 30 We think not. Closer examination reveals that there were different reasons for the change in the statutory language. Shortly after the passage of Public Act 90-590 (eff. Jan. 1, 1999) (adding 705 ILCS 405/5-130(1)(c)(ii)), the Illinois Criminal Justice Information Authority issued a comprehensive review of the broad statutory changes it made. See Ill. Crim. Just. Info. Auth., *Panel Q&A on Juvenile Justice Reform*, The Compiler, Winter 1999, https://archive.icjia-api.cloud/files/icjia/pdf/compwin99.pdf [https://perma.cc/5BCG-S3GB]. This publication

explains why the legislature moved away from use of the word "conviction" when dealing with a juvenile adjudication: "It should be noted that there was not intent under the reform provisions to equate a juvenile finding of guilt with an adult criminal conviction. The word 'conviction' is not used." *Id.* at 9, 11 (comments of Catherine M. Ryan, chief of the Juvenile Justice Bureau of the Cook County State's Attorney's Office, and "a principal architect of the reform provisions").

¶ 31 Viewed this way, the current language equates closely to the prior version of the relevant law, subject only to eliminating the word "conviction" in favor of "finding" or "verdict." In the prior version, there can be no confusion as to what the "entry of a finding or the return of a verdict" is referring to, as the first sentence referred only to a *conviction*. In other words, there was no requirement of a separate declarative finding from the court that the conviction was for a nonautomatic transfer offense. The fact that the legislature intentionally eliminated the word "conviction" in the juvenile law context generally suggests no change in substantive meaning in this specific provision. The "finding" and "verdict" referred to under the both the prior and current versions of the statute relate simply to the adjudication of guilt. This gives no support to the State's argument that the "finding" twice referenced in section 5-130(1)(c)(ii) is some special declaration of nontransferability, as opposed to the more obvious inference: the finding of guilt.

¶ 32 Moreover, when it comes to specification of the 10-day deadline for the State's motion seeking adult sentencing, both the old and new versions contain identical language: the motion is due "within 10 days following the entry of a finding or the return of a verdict." 705 ILCS 405/5-130(c)(ii) (West 2022); 705 ILCS 405/5-4(6)(c)(ii) (West 1996). Under the former version of the statute, it was clear enough that the "finding" referenced here related to the defendant's "conviction," and there is no room for inferring a "finding of non-automatic transfer," as suggested by the State. The end result is that movement of a case from juvenile court to adult court, and then

back again, is automatic in both directions: a case is excluded from juvenile jurisdiction when an automatic transfer charge is brought, but likewise, it "must proceed" in juvenile court if the defendant is convicted of only a nonautomatic transfer offense. 705 ILCS 405/5-130(1)(a), (c)(ii) (West 2022).

¶ 33 We believe our conclusion is in accord with prior appellate decisions. See, *e.g.*, *People v. Mathis*, 357 Ill. App. 3d 45, 53-54 (2005); *People v. Jardon*, 393 Ill. App. 3d 725, 740-42 (2009); *People v. Champ*, 329 Ill. App. 3d 127, 133 (2002). However, the State relies heavily on *Fort* to support its position.

¶ 34 C. Significance of *Fort*

¶ 35 In our view, *Fort* did not offer guidance on the proper interpretation of the triggers of the statutory 10-day period. Instead, it made a case-specific determination of the appropriate relief to be granted under the circumstances of that case.

¶ 36 The central issue litigated in *Fort* was whether second degree murder was an offense "covered by" section 5-130(1)(a) (705 ILCS 405/5-130(1)(a) (West 2008)). *Fort*, 2017 IL 118966, ¶¶ 30-31. The supreme court found that second degree murder "is a separate offense from first degree murder," so it was not an " 'other charge[ ] arising out of the same incident' as the charged offense[ ]" of first degree murder. *Id.* ¶ 31 (quoting 705 ILCS 405/5-130(1)(a) (West 2008)). Because this represented a major clarification in the case law, the supreme court—in a section of its opinion labeled "Remedy"—addressed what relief should be granted when no one in the trial court suspected that the defendant's second degree murder conviction constituted a presumptively juvenile offense:

> "[W]e must decide the appropriate remedy. The record demonstrates that, immediately following the verdict, the trial court ordered a presentence

> investigation and scheduled a date for sentencing. The sentencing hearing took place 49 days after the verdict. The trial court considered evidence in aggravation and mitigation and proceeded to sentence defendant as an adult to 18 years in prison. At no time after the guilty verdict did the trial court suggest to the parties that defendant was subject to juvenile sentencing. The State thus had no reason to request a hearing for the purpose of sentencing defendant under the Unified Code of Corrections. Accordingly, we find that the proper resolution is to remand the cause to the trial court with directions to vacate defendant's sentence and allow the State to file a petition requesting a hearing for adult sentencing pursuant to section 5-130(1)(c)(ii)." *Id.* ¶ 41.

¶ 37 When the supreme court announces a new rule of law, it may decide to apply it prospectively in other cases, but not in the case in which it first announces the rule if doing so would cause "injustice and hardship." See *Deichmueller Construction Co. v. Industrial Comm'n*, 151 Ill. 2d 413, 418 (1992) (establishing new requirement for an attorney's signature on an appeal bond). This appears to be precisely what the supreme court did in the "Remedy" section of *Fort*, as neither the litigants nor the court below would have had the benefit of the court's analysis on whether second degree murder could arise out of the automatic transfer offense of first degree murder.

¶ 38 What the supreme court did *not* do in *Fort* was to undertake its own analysis of the proper construction of when the statutory 10-day period begins to run. Factoring in its view of *Fort*, the State's position here is, in essence, that the 10-day period commences upon the entry of a finding or return of a verdict, *unless the trial court fails to suggest the case is subject to juvenile sentencing*. What this means is that if neither the court nor the parties recognize that the defendant

has been found guilty of a nonautomatic transfer offense, the case can proceed along the adult sentencing path indefinitely—and perhaps even to conclusion—without the State having to ask for such relief. Only once the mistake is realized weeks or even months down the road would the State's 10-day clock for filing its motion even begin to run. This is a facially unreasonable position, and it fails to reflect the urgency suggested by legislature's imposition of a 10-day time limit to begin with.

¶ 39 Our understanding of *Fort* is consistent with *People v. Luna*, 2025 IL App (2d) 240382, and *People v. Clark*, 2020 IL App (1st) 182533. Both cases afforded the same relief granted in *Fort* when the retroactivity of legislative changes to the age threshold for juvenile cases complicated the relief being granted. *Luna*, 2025 IL App (2d) 240382, ¶¶ 39, 46; *Clark*, 2020 IL App (1st) 182533, ¶¶ 82-84. Here, there is no issue as to retroactivity. *Fort*'s decision establishing that second degree murder is not "covered by" section 5-130(1)(a) was made some seven years before the events at issue here.

¶ 40 Consequently, we find that the remand procedures specified in *Fort* relate to the remedy to be afforded under the specific facts of that case. *Fort* does not provide guidance to the rule of decision here, where the State failed to file a timely motion for adult sentencing and there is no issue concerning retroactivity of a statute or court ruling.

¶ 41 D. Application to This Case

¶ 42 The foregoing analysis leads to a clear conclusion. The verdict finding defendant guilty of second degree murder was returned on April 2, 2025. The State's motion seeking adult sentencing was not filed until well more than 10 days after the verdict was returned. Consequently, it was untimely. Because no timely request for adult sentencing was made, the Act required that defendant's sentencing "*must proceed under Sections 5-705 and 5-710*" of the Act. (Emphasis

added.) 705 ILCS 405/5-130(1)(c)(ii) (West 2022). It was outside of the trial court's authority to impose an adult sentence on defendant under these circumstances, so defendant's adult sentence must be reversed and the cause remanded for appropriate sentencing under the Act.

¶ 43 III. CONCLUSION

¶ 44 For the reasons stated, we reverse defendant's sentence and remand the cause for resentencing.

¶ 45 Reversed and remanded.

***People v. Williams*, 2026 IL App (4th) 250612**

Decision Under Review:	Appeal from the Circuit Court of Peoria County, No. 23-CF-682; the Hon. Stephen A. Kouri, Judge, presiding.
Attorneys for Appellant:	James E. Chadd, Catherine K. Hart, and Nancy L. Vincent, of State Appellate Defender's Office, of Springfield, for appellant.
Attorneys for Appellee:	Jodi M. Hoos, State's Attorney, of Peoria (Patrick Delfino, David J. Robinson, and David E. Mannchen, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.