

NOTICE

Decision filed 10/21/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 241200-U

NO. 5-24-1200

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Champaign County.
	)	
v.	)	No. 01-CF-750
	)	
JAMIE BOYD,	)	Honorable
	)	Randall B. Rosenbaum,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE VAUGHAN delivered the judgment of the court.
Justices Barberis and Clarke concurred in the judgment.

ORDER

¶ 1 *Held:* The dismissal of defendant's petition for relief from judgment is affirmed where defendant's petition was legally insufficient under section 2-1401(b-5) and (b-10) of the Code of Civil Procedure (735 ILCS 5/2-1401(b-5), (b-10) (West 2024)).

¶ 2 Defendant, Jamie Boyd, appeals the dismissal of her petition for relief from judgment which sought sentencing relief from her 2002 fully negotiated guilty plea for first degree murder and concealment of a homicidal death on the basis that she suffered postpartum psychosis and domestic violence. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant, Jamie Boyd, was originally charged with several counts of first degree murder (720 ILCS 5/9-1(a)(1), (2), (3) (West 2000)) based on different theories, armed robbery (*id.* § 18-2(a)), and concealment of a homicidal death (*id.* § 9-3.1(a)). All charges related to the death of

Daniel Nelson, who was found wrapped in blankets in a drainage ditch. Nelson had multiple blunt-force trauma injuries, ligature marks on his neck, and a puncture wound to the right side of his neck. In the information, the State sought extended-term sentencing for armed robbery—which would subject defendant to mandatory consecutive imprisonment terms of 6 to 60 years’ imprisonment if convicted. It further noted that the first degree murder charge subjected defendant to 20 to 60 years’ imprisonment if convicted but also sought an extended-term sentence that would raise the maximum potential sentence to 100 years, and contended defendant was natural life imprisonment and death penalty eligible. The concealment of homicidal death charge subjected defendant to a mandatorily consecutive term of two to five years’ imprisonment. Following a jury trial in February 2002, the jury was unable to reach a verdict on the first degree murder charge but found defendant guilty of aggravated robbery and concealment of a homicidal death.

¶ 5 Prior to retrial on the first degree murder charge and sentencing on the convictions, the parties reached a fully negotiated plea in March 2002. Pursuant to the plea, defendant would plead guilty to one count of first degree murder and concealment of a homicidal death in exchange for vacating the aggravated robbery conviction, dismissal of the remaining counts, and a total sentence of 40 years’ imprisonment (35 years for first degree murder to be served consecutive to a 5-year prison term for concealment of a homicidal death).

¶ 6 From the outset of the plea hearing, the court noted that, at an earlier hearing, the parties informed the court of the prescribed medications defendant was taking. Defendant confirmed that she was still taking those medications. The court posed, “Now you know how you feel when you haven’t had your medicine and you know how you feel when you’ve had the medicines that are prescribed for you. Has the medicine you’ve been taking helped you think clearly?” Defendant answered affirmatively and confirmed the medications did not interfere with her ability to think

clearly. She informed the court that she took her medication as prescribed and was able to understand the court.

¶ 7 The court admonished defendant of the charges, applicable penalties, the right to not plead guilty, and the rights waived by pleading guilty. The parties confirmed the terms of the plea agreement. The factual basis for the plea established that on or about April 20 or 21, 2001, defendant was at an apartment at Garden Village Apartments in Champaign, Illinois, with Shurese Bailey, Nathaniel Blandin, and Misty Moreman Blandin. At that time or at some point prior to that time, defendant and all or some of the other three people discussed committing a robbery and killing someone regarding the robbery. At some point later, Danny Nelson arrived at the apartment in which defendant and the other three people were present. Nathaniel physically grabbed Nelson and shortly thereafter, defendant took hold of Nelson. One of the other three people took Nelson's wallet from him. Later, defendant, either alone or in the company of Nathaniel, hit Nelson about the head or face with an iron, choked him with an electrical cord, and then cut Nelson's throat with a knife. Defendant, also in the company of others, packed and disposed of evidence in dumpsters throughout Champaign County. The group then returned to the apartment and wrapped Nelson's body with blankets. Defendant, with the others, transported Nelson's body and left it in a drainage ditch in rural Champaign County.

¶ 8 Upon questioning, defendant informed the court that she was 21 years old, had an eleventh-grade level of education, and understood the plea proceedings. The State advised the court that defendant had one adult felony conviction for aggravated battery. Defendant confirmed a continued desire to plead guilty. The court accepted the plea. It set aside the jury verdicts, entered judgment on the first degree murder and concealment of a homicidal death counts pursuant to the plea, and dismissed the remaining counts. The court then advised defendant of her appellate rights.

¶ 9 Defendant did not file a direct appeal. Instead, following her conviction, defendant filed numerous unsuccessful *pro se* collateral filings challenging her plea and/or sentence. The collateral attacks included, *inter alia*, multiple postconviction petitions, petitions for relief from judgment, untimely motions to withdraw her guilty plea, and motions to reduce her sentence. The bases provided for the collateral challenges varied slightly, but she often raised issues addressing new DNA testing, a codefendant's statements that were not admitted at trial, and bettering herself since being incarcerated.

¶ 10 Of relevance here, defendant often argued that her mental health provided justification for relief. She raised the issue in a postconviction petition on October 17, 2005, alleging that her statements to police were coerced, in part, due to medication she was taking at that time and that she had suffered from mental health issues since age 10. The petition also alleged that defendant was forced to plead guilty due to her mental health. On March 30, 2015, defendant filed a motion to file a successive postconviction petition, which requested withdrawal of her plea and alleged—among other things—that she was on medication for mental illness when she pled guilty. She again relied on her medication as a reason to withdraw her plea in her motion to withdraw her guilty plea filed on April 20, 2015. She filed the same motion with the same reasoning on June 29, 2015. In her motion for a reduction of sentence filed on August 29, 2016, she contended that she had sought mental health help since the offense and was sufficiently rehabilitated to warrant a reduced sentence. All of these collateral attacks were denied.

¶ 11 On April 3, 2020, defendant filed a motion to reconsider sentence based on new evidence. The motion argued that the court failed to consider the following mitigating factors: (1) defendant was suffering from a serious mental illness that was insufficient to establish the defense of insanity but substantially affected her ability to understand the nature of her acts (730 ILCS 5/5-5-

3.1(a)(16) (West 2020)); (2) defendant was suffering from postpartum depression or psychosis which was undiagnosed or untreated, or both, and a qualifying medical person had since diagnosed defendant with postpartum depression/psychosis (*id.* § 5-5-3.1(a)(17)); and (3) defendant's daughter would be negatively affected by defendant's absence (*id.* § 5-5-3.1(a)(18)(B)). The motion further argued that defendant was 20 years old when the offense occurred and studies showed that the brain did not fully mature until 25 years old. As further support, the motion cited section 5-4.5-110 of the Unified Code of Corrections (*id.* § 5-4.5-110), which was enacted in January 2019 to allow defendants under 21 years old to be eligible for parole after serving half of their sentences. It also stated that defendant had served 20 years of her 40-year sentence.

¶ 12 On April 24, 2020, the State filed a motion to dismiss the motion to reconsider the sentence, arguing the motion was untimely, barred by lack of jurisdiction, barred by prior judgment, and insufficient as a matter of law. The State contended that defendant could not move to reconsider the sentence because she could only move to withdraw the plea, and the period in which defendant could have withdrawn her plea expired over 18 years prior. The State also contended that defendant's motion did not claim a viable exception to toll the motion to withdraw filing period and she could have raised her claims in multiple prior collateral filings. It concluded that therefore, the court lacked jurisdiction to consider the motion to reconsider the sentence. The State alternatively argued that defendant relied on statutory mitigating factors that were not in effect at the time of her sentence (Pub. Act 99-877 (eff. Aug. 22, 2016) (adding 730 ILCS 5/5-5-3.1(a)(16)); Pub. Act 100-574 (eff. June 1, 2018) (adding 730 ILCS 5/5-5-3.1(a)(17)); Pub. Act 101-471 (eff. Jan. 1, 2020) (adding 730 ILCS 5/5-5-3.1(a)(18))), her mental health since being imprisoned was not a proper consideration in sentencing, and defendant failed to attached any supporting

documentation for her claims. On June 9, 2020, the court found the State's arguments were well-taken and granted the motion to dismiss.

¶ 13 On January 8, 2024, defendant filed a *pro se* petition for relief from judgment under section 2-1401(b-5) and (b-10) of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401(b-5), (b-10) (West 2024)). The petition alleged defendant was sexually and physically abused by her adopted mother from the age of 3 until she was 10 or 12 years old. It further alleged that when the Department of Children and Family Services (DCFS) did not act upon defendant's disclosure of the abuse, defendant began to smoke marijuana, drink alcohol, and run away for days at a time. Defendant alleged that she was admitted to a mental health hospital. The petition stated that defendant "used to be very angry due to the abuse" and she would have flashbacks, blackouts, and become violent. It also noted that defendant would try to harm herself. The petition further alleged that defendant gave birth to a daughter in January 2000, and she was off her medications due to her pregnancy. Defendant alleged that she was very depressed, had suicidal ideations, heard auditory hallucinations, and was paranoid. The petition stated defendant had a long history of mental illness, heard voices, and she "always took[] medication for them." The petition asserted that defendant did not receive the proper treatment or medication when she was arrested. It stated that defendant was unaware that she had postpartum depression and psychosis and was never tested for either. Defendant's petition concluded by stating, "I was a victim and the woman who abused me in the wrong [and] worst way twisted me up and was never charged. [Unidentifiable name] Blue Boyd was never charged [or investigated], yet it was reported."

¶ 14 Also, on January 8, 2024, defendant filed a motion to file a successive postconviction petition, which requested relief on the same basis as alleged in defendant's petition for relief from judgment. Attached to the petition were medical records for a psychiatric diagnostic evaluation

completed by the Logan Correctional Center on March 30, 2022, and records from Illinois Department of Human Services (IDHS) and Developmental Disabilities regarding a three-day admission at McFarland Mental Health Center (McFarland Center) from November 11, 2000, to November 13, 2000.

¶ 15 The medical records from the IDHS showed that defendant presented to Springfield Memorial Medical Hospital emergency room with suicidal ideations on November 11, 2000. She was then transferred to McFarland Center the same day for evaluation. McFarland Center medical staff diagnosed defendant with adjustment reaction with mixed disturbance of emotions and conduct, alcohol abuse, cannabis abuse, and antisocial personality disorder. During the evaluation, defendant was largely uncooperative. The records noted that defendant had a lengthy mental health history and was first hospitalized at the age of 10. Defendant reported that it was difficult to find housing, and the records noted “[a]pparently, the patient does not get along well with other residents, is intimidating, threatening, and has a history of stealing.” The records also stated that defendant was not on medication and therefore would not need to follow up with psychiatric services. The psychiatric evaluation showed that defendant had an unpleasant attitude and was manipulative. She was easily angered and frustrated when she did not get her way. She denied being a danger to other people but gave “a history of considering killing people in the past” and told the evaluator that “she used a pocket knife to scare a man who wanted a cigarette and another time hitting her ex with a bat.” The discharge summary noted that defendant insisted on being admitted due to suicidal ideations, but when regular staff arrived Monday, she insisted on being discharged and claimed she just needed a place to stay. The records further noted that defendant had good problem-solving abilities but was extremely self-serving. The recommended interventions included psychotherapy and social service consultation.

¶ 16 The March 2022 psychiatric diagnostic evaluation from Logan Correctional Center identified defendant's diagnoses as antisocial personality disorder first observed October 27, 2016, borderline personality disorder first observed October 27, 2016, and schizoaffective disorder first observed on October 11, 2018. It also noted a hunger strike on August 3, 2014, and a self-inflicted injury by cutting on November 5, 2016. The records stated that defendant was not on medication at that date of service, was functioning well over the past year without medication, and that defendant wished to remain off medication. It noted a history of psychotropic medication trials over time. Defendant also reported physical, emotional, and sexual abuse as a child. The records stated that defendant had psychiatric hospitalizations, and when asked questions, defendant commonly answered that she did not remember.

¶ 17 On February 1, 2024, the court denied defendant's motion for leave to file a successive postconviction petition. The court also provided the State 45 days to reply to the petition for relief from judgment.

¶ 18 On April 3, 2024, defendant filed a motion for reduction of sentence due to her age at the time of the offense, her serious mental health issues, and not being on medication at the time of the crime. She further stated, "I was not properly treated or diagnosed correctly I was hearing voices and not on medications for" postpartum psychosis "(hearing voices after having a child.)" She alleged that at the time of the offense, she was hearing voices but was off her medication due to being pregnant and giving birth the year prior. She further explained she was not on medication after the birth of her daughter because she was breastfeeding and did not resume taking her medication until after she was arrested. Defendant claimed she was never properly diagnosed or treated for her mental illnesses and hearing voices. She further stated, "I was pressured to take medication due to my voices."

¶ 19 Attached to the motion for a reduction of sentence was a psychological evaluation completed on March 13, 2023, by the Illinois Department of Corrections, to determine whether defendant needed reasonable accommodation for GED testing. The evaluation stated that it sourced its information from several other examinations from March 30, 2022, to February 10, 2023, as well as the Illinois Department of Corrections treatment file. The evaluation noted that defendant reported significant childhood trauma that most likely affected her early life attachments and development. Defendant reported being abused since she was adopted from DCFS at three years of age. She reported being hit in the head with a metal bar numerous times in her childhood and one incident when she was hit by a truck as a teenager which resulted in hospitalization. The evaluation stated that defendant appeared to have gaps in her memory, often responding with “I don’t know,” but reported never being diagnosed with traumatic brain injury. Defendant informed the evaluators that she could not recall when her mental health symptoms began but reported hearing voices as a child. She stated that when the voices were active, they interfered with her ability to pay attention and focus. Defendant also discussed constant thoughts of paranoia and difficulty trusting others that interfered with her ability to complete tasks and required support or interaction with others. Specifically, defendant reported that the voices told her to harm herself and others. She struggled with paranoid thoughts about people talking about her, watching her, and poisoning her food. Her struggle to trust others directly impacted the amount of sleep she got and the quality of her daily functioning. Defendant could not recall the number of times she had been hospitalized for psychiatric treatment. She reported that some medications helped decrease the frequency and intensity of auditory hallucinations, but she was not currently prescribed any psychotropic medications. The evaluator noted that defendant offered good insight into her current problems and situation by acknowledging the need to make changes and accept personal

responsibility for her actions. The evaluator also noted, however, that her judgment seemed limited, as evidenced by her tendency to react impulsively at times.

¶ 20 The evaluator noted that it was probable that defendant had some difficulty with thinking, concentration, and decision-making abilities. It did not appear that defendant was feigning a psychiatric illness. The evaluator diagnosed defendant with (1) specific learning disorder with impairment in reading, word reading accuracy, and reading comprehension; (2) specific learning disorder with impairment in written expression and spelling accuracy; (3) borderline intellectual functioning; and (4) schizoaffective disorder, bipolar type. The evaluator noted that the symptoms underlying the schizoaffective disorder, bipolar type, were not attributable to the effects of a substance or other medical conditions.

¶ 21 On April 8, 2024, the State filed a motion to dismiss the section 2-1401 petition filed January 8, 2024. It argued that defendant failed to file the 2-1401 petition within the two-year time limitation and defendant did not claim the judgment was void or provide a justification for her tardiness. It further argued that all of her claims were barred by forfeiture and *res judicata* because all had been repeatedly brought before the court and resolved. The State contended that while defendant framed it as new evidence, there was no suggestion that the “newly discovered” evidence was not or could not have been discovered through due diligence. It argued that Illinois Supreme Court Rule 604(d) (eff. Dec. 7, 2023) barred reconsideration of her sentence as she never successfully withdrew her guilty plea. It also asserted that the sentence was not fashioned under the discretion of the court but was an agreed sentence based on the negotiations between the parties.

¶ 22 On May 24, 2024, defendant filed a petition to withdraw her guilty plea, arguing she was unfit and heavily medicated when she took the plea. It also argued that her trial counsel was

ineffective due to defendant being highly medicated and unable to understand the law. The petition noted that defendant had a history of mental illness and medication. It further stated that the court admitted awareness of her history of mental health but failed to apply that as a mitigating factor, as well as the facts that she was 20 years old and suffering from postpartum psychosis at the time of the offense. The petition noted that defendant was never properly diagnosed or treated with postpartum depression and was not in the right state of mind to plead guilty due to her being heavily medicated. Defendant stated that she did not remember the trial or plea. Defendant requested to withdraw her plea now that she had mental stability.

¶ 23 Although the court granted a continuance so defendant could file a response to the State's motion to dismiss, no response was ever filed. On October 15, 2024, the court filed an order dismissing defendant's petition for relief from judgment. The court found the petition untimely where it was filed over 20 years past the statutory limitations, defendant did not allege any facts to show due diligence, and defendant did not otherwise assert an exception such as legal disability, duress, or fraudulent concealment. The court further found the petition was barred by *res judicata* where defendant raised the same issues in previous motions and she failed to explain why her claims could not have been raised in her original petition. It further stated,

“It is improper to seek the Court's modification of the sentence. A motion to withdraw plea would be necessary and it would be untimely at this time. The court also notes that this had been a trial and the Court was aware of Defendant's mental health at the time of the later plea. It was certainly very knowledgeable about such matters from Defendant's many pleadings as well.”

It then found the petition insufficient as a matter of law. Defendant timely appealed.

¶ 25 This appeal concerns the denial of defendant’s petition for relief from judgment under section 2-1401 of the Code (735 ILCS 5/2-1401 (West Supp. 2023)). Section 2-1401 provides a civil remedy to vacate a final criminal judgment older than 30 days under specific circumstances. *People v. Vincent*, 226 Ill. 2d 1, 7 (2007). We review the dismissal of a section 2-1401 petition *de novo*. *People v. Carter*, 2015 IL 117709, ¶ 13.

¶ 26 Defendant here requested a reduction of her sentence based on the subsections regarding postpartum depression/psychosis and domestic violence. At the time the circuit court dismissed the petition, the section concerning domestic violence stated:

“A movant may present a meritorious claim under this Section if the allegations in the petition establish each of the following by a preponderance of the evidence:

- (1) the movant was convicted of a forcible felony;
- (2) the movant’s participation in the offense was related to him or her previously having been a victim of domestic violence or gender-based violence;
- (3) there is substantial evidence of domestic violence or gender-based violence against the movant that was not presented at the movant’s sentencing hearing;
- (4) (blank); and
- (5) the evidence of domestic violence or gender-based violence against the movant is material and noncumulative to other evidence offered at the sentencing hearing, or previous hearing under this Section filed on or after the effective date of this amendatory Act of the 103rd General

Assembly, and is of such a conclusive character that it would likely change the sentence imposed by the original trial court.

Nothing in this subsection (b-5) shall prevent a movant from applying for any other relief under this Section or any other law otherwise available to him or her.” 735 ILCS 5/2-1401(b-5) (West Supp. 2023).

¶ 27 The section concerning postpartum depression and psychosis stated:

“A movant may present a meritorious claim under this Section if the allegations in the petition establish each of the following by a preponderance of the evidence:

(A) she was convicted of a forcible felony;

(B) her participation in the offense was a direct result of her suffering from post-partum depression or post-partum psychosis;

(C) no evidence of post-partum depression or post-partum psychosis was presented by a qualified medical person at trial or sentencing, or both;

(D) she was unaware of the mitigating nature of the evidence or, if aware, was at the time unable to present this defense due to suffering from post-partum depression or post-partum psychosis, or, at the time of trial or sentencing, neither was a recognized mental illness and as such, she was unable to receive proper treatment; and

(E) evidence of post-partum depression or post-partum psychosis as suffered by the person is material and noncumulative to other evidence offered at the time of trial or sentencing, and it is of such a conclusive

character that it would likely change the sentence imposed by the original court.

Nothing in this subsection (b-10) prevents a person from applying for any other relief under this Article or any other law otherwise available to her.” *Id.* § 2-1401(b-10).

Normally, a petition must be filed within two years of the final judgment, but petitions under subsections (b-5) and (b-10) are not subject to that filing limitation. *Id.* § 2-1401(a), (c), (f).

¶ 28 The Illinois Supreme Court interpreted this version of section 2-1401(b-10) and found that the legislature plainly and unambiguously intended sentences under fully negotiated guilty pleas be excluded from such relief. *People v. Wells*, 2023 IL 127169, ¶ 36, 40. It reasoned that the application of section 2-1401(b-5) would result in an extraordinary remedy in contradiction of established law by allowing a defendant to unilaterally change the sentencing terms of the fully negotiated plea agreement. *Id.* ¶ 36. *Wells* therefore concluded that absent express language affording such relief to a defendant who entered a fully negotiated plea, the only logical conclusion was that section 2-1401(b-5) did not apply to a defendant who was sentenced pursuant to a fully negotiated plea. *Id.*

¶ 29 However, thereafter, the legislature amended section 2-1401(b-5) and (b-10) to expand its applicability to negotiated pleas. Specifically—effective January 1, 2025—section 2-1401(b-5) and (b-10) “applies to all eligible convictions, including, but not limited to, if the judge renders the sentence based on a negotiated plea agreement. Relief under this Section allows for the modification of the length of sentence without affecting the conviction.” Pub. Act 103-968 (eff. Jan. 1, 2025) (amending 735 ILCS 5/2-1401(b-5), (b-10)).

¶ 30 Here, the circuit court dismissed defendant's petition on October 15, 2024, well before the effective date of the amendment expanding applicability. As such, the circuit court properly adhered to the controlling authority of *Wells* in dismissing the petition for relief from judgment.

¶ 31 On appeal, defendant argues that her petition was timely because subsections (b-5) and (b-10) are exempt from the two-year time limit (735 ILCS 5/2-1401(c) (West 2024)) and a 2025 amendment to subsections (b-5) and (b-10) clarified that the legislature intended to extend this relief to defendants who entered a negotiated plea. She acknowledges the amendment was enacted after the trial court ruled but argues that amendments or statutes that clarify the legislature's intent apply to cases pending when the amendment was enacted. She further contends the claims were not barred by *res judicata* where there was no prior judgment that considered her claims under section 2-1401(b-5) and (b-10). She also asserts that her petition met the requirements under each subsection and was supported by medical records.

¶ 32 The State argues that the 2025 amendments cannot provide relief because they are void *ab initio*, as they irreconcilably conflict with Illinois Supreme Court Rule 604(d) and therefore unconstitutionally encroach on the judiciary's inherent power to regulate court procedure. It contends that the 2025 amendments also violate the contracts clause of the Illinois Constitution by annulling the State's vested contractual rights in a final judgment entered in 2002. Alternatively, the State argues that the petition was independently subject to dismissal for lack of diligence and *res judicata* based on defendant's numerous prior collateral attacks raising the same underlying factual predicates. It further contends defendant is unable to demonstrate the evidence of her mental health was of such conclusive character to warrant relief given her active, violent participation in the planned robbery and brutal murder of Daniel Nelson.

¶ 33 For matters outside of the record, a section 2-1401 petition must be supported by affidavit or other evidence. 735 ILCS 5/2-1401(b) (West 2024); *Warren County Soil & Water Conservation District v. Walters*, 2015 IL 117783, ¶ 31. When considering a motion to dismiss, we must accept as true all well-pleaded facts in the petition and all reasonable inferences therefrom, viewing them in the light most favorable to the petitioner. *Cahokia Unit School District No. 187 v. Pritzker*, 2021 IL 126212, ¶ 24. However, conclusory allegations unsupported by specific factual allegations are insufficient to survive a motion to dismiss. *Doe v. Coe*, 2019 IL 123521, ¶ 32. Similarly, legal conclusions and allegations that are contradicted by the record will not be taken as true. *Bajwa v. Metropolitan Life Insurance Co.*, 208 Ill. 2d 414, 431 (2004).

¶ 34 As noted above, defendant was required to show that she was convicted of a qualifying offense and the evidence was new. 735 ILCS 5/2-1401(b-5)(1), (3) (West 2024); 735 ILCS 5/2-1401(b-10)(A), (C) (West 2024). To prevail on the postpartum depression/psychosis basis, she was required to show, by a preponderance of the evidence, that (1) her participation in the offense was “a direct result of her suffering from postpartum depression or postpartum psychosis”; (2) she was unaware of the mitigating nature of the evidence or was unable to present this defense due to suffering the illness or, “at the time of trial or sentencing, neither was a recognized mental illness and as such, she was unable to receive proper treatment; and” (3) the evidence is “material and *** of such a conclusive character that it would likely change the sentence imposed by the original court.” *Id.* § 2-1401(b-10)(B), (D), (E). Additional proof for relief under the domestic violence section included establishing, by a preponderance of the evidence, that (1) defendant’s “participation in the offense was related to *** her previously having been a victim of domestic violence or gender-based violence,” (2) “there is substantial evidence of domestic violence or gender-based violence,” and (3) the evidence “is material and *** of such a conclusive character

that it would likely change the sentence imposed by the original trial court.” *Id.* § 2-1401(b-5)(2), (3), (5).

¶ 35 In view of the requirements for relief under section 2-1401(b-5) and (b-10), defendant’s allegations were legally insufficient and not supported. Nothing in defendant’s petition explains how her direct participation in the planned robbery, murder, and concealment in the underlying case was directly caused by postpartum illnesses or related to her previous abuse as a child. *Id.* § 2-1401(b-5)(2), (b-10)(B).

¶ 36 At most, defendant stated that the previous abuse made her violent, but such allegation does nothing to provide a relation between the abuse and this offense. While the abuse was reported throughout defendant’s medical records, the most specific evidence of domestic violence was defendant’s 2023 evaluation for the GED testing services, attached to the motion filed after the relevant petition, which noted that she reported significant childhood trauma that most likely affected her early life attachments and development. In a different section, it was noted that defendant was abused by her adoptive mother from age 3 to 10. Defendant alleges that as a consequence of the abuse, she blacked out and was violent, but there was no indication that she was triggered and blacked out or suffered from her psychosis symptoms immediately prior to the charged offenses. Importantly, nothing in her medical records or petition suggests that the abuse caused specifically by her adoptive mother related to the offense here as required by the section 2-1401(b-5)(2). See *People v. Ingram*, 2026 IL App (5th) 250296-U, ¶ 29.

¶ 37 Defendant’s petition also fails to allege facts to conclude the offense was the direct result of, or even related to, postpartum depression or psychosis. Possibly more important, the medical records not only fail to support defendant’s allegations of postpartum illnesses, they undermine her position. Under section 2-1401(b-10), postpartum depression is defined as “a mood disorder

which strikes many women during and after pregnancy and usually occurs during pregnancy and up to 12 months after delivery.” 735 ILCS 5/2-1401(b-10) (West 2024). It can include anxiety disorders. *Id.* Postpartum psychosis is defined as “an extreme form of postpartum depression which can occur during pregnancy and up to 12 months after delivery.” *Id.* “This can include losing touch with reality, distorted thinking, delusions, auditory and visual hallucinations, paranoia, hyperactivity and rapid speech, or mania.” *Id.*

¶ 38 Defendant acknowledges the medical records do not include a formal diagnosis of postpartum illnesses but argues that they detail mental health symptoms that track both postpartum depression and psychosis. She specifically noted her history of schizophrenia, both with depressive and bipolar types. Defendant argues that her mood disorders, distorted thought patterns, paranoia, hallucinations, ADHD, and lack of insight, fit within the definition of postpartum depression and postpartum psychosis as in section 2-1401(b-5) and (b-10).

¶ 39 Regardless of whether a formal diagnosis is necessary to survive a motion to dismiss, defendant’s stated reason that she suffered postpartum depression or psychosis was that she was off of her medications due to her pregnancy and birth of her child. That reason is insufficient where defendant essentially self-diagnoses herself with postpartum psychosis by bootstrapping her symptoms after having a baby with her perception of the statutory symptoms of postpartum depression and psychosis. As the statutory definitions of postpartum depression and psychosis above show, the psychiatric symptoms are intertwined with pregnancy and postpartum. See 735 ILCS 5/2-1401(b-10) (West 2024) (defining the illness as occurring during and after pregnancy). As such, general evidence of depression and psychosis—that may be prevalent for many other mental illnesses—is insufficient to address the specific issue of postpartum depression and psychosis. See *People v. McCarron*, 2022 IL App (3d) 200404, ¶ 27 (finding the same claim with

the same proof requirements under a now-repealed section of the Post-Conviction Hearing Act (725 ILCS 5/122-1(a)(3) (West 2018)) required “particularized evidence” and such issue was not addressed by general evidence of depression). The medical records contain no mention of pregnancy or postpartum as being the root or influence of any mental illness and note that defendant suffered mental illness—including auditory hallucinations—since she was a child. Indeed, the 2023 evaluation, attached to a motion filed after the relevant petition, noted that defendant’s diagnosis of schizoaffective disorder, bipolar type, was not attributable to the effects of a substance or other medical conditions. As such, the medical records show long-standing issues with mental health and not partum or postpartum onset as required by the statute.

¶ 40 We further keep in mind the circumstances of this case. See *Ingram*, 2026 IL App (5th) 250296-U, ¶ 30 (looking to the plea terms and facts of the case in deciding whether the evidence was so conclusive to change the outcome of the sentencing hearing). Defendant pled guilty to first degree murder, which—without the agreed-upon sentence—subjected defendant to 20 to 60 years’ imprisonment. However, the State requested an extended-term sentence for this count, which would have raised the maximum potential sentence to 100 years. The State further contended defendant was natural life imprisonment and death penalty eligible at the time of sentencing. 720 ILCS 5/9-1(a)(1), (2), (3) (West 2000). The concealment of homicidal death charge subjected defendant to a mandatorily consecutive term of two to five years’ imprisonment. *Id.* § 9-3.1(c); 730 ILCS 5/5-8-1 (West 2000). Pursuant to the plea, an aggravated robbery conviction was vacated and the charge was dismissed; if that conviction had stood, defendant would have been subject to an additional 6 to 60 years’ imprisonment. 720 ILCS 5/18-2(b) (West 2000); 730 ILCS 5/5-8-1(a)(3), 5-5-3.2(b)(2), 5-8-2(a)(2) (West 2000). By pleading guilty, defendant admitted to working with others to overpower one man, rob him, brutally murder him,

attempt to cover her tracks, and dispose of him in a ditch. We find defendant's evidence of unrelated childhood abuse and unverified, contradicted conclusion of postpartum psychosis would not have altered the sentencing outcome for such a violent offense. Accordingly, the evidence would not be so conclusive to change the outcome of the sentencing hearing, and her petition was properly dismissed.

¶ 41 We recognize the parties rely on several legal principles, many having constitutional implications, to support or defend their respective positions on appeal. Our review is *de novo* (*People v. Vincent*, 226 Ill. 2d 1, 18 (2007)), and we may affirm based on any basis in the record. *Rodriguez v. Sheriff's Merit Comm'n of Kane County*, 218 Ill. 2d 342, 357 (2006). Moreover, given our duty to avoid constitutional questions whenever possible (*In re E.H.*, 224 Ill. 2d 172, 178 (2006)), we will wait to address the remaining issues raised on appeal for a case that presents legally sufficient facts to invoke the relief under section 2-1401(b-5) and (b-10).

¶ 42 III. CONCLUSION

¶ 43 Defendant's petition was unsupported and failed to provide sufficient facts for relief under section 2-1401(b-5) and (b-10) of the Code. Accordingly, we affirm the circuit court's dismissal of the petition.

¶ 44 Affirmed.