



(Docket No. 131825)

THE PEOPLE OF THE STATE OF ILLINOIS, Appellee, v. CARTHELL EUGENE
NIBBELIN, Appellant.

Opinion filed September 24, 2026.

Justice Rochford delivered the judgment of the court, with opinion.

This case concerns whether a criminal defendant can raise his claim for an assessment waiver for the first time on appeal as a claim of ineffective assistance of counsel or if he must first raise the issue in the trial court. The criminal judgment against Carthell Nibbelin included costs, fines, and assessments. On appeal, he argued that his trial counsel was ineffective for failing to file a certification for a waiver of court assessments; as someone represented by an assistant public defender, he was a person entitled to a waiver of assessments, and the rule requires defense counsel to file a certification with the court. The State argued that the circuit court had continuing jurisdiction to address errors in the imposition of assessments, so that Nibbelin could not raise this claim for the first time in the appellate court.

The appellate court agreed with the State, finding the plain language of Rule 472 required a defendant to raise complaints about errors in the imposition of assessments in the trial court. On appeal to the supreme court, Nibbelin argued that Rule 472 applied only to errors by the court; instead, he was claiming ineffectiveness of his trial counsel in failing to file the certification altogether. The supreme court agreed with the appellate court and State: Nibbelin would need to raise his claims in the trial court.