No. 131337

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, v. ANTRELL JOHNSON, Defendant-Appellee.	))))))))))	Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-22-0494 There on Appeal from the Circuit Court of Cook County, Illinois, No. 17 CR 898 The Honorable Thaddeus L. Wilson, Judge Presiding.

REPLY BRIEF OF PLAINTIFF-APPELLANT
PEOPLE OF THE STATE OF ILLINOIS

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ARGUMENT

I. The Evidence Was Sufficient to Prove That Defendant Committed First Degree Murder.

As explained in the People's opening brief, the three eyewitness identifications of defendant as the shooter, when viewed in the light most favorable to the prosecution, were sufficient to prove beyond a reasonable doubt that defendant was the shooter. *See* Peo. Br. 22-24.[2] To the extent that there were inconsistencies between the details of the eyewitnesses' accounts or questions about the quality of their observational skills, vantage points, or the like, those were for the factfinder to resolve. *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006) ("The weight to be given the witnesses' testimony, the credibility of the witnesses, resolution of inconsistencies and conflicts in the evidence, and reasonable inferences to be drawn from the testimony are the responsibility of the trier of fact."). Accordingly, the appellate court was barred from rejecting the eyewitness identifications as insufficient unless, even when viewed in the light most favorable to the People, "'the record evidence *compel[led]* the conclusion that no reasonable person could accept it beyond a reasonable doubt.'" *People v. Gray*, 2017 IL 120958, ¶ 36 (quoting *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004)) (emphasis added).

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[2] The People use the same citation convention as in their opening brief, with the additions that the People's opening brief, defendant's appellee's brief, and the brief of amici are cited as "Peo. Br. __," "Def. Br. __," and "Am. Br. __," respectively.

Defendant's arguments that the evidence was insufficient repeat the same error committed by the majority below, consistently viewing the evidence in the light most favorable to the defense rather than the prosecution. First, defendant errs by resolving conflicts between witnesses' testimony in his favor. For example, defendant relies on Thomas's attempted recantation to assert that Thomas identified him as the shooter to police "only because [Mixon] had told that him [defendant] was the shooter." Def. Br. 11; *see id.* at 14-15. But when Thomas was asked whether he identified defendant as the shooter "because of what [Mixon] told [him] or because [he] recognized [defendant] out on the street," Thomas testified that he identified defendant as the shooter "[b]ecause [he] recognized him." R448. In any event, it was ultimately for the jury to resolve such "inconsistencies and conflicts in the evidence," *Sutherland*, 223 Ill. 2d at 242, and the jury apparently resolved those conflicts in the People's favor. It is for this very reason that reviewing courts must consider the evidence in the light most favorable to the People. *See People v. Williams*, 165 Ill. 2d 51, 55 (1995) ("Resoltuion of conflicts in the evidence is a matter within the exclusive province of the finder of fact. It is not the function of this Court to retry the defendant. Accordingly, upon judicial review, all of the evidence is to be considered in the light most favorable to the prosecution."). Accordingly, the majority below erred by substituting its own judgment for that of the jury and resolving any conflicts in the evidence in defendant's favor.

Second, defendant consistently — and incorrectly — draws inferences in his favor rather than in the People's favor. For example, defendant infers from Mixon's recantation of his multiple identifications of defendant as the shooter that Mixon "was not confident in his identification of [defendant]." Def. Br. 13. But a rational factfinder could draw a different inference. Given Mixon's apparent fear on the stand and admission that he feared for his safety, R512-13; *see* R847, 858, a factfinder could reasonably infer that Mixon confidently identified defendant as the person who shot him and murdered his friend, then recanted at trial because he feared reprisal for testifying against defendant. Indeed, under *Jackson*, that is the inference that *must* be drawn by the reviewing court. *See, e.g., People v. Jones*, 2023 IL 127810, ¶ 32 ("[A]ll reasonable inferences must be draw in favor of the prosecution.").

Similarly, defendant draws the wrong inference from Mixon's testimony that he had been "drinking" on the day of the shooting. R499-500. Defendant infers that Mixon must have been "intoxicat[ed]" and therefore could not reliably recognize that the shooter was defendant. Def. Br. 14. But a rational factfinder could consider Mixon's testimony about drinking, observe Mixon's demeanor in his videorecorded statement after the shooting, and draw a different inference: that despite having consumed an unspecified amount of an unspecified alcoholic beverage at an unspecified time earlier in the day, Mixon was not so impaired that he could not identify a former friend

whom he had known for years. R461, 511. Indeed, on sufficiency review, that inference in favor of the prosecution is the one that must be drawn.

Defendant repeats his error with respect to Washington's testimony. Washington testified that she watched the shooting through the windshield and driver's window of her friend's car while sitting in the backseat. R568. From this testimony, defendant draws an inference in his favor: that Washington's view must have been "partially blocked by the driver's seat frame and the frame of the car." Def. Br. 16. But a rational factfinder could also reasonably infer, based on Washington's testimony that nothing obstructed her view, R551, that her view of the shooting through the window was *not* meaningfully obstructed. Similarly, although defendant asserts that it "defies logic" that Washington could remember defendant's facial features, dark baseball cap, and white pants but not his jacket, Def. Br. 16, a rational factfinder could infer that Washington's recollection reflected her focus on the shooter's features that struck her as distinctive, *see* R553, 575.

Finally, defendant infers from Laster's position in the car that he had "an unquestionably better opportunity to view the shooting," then infers that because Laster was unable to identify the shooter, Washington must not have been able to identify the shooter, either. Def. Br. 17. But given Laster's testimony that he did not look at the shooter's face, R546, a rational factfinder could conclude that Laster's inability to identify defendant as the shooter reflected his inattention to the shooter's face, rather than that it was

impossible for Washington, who *had* looked at the shooter's face, *see* R575-76, to identify him.

In sum, when viewed in the light most favorable to the prosecution, none of the ambiguities within, inconsistences between, or subsequent recantations of the eyewitnesses' identifications of defendant as the shooter rendered them incredible as a matter of law, such that no rational factfinder could rely on them to find that defendant was guilty beyond a reasonable doubt. *See People v. Brooks*, 187 Ill. 2d 91, 132-34 (1999) (multiple eyewitnesses' identifications of defendant as drive-by shooter were sufficient to prove guilt, even though some recanted and their accounts conflicted in some respects). Therefore, the evidence was sufficient to prove defendant's guilt beyond a reasonable doubt, and the appellate court erred in concluding that it was not.

II. The Majority Below Erred by Reviewing the Sufficiency of the Evidence Under the Wrong Standard, Considering Evidence Never Presented at Trial, and Relying on the Fact That the Jury Returned a Split Verdict.

The majority made three errors on its way to its erroneous conclusion. First, the majority purported to review the sufficiency of the evidence under *Niel v. Biggers*, which it took as license to ignore evidence and reject inferences that supported the jury's verdict. Second, the majority relied on social science articles that were never presented at trial to discredit the eyewitness identifications. And third, the majority considered the fact that the jury acquitted defendant of attempting to murder Mixon as relevant to

whether the evidence was sufficient to convict defendant of murdering Tyler. Each was erroneous under well-established precedent, and each contributed to the majority's incorrect conclusion that the evidence was insufficient.

A. The majority below erred by evaluating the sufficiency of the evidence under *Neil v. Biggers*.

To reach its conclusion that three eyewitness identifications of defendant as the shooter were insufficient to prove that fact, the majority below evaluated the evidence under *Neil v. Biggers*, 409 U.S. 188 (1972), which it invoked as license to disregard evidence and rational inferences that supported the jury's verdict. *See* A2, ¶ 3 (evaluating sufficiency of evidence "under the test set out in the United States Supreme Court's opinion in *Neil v. Biggers*"); A9, ¶ 62 (reviewing evidence "[u]nder *Biggers*"); A11, ¶ 74 ("Our legal analysis draws primarily on *Biggers*[.]"); A15, ¶ 97 ("our inquiry follows the *Biggers* mandate"). For example, the majority refused to consider the reasons that a rational factfinder could credit Mixon's and Thomas's prior identifications over their trial recantations absent "a reason under *Biggers*." A10, ¶ 67. And the majority refused to consider that a rational factfinder might find Mixon's and Thomas's identifications of defendant as the shooter particularly reliable given that they already knew defendant because *Biggers* "contains no exceptions for eyewitness familiarity." A14, ¶ 89. As the People explained in their opening brief, this refusal to consider all of the evidence and view it in the light most favorable to the People was improper, *see* Peo. Br. 25-36, not least of all because it was in open defiance of this Court's

precedent, *see* A12, ¶ 79 (refusing to follow this Court's precedent that eyewitness's familiarity with defendant is particularly relevant to reliability of identification because that precedent is 25 years old and therefore "must be considered with heightened scrutiny" (citing *Brooks*, 187 Ill. 2d at 130-31)).

This Court should reject defendant's argument that it should not address whether the appellate majority misapplied *Biggers* at all. Defendant mischaracterizes the People's position as arguing that the factors identified in *Biggers* are "inapplicable to appellate review of a sufficiency claim." Def. Br. 21. But the People do not argue that the *Biggers* factors are irrelevant to whether eyewitness identifications, when viewed in the light most favorable to the prosecution, could allow a rational factfinder to find guilt beyond a reasonable doubt. To the contrary, the People acknowledged in their opening brief that the *Biggers* factors are among the many factors relevant to evaluating eyewitness identifications. *See* Peo. Br. 33. Instead, the People argue that the majority below erred by invoking *Biggers* as license to avoid viewing the evidence in the light most favorable to the People and to substitute its own credibility determinations for those of the jury. *See id.* at 24-34. Thus, defendant's estoppel argument, *see* Def. Br. 21, fails for the simple reason that he seeks to estop the People from taking a position they have not taken.

Defendant's arguments against the straw-man position "that the *Biggers* factors should only be used in the admissibility context" are similarly

misdirected, *see id.* at 25, for that, again, is not the People's position. Like all other factors bearing on a witness's credibility, the *Biggers* factors are relevant to a factfinder's evaluation of eyewitness identifications, *see* IPI, Criminal, Nos. 1.02 & 3.15, and therefore are also relevant to a reviewing court's evaluation of the sufficiency of the evidence at trial under *Jackson*. But the reviewing court's evaluation must consider the evidence relating to the *Biggers* factors like any other evidence on sufficiency review — in the light most favorable to the People. *Brooks*, 187 Ill. 2d at 134.

Defendant also erroneously argues that the Court need not address whether the majority erred in evaluating the sufficiency of the evidence under *Biggers* because "this appeal . . . centers on whether the State proved [him] guilty beyond a reasonable doubt." Def. Br. 22. In other words, defendant argues that the Court should address only *whether* the appellate court erred by holding that the evidence was insufficient and ignore *how* it erred by doing so. But this argument misapprehends this Court's role. This Court does not grant review merely to correct errors. *See* Ill. S. Ct. R. 315(a) (identifying types of considerations that guide this Court's decision whether to grant leave to appeal). Merely reversing the appellate court's judgment while ignoring the misapplications of law that led to that judgment would deny the appellate court the guidance it needs to avoid repeating those errors in the future. *Cf. People v. Seymore*, 2025 IL 131564, ¶ 34 (this Court

addresses even moot issues when "authoritative guidance from this court is needed").

Moreover, defendant's assertion that the majority merely "used the *Biggers* factors as a tool" to guide its evaluation of the evidence at trial, Def. Br. 11, is belied by the majority's opinion itself. The majority repeatedly insisted that it was evaluating the evidence "under" *Biggers*. *See* A9, ¶ 62 (reviewing evidence "[u]nder *Biggers*"); *see also* A11, ¶ 74 ("Our legal analysis draws primarily on *Biggers*[.]"); A15, ¶ 97 ("our inquiry follows the *Biggers* mandate"). The majority then addressed each of the five factors specified in *Biggers* under five separate headings, A5-9, ¶¶ 30-59, before summarizing its analysis in a section entitled "Summary of *Biggers* factors," A9, ¶ 60, and concluding that the evidence was insufficient when viewed under "the proper scrutiny of *Biggers*," A17, ¶ 107. Although defendant argues that the majority did not limit its analysis to the five *Biggers* factors, the majority explicitly *refused* to consider factors that *Biggers* did not specifically mention. *See* A10, ¶ 67 (rejecting possibility that rational juror could credit eyewitness's prior identification over subsequent recantation absent "a reason under *Biggers*"); A14, ¶ 89 (rejecting possibility that rational juror could credit identifications made by eyewitnesses who already knew the defendant because "*Biggers* contains no exception for eyewitness familiarity"). Therefore, defendant's attempt to minimize the majority's reliance on *Biggers* is unavailing.

Finally, defendant is incorrect that the majority *had* to evaluate the evidence under *Biggers* because the *Jackson* standard provides no "framework for appellate analysis of eyewitness identification testimony in the sufficiency context." Def. Br. 26. *Jackson* provides that *all* evidence must be viewed in the light most favorable to the prosecution on sufficiency review, *Jackson v. Virginia*, 443 U.S. 307, 319 (1979), a framework that applies equally to eyewitness identification evidence as to any other evidence. This standard reflects the deference owed to the factfinder's ultimate responsibility to determine "[t]he weight to be given the witnesses' testimony, the credibility of the witnesses, resolution of inconsistencies and conflicts in the evidence, and reasonable inferences to be drawn from the testimony." *Sutherland*, 223 Ill. 2d at 242. Accordingly, in the sufficiency context, the five factors specified in *Biggers* as relevant to the reliability of an eyewitness identification simply identify five of the many factors that are entrusted to the factfinder to consider. Once the factfinder has determined that the evidence is sufficient, evidence relating to the *Biggers* factors, like evidence relating to any other factor, must be viewed in the light most favorable to the prosecution, *see Brooks*, 187 Ill. 2d at 132-34, because a reviewing court must presume that the factfinder considered these factors and found the People's evidence reliable and sufficient in light of them. Indeed, that is especially so where, as here, the jury was explicitly instructed to consider the *Biggers* factors. *See* R876; IPI, Criminal, 3.15.

For that reason, defendant is incorrect that "there is no practical difference between analyzing reliability for admissibility [under *Biggers*] versus sufficiency [under *Jackson*]." Def. Br. 28. In fact, the majority's application of *Biggers* turned *Jackson*'s presumption on its head. When analyzing the reliability of an identification to determine its admissibility under *Biggers*, a court must determine whether it is sufficiently reliable to overcome the taint of the suggestive police procedure that produced it. *Biggers*, 409 U.S. at 199; *see Perry v. New Hampshire*, 565 U.S. 228, 238-39 (2012). Thus, the question under *Biggers* is "whether improper police conduct created a 'substantial likelihood of misidentification.'" *Perry*, 565 U.S. at 239 (quoting *Biggers*, 409 U.S. at 201). In contrast, the question on sufficiency review under *Jackson* is whether the identification (together with all other evidence), when viewed in the light most favorable to the prosecution, could allow a rational factfinder to find guilt beyond a reasonable doubt. *Brooks*, 187 Ill. 2d at 132, 134. The *Biggers* analysis does not give deference to the jury's role as factfinder; the *Jackson* analysis is dictated by that deference, and permits setting aside the jury's guilty verdict only when it is so unsupported by the evidence as to be irrational. Therefore, the majority below erred by reviewing the sufficiency of the evidence under *Biggers*.

B. The majority below erred by finding the evidence insufficient based on materials that were never presented at trial.

The appellate majority contravened the holdings of both this Court and the United States Supreme Court when it relied on articles that were never

presented at trial to discredit the identifications that were presented at trial. *See People v. Cline*, 2022 IL 126383, ¶ 32; *see also Herrera v. Collins*, 506 U.S. 390, 402 (1993). Whether the evidence at trial was sufficient to prove defendant's guilt turned solely on the evidence presented at trial. Accordingly, contrary to defendant's suggestion, Def. Br. 30, the appellate majority had no "discretion" to consider extra-record materials when evaluating the sufficiency of the record evidence.

Defendant's argument to the contrary merely highlights the majority's error. Defendant argues that the majority "cited to scientifically-backed articles as persuasive authority to inform why the inferences made by the jury concerning particular aspects of the eyewitness testimony were unreasonable despite the counterintuitive nature of the reasoning." *Id.* at 32. In other words, the majority was persuaded by the extra-record materials to discredit the eyewitness identifications presented at trial. That is exactly what the appellate majority was forbidden to do. *Cline*, 2022 IL 126383, ¶ 33 (reviewing court evaluating sufficiency challenge may not consider "material that was not considered by the trier of fact in weighing the credibility of a[ ] . . . witness's testimony"); *see People v. Magee*, 374 Ill. App. 3d 1024, 1029-30 (1st Dist. 2007) (refusing to consider scientific articles and psychological studies that were not presented at trial and striking portion of defendant's brief relying on them in support of his argument against credibility of victims' identifications). It would have been equally improper for the

majority to discredit a witness's trial testimony based on news coverage of the witness's contradictory post-trial statements on the courthouse steps.

Indeed, the appellate court recognized the impropriety of considering extra-record materials bearing on factual matters in *People v. Paranto*, 2020 IL App (3d) 160719, which defendant cites for the proposition that a reviewing court may consider secondary sources like the articles here as "persuasive authority," Def. Br. 31. In *Paranto*, the defendant raised an as-applied constitutional challenge that "relie[d] fundamentally on establishing certain scientific facts." 2020 IL App (3d) 160719, ¶ 20. *Paranto* rejected the defendant's offer of secondary sources to establish those facts because, although secondary sources can "educate you about the law, . . . direct you to the primary law, or . . . serve as persuasive authority," the defendant "d[id] not employ her secondary resources for any of these purposes." *Id.* ¶ 21 (internal quotation marks omitted). "Rather, she cite[d] them in an effort to introduce substantive evidence to establish the necessary scientific facts, then ask[ed] that [the court] rely upon them to conclude that the statute is constitutional." *Id.* *Paranto* refused to rely on the articles, following this Court's precedent that a reviewing court's "'consideration of th[e] case will be restricted to matters of record'" and that "'[a] party may generally not rely on matters outside the record to support its position on appeal.'" *Id.* (quoting *Keener v. City of Herrin*, 235 Ill. 2d 338, 346 (2009)).

Here, the majority committed the exact error that *Paranto* warned against. The majority relied on extra-record articles to establish "facts" — such as that the presence of a weapon reduces a person's ability to recognize an offender, A6, ¶ 33; or that the way information is stored in the brain increases the likelihood that a person will misidentify a stranger as an acquaintance, A15, ¶ 92 — and then relied on those facts to discredit the eyewitness identifications presented at trial. Defendant insists that this was somehow different from taking "judicial notice of an evidentiary fact," Def. Br. 32, but he does not explain how. When the majority explicitly relied on statements from an extra-record article as its basis for rejecting the inference that Mixon's and Thomas's familiarity with defendant made their identifications of him as the shooter more reliable, *see* A14-15, ¶¶ 91-92, it was relying on an extra-record statements on a "matter of uncommon knowledge," *People v. Lerma*, 2016 IL 118496, ¶ 28. Those statements therefore could not inform a lay juror's evaluation of the evidence *unless* presented at trial. *See id.* ¶ 28 (expert had to be allowed to testify about research countering what "everyone knows" about reliability of acquaintance identifications because that research was "a matter of uncommon knowledge"); *see also* Am. Br. 5 ("Common sense suggests that a witness who claims to recognize a perpetrator as someone whom they have met before would be reliable[.]"); *cf. McGee v. City of Chicago*, 2012 IL App (1st) 111084, ¶¶ 29-33 (reversing and remanding for new trial because juror conducted her

own research on memory lapses in case where witness's alleged memory lapses bore directly on his credibility). There was no difference between the majority taking the article's assertions of fact about the reliability of acquaintance identifications as true (as defendant asserts) and the majority taking judicial notice of those facts (as he concedes it was prohibited from doing).

None of defendant's cited authority supports his assertion that a reviewing court may consider extra-record materials as proof of factual matters when evaluating the sufficiency of the evidence at trial. *See People v. Bush*, 2023 IL 128747, ¶ 61 (holding that trial court's decision to exclude rap video "was arbitrary because it was based on the purported platform of the statements, a rap video, as opposed to the substance of the statements" and citing case (which in turn cited law review article) holding that admissibility of rap lyrics turns on their substance); *In re Marriage of Cotton*, 103 Ill. 2d 346, 358-59 (1984) (affirming sufficiency of evidence that removal from mother's custody was in "the best interests of the child" and citing law review articles about meaning of "best interests of the child"); *Young v. State*, 374 P.3d 395, 414-16 (Ala. 2016) (relying on scientific articles when creating new legal standard for admissibility of eyewitness identifications under Alaska law).

Because extra-record materials play no role on sufficiency review, defendant's observation that Supreme Court Rule 341 does not prohibit a

party from citing whatever he likes in support of his argument is beside the point. Contrary to defendant's assertion, it does not follow that because the appellate court is tasked with determining whether it may properly consider materials cited by the parties, the appellate court's consideration of any materials necessarily is "for proper purposes." Def. Br. 31. Regardless of what a party cites, the reviewing court must determine "[w]hether the authority cited [is] nonprecedential, irrelevant, or incomplete . . . as a proper consideration in assessing the merits of a proponent's argument." *In re M.M.*, 156 Ill. 2d 53, 56 (1993). Here, the articles that were never presented at trial were irrelevant to defendant's challenge to the sufficiency of the evidence presented at trial as a matter of law. *Cline*, 2022 IL 126383, ¶ 33. Therefore, the majority erred by considering them. *Id.*

C. The majority below erred by relying on the jury's split verdict to find the evidence insufficient.

Finally, the majority erred when it considered the jury's not-guilty verdict on one charge in assessing the sufficiency of the evidence as to another charge. The majority explained that it considered the jury's split verdict as relevant to its evaluation of the sufficiency of the evidence and criticized the dissent for not affording the split verdict sufficient significance. A16, ¶ 99 ("[I]n evaluating the sufficiency of the evidence as a whole, the split verdict reflects the jury's doubts about the State's case."); A15, ¶ 99 (criticizing dissent for affording split verdict "little significance"). That is precisely what the United States Supreme Court has explained a court may

not do. *United States v. Powell*, 469 U.S. 57, 67 (1984) (sufficiency review "should be independent of the jury's determination that evidence on another count was insufficient"). Indeed, *Jackson* itself cautioned that "[t]he question whether the evidence is constitutionally sufficient is of course wholly unrelated to the question of how rationally the verdict was actually reached," and therefore sufficiency review "does not require scrutiny of the reasoning process actually used by the factfinder — if known." 443 U.S. at 319 n.13. The majority therefore erred by considering the jury's split verdict as relevant to its sufficiency review and in rejecting the United States Supreme Court's direction to the contrary as "naïve." A15, ¶ 99.

Defendant urges the Court to disregard this error as well, this time on the ground that the People did not specifically note that the majority relied on the split verdict in their petition for leave to appeal (PLA). Def. Br. 33. But parties forfeit issues, not arguments, and the People's PLA raised the issue of whether the majority erroneously found the evidence insufficient. *See Brunton v. Kruger*, 2015 IL 117663, ¶ 76 (party did not forfeit argument in support of waiver that he raised for first time on appeal where he "disputed the issue of waiver" below). The People were not required to list every matter that the majority weighed improperly — whether because the majority failed to consider it in the light most favorable to the prosecution or because the majority should not have considered it at all — to argue before

this Court that such errors contributed to the majority's erroneous resolution of the issue presented.

Defendant's substantive argument that *Powell* did not foreclose the majority's consideration of the split verdict as part of its sufficiency evaluation ignores the relevant passage from *Powell*. Defendant acknowledges that *Powell* held that a defendant cannot challenge a jury's guilty verdict on one count the ground that it cannot be rationally reconciled with the jury's not-guilty verdict on another. Def. Br. 34 (citing *Powell*, 469 U.S. at 65-66). And he acknowledges that in so holding, *Powell* explained that the "protection against jury irrationality or error" lies in "independent review of the sufficiency of the evidence." 469 U.S. at 67; *see* Def. Br. 34 (citing *Powell*, 469 U.S. at 67). But defendant then ignores *Powell*'s explanation in that same paragraph that sufficiency review "should be independent of the jury's determination that evidence on another count was insufficient." 469 U.S. at 67. Because it was improper for the majority to consider the fact of the jury's split verdict *at all* when evaluating the sufficiency of the evidence, it is no defense to point out that the majority "did not hold that the jury's split verdict required the vacatur of [defendant's] murder conviction," Def. Br. 34 — that is, that the majority did not consider the legally irrelevant fact of the split verdict to be dispositive of defendant's sufficiency claim.

* * *

In sum, the majority below erred by holding that the three eyewitness identifications of defendant as the person who fatally shot Taurean Tyler were insufficient to prove that fact as a matter of law. When reviewed under the governing *Jackson* standard and without consideration of extra-record materials or the fact that the jury found the evidence insufficient on another charge, the evidence at trial sufficed to allow a rational jury to find beyond a reasonable doubt that defendant was guilty of Tyler's first degree murder.

CONCLUSION

The People of the State of Illinois respectfully request that this Court reverse the judgment of the appellate court.

December 10, 2025

Respectfully submitted,

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RULE 341(c) CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 19 pages.

/s/ Joshua M. Schneider
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CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On December 10, 2025, the foregoing **Reply Brief of Plaintiff-Appellant People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the Court's electronic filing system, which provided service to the following:

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