

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).

2026 IL App (4th) 251259-U

NO. 4-25-1259

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 23, 2026

Carla Bender

4th District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Tazewell County
SHANE M. TRAVIS,	)	No. 24CF237
Defendant-Appellant.	)	
	)	Honorable
	)	Christopher R. Doscotch,
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Lannerd and Grischow concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court granted appellate counsel’s motion to withdraw and affirmed, finding that defendant was not entitled to sentencing credit under section 3-6-3 of the Uniform Code of Corrections (730 ILCS 5/3-6-3 (West 2024)) where (1) his employment was undertaken at the county jail rather than the Illinois Department of Corrections and (2) he did not provide sufficient documentation to show that the substance abuse classes constituted a full-time, 60-day-or-longer program.
- ¶ 2 Defendant, Shane M. Travis, pled guilty to one count of unlawful possession of methamphetamine with intent to deliver (720 ILCS 646/55(a)(1) (West 2024)) and was sentenced to 12 years in the Illinois Department of Corrections (DOC). He appealed in case No. 4-25-0113. While that appeal was pending, he filed a motion in the trial court “[f]or order *Nunc Pro Tunc*,” arguing that he was entitled to certain sentencing credits resulting from his employment and participation in substance abuse classes while in presentence custody at the Tazewell County jail. The trial court denied his motion, and he filed the instant appeal.

¶ 3 The Office of the State Appellate Defender (OSAD) was appointed to represent defendant in this appeal. OSAD now moves to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), arguing that defendant’s appeal presents no potentially meritorious issues for review. Defendant was notified of OSAD’s motion and did not file a response.

¶ 4 We grant OSAD’s motion to withdraw and affirm the trial court’s judgment.

¶ 5 I. BACKGROUND

¶ 6 On August 19, 2024, defendant pled guilty to one count of unlawful possession of methamphetamine with intent to deliver, a Class X felony (720 ILCS 646/55(a)(1) (West 2024)). He was sentenced to 12 years in DOC and given credit for 197 days served.

¶ 7 Defendant subsequently filed a motion to withdraw his guilty plea or, in the alternative, to reconsider his sentence. The trial court denied the motion. On February 3, 2025, defendant appealed, and the case was docketed as case No. 4-25-0113. In the appeal, he argued that trial counsel was ineffective for failing to file a certificate pursuant to Illinois Supreme Court Rule 404(e) (eff. Sept. 1, 2023) for waiver of sentencing assessments.

¶ 8 On October 15, 2025, while his appeal was still pending, defendant filed a *pro se* motion “[f]or order *Nunc Pro Tunc*.” In his motion, defendant argued that he was entitled to sentencing credit based on (1) his employment as a “tender” at the Tazewell County jail prior to sentencing, pursuant to section 3-6-3(a)(4.2)(A) of the Unified Code of Corrections (Code) (730 ILCS 5/3-6-3(a)(4.2)(A) (West 2024)) and (2) his participation in substance abuse classes at the Tazewell County jail prior to sentencing, pursuant to section 3-6-3(a)(4)(A) (*id.* § 5/3-6-3(a)(4)(A)). He attached a letter from the Tazewell County Sheriff’s Office confirming that he worked as a tender from “07/23/2025 [sic]” to “10/24/2024.” Presumably, the alleged start date for his employment was actually July 23, 2024, as the letter stated he was employed for a total of

93 days. The letter also confirmed that he attended substance abuse classes from April 23, 2024, to October 22, 2024, for a total of 182 days.

¶ 9 On October 27, 2025, the trial court denied defendant’s motion.

¶ 10 This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 Defendant appeals the denial of his October 2025 motion. OSAD has moved to withdraw, arguing that the appeal presents no potentially meritorious issues for review.

¶ 13 A. Consolidation of Appeals

¶ 14 Although defendant characterized his motion in the trial court as a motion “[f]or order *Nunc Pro Tunc*,” it is more accurately characterized as a motion pursuant to Illinois Supreme Court Rule 472 (eff. Feb. 1, 2024). Pursuant to Rule 472, the trial court retains jurisdiction to correct certain sentencing errors at any time following judgment, including “[e]rrors in the calculation of presentence custody credit.” Ill. S. Ct. R. 472(a)(3) (eff. Feb. 1, 2024). Because defendant sought a correction in the calculation of his sentencing credits, he sought the remedy provided by Rule 472.

¶ 15 Rule 472 allows a motion to correct sentencing errors to be filed during the pendency of a separate appeal. Ill. S. Ct. R. 472(a) (eff. Feb. 1, 2024). If a motion is filed while another appeal is pending, Rule 472 states that the pending appeal should not be stayed while the motion is heard. Instead, “[a]ny appeal from a judgment entered pursuant to this rule shall be consolidated with the pending appeal.” Ill. S. Ct. R. 472(d) (eff. Feb. 1, 2024).

¶ 16 In this case, defendant filed the instant appeal while his appeal in case No. 4-25-0113 was still pending. We filed a decision in case No. 4-25-0113 eight days after the instant appeal appeared on our docket, rather than consolidating the two appeals. However, despite the

fact that the two appeals were not consolidated, defendant timely appealed the trial court’s denial of his Rule 472 motion (see Ill. S. Ct. R. 472(b) (eff. Feb. 1, 2024)), and therefore, the instant appeal is appropriately before us. Accordingly, while we acknowledge that it would have been more efficient to consolidate the appeals, we will now address the appeal in the instant case.

¶ 17 B. Merits of Defendant’s Motion

¶ 18 Before we reach the merits of defendant’s Rule 472 motion, we note that OSAD has filed a motion to withdraw pursuant to *Anders v. California*. In the past, we have declined to decide the appropriate standard for evaluating the effective assistance of appellate counsel in appeals from denials of Rule 472 motions. See *People v. Long*, 2024 IL App (4th) 231503-U, ¶ 15. In *Long*, we acknowledged the appellate counsel’s argument that an appeal from a Rule 472 motion may be appropriately characterized as a “collateral appeal[],” which would entitle a defendant to a “ ‘reasonable level of assistance of counsel.’ ” *Id.* ¶ 14. However, we also noted that an appeal under Rule 472 “resemble[d] a direct appeal” and “may be the defendant’s first opportunity to obtain review of an aspect of a criminal sentence in this court,” which would suggest the defendant’s right to counsel was of a “constitutional dimension.” *Id.*

¶ 19 As we did in *Long*, we decline now to decide the appropriate standard for evaluating the assistance of counsel in this appeal, as it is not necessary for our review. See *id.* ¶ 15. OSAD here has moved to withdraw pursuant to *Anders* and has satisfied the constitutional standard for withdrawal set forth therein. See *id.*; see *Anders*, 386 U.S. at 744 (discussing counsel’s obligations when moving to withdraw from representation on an appeal in conformity with the constitutional requirement of substantial equality and fair process.) Accordingly, we will proceed as *Anders* dictates and review defendant’s appeal to determine if any argument may be raised that is not frivolous. See *Long*, 2024 IL App (4th) 231503-U, ¶ 15.

¶ 20

1. *Employment as a Tender*

¶ 21 Defendant argued in his motion before the trial court that he was entitled to sentencing credit pursuant to section 3-6-3(a)(4.2)(A) of the Code for the 93 days he was employed as a tender at the Tazewell County jail.

¶ 22 Section 3-6-3(a)(4.2)(A) provides that “any prisoner engaged in self-improvement programs, volunteer work, or work assignments” shall receive up to 0.5 days of sentencing credit for each day in which the prisoner is engaged in such activities. 730 ILCS 5/3-6-3(a)(4.2)(A) (West 2024). We have previously determined that this section does not apply to work assignments or programs completed while in custody at a county jail. See *People v. Simpson*, 2024 IL App (4th) 230846-U, ¶ 37; see also *People v. Williamson*, 2024 IL App (3d) 220501, ¶¶ 21, 27 (holding the trial court did not err in denying the defendant sentencing credit where he worked as a tender for 242 days while in “presentence custody” at the county jail). Because defendant’s employment as a tender occurred at the Tazewell County jail prior to sentencing to DOC, it did not qualify for sentencing credit under section 3-6-3(a)(4.2)(A). OSAD is therefore correct that arguing the trial court erred in denying this sentencing credit would be frivolous.

¶ 23

2. *Substance Abuse Classes*

¶ 24 Defendant also argued that, under section 3-6-3(a)(4)(A), he was entitled to 182 days of sentencing credit based on his participation in substance abuse classes at the Tazewell County jail.

¶ 25

Section 3-6-3(a)(4)(A) provides that sentencing credit may be provided to an inmate held in pretrial detention prior to his commitment to DOC if he successfully “complete[s] a full-time, 60-day or longer substance abuse program.” 730 ILCS 5/3-6-3(a)(4)(A) (West 2024). To be “full-time,” a participant must engage in a minimum of 15 hours of substance abuse

programming per week. *People v. Malone*, 2023 IL App (3d) 210612, ¶ 16 (overruled on other grounds) (noting that the Code does not define “full-time” and relying on the definition of “full-time” in the Illinois Administrative Code (20 Ill. Adm. Code 107.520(j)(3)(B) (2022))).

¶ 26 We may again rely on our past precedent in deciding this issue. In *Simpson*, the defendant argued that he was entitled to sentencing credit under section 3-6-3(a)(4) for the completion of “life skills courses” over the course of nine months. *Simpson*, 2024 IL App (4th) 230846-U, ¶¶ 10, 32. However, the documentation he provided in support of his argument failed to show how many hours of programming he completed or whether the programs he was enrolled in were designed to be completed in a 60-day-or-longer period. *Id.* ¶ 43. Although the defendant’s documentation showed that he completed 26 courses over the course of nine months, without more specific information, we found no basis to conclude that the statutory credit requirements were met. *Id.* We therefore affirmed the trial court’s denial of any sentencing credit. *Id.* ¶ 49.

¶ 27 Similarly, here, defendant has not provided us with the information necessary to conclude that he is entitled to sentencing credit for the substance abuse classes he participated in while at the Tazewell County jail. Defendant supported his Rule 472 motion with a letter from the Tazewell County Sheriff’s Office confirming that he “participated” in a substance abuse class for 182 days. However, he did not provide documentation showing (1) how many hours of programming he participated in per week and whether it was enough to render the classes full-time, (2) whether the program he was involved in was designed to run for at least 60 days, or (3) if the program he participated in was even capable of completion. Therefore, the trial court did not err in denying defendant sentencing credit for these classes, and any argument to the contrary would be frivolous.

¶ 28 Because we have concluded that defendant’s appeal presents no potentially

meritorious issues, we grant OSAD's motion to withdraw.

¶ 29

III. CONCLUSION

¶ 30 For the reasons stated, we grant OSAD's motion to withdraw and affirm the trial court's judgment.

¶ 31 Affirmed.