

2026 IL App (1st) 251582-U
No. 1-25-1582
Order filed October 30, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT, SIXTH DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

STEVE CECIL, Defendant-Appellant

Appeal from the Circuit Court of Cook County.
Honorable Lorraine M. Murphy, Judge, Presiding.
No. 23-CR-0857301

PRESIDING JUSTICE GAMRATH delivered the judgment of the court.
Justices Hyman and Evans concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant's conviction and sentence for unlawful use of a weapon by a felon is affirmed as his facial and as-applied constitutional challenges lack merit and the State was not required to give notice of an enhanced sentence in the charging instrument.

¶ 2 Two brothers observed defendant Steve Cecil place a loaded, sawed-off shotgun near the tire of their Jeep Wrangler in the middle of the night and walk away. When the brothers approached the shotgun, Cecil returned and claimed ownership. Police arrested Cecil, who had numerous prior felony convictions, and recovered a shotgun shell from his pocket. A jury found him guilty of

unlawful use or possession of a weapon by a felon¹ (UUWF) (720 ILCS 5/24-1.1(a) (West 2022)) and he received a 54-month prison sentence. On appeal, he argues that the UUWF statute under which he was convicted is unconstitutional on its face and as it applies to him, and the trial court improperly imposed a Class 2 sentence without notice in the charging instrument. We affirm.

¶ 3

I. BACKGROUND

¶ 4 Around 12:20 a.m. on July 9, 2023, Ceasar Pantoja was in the front room of his family's house near 4400 West Montana Avenue, watching television when he heard his brother Michael pull up on his motorcycle. Ceasar looked out the front window and saw Michael parking his motorcycle. At this point, both men noticed Cecil coming out of the gangway next to their house holding something at his left side. Cecil approached Michael's Jeep Wrangler, which was parked on the street in front of the house and gangway. He squatted down by the front passenger's side, put the object between the front wheel and the curb, and walked off down the street. Ceasar and Michael walked to the Jeep and saw a 12-gauge shotgun with a sawed-off barrel under the Jeep where Cecil had crouched.

¶ 5 Cecil approached from the street and said, "That's mine" and "Can I have my s***[?] That's my s***." Michael asked, "[T]his is your gun here?" and Cecil repeated his request while continuing to walk towards them. Michael told him to stay where he was and not come any closer. Cecil continued to walk towards them until Michael, who possessed a valid CCL and FOID card, withdrew his firearm and ordered Cecil to sit on the opposite curb. Ceasar called 911, police arrived minutes later, and Michael holstered his firearm. Police recovered the loaded shotgun with a

¹Unlawful use or possession of a weapon by a felon has been renamed "unlawful possession of a weapon by a felon" (UPWF). See Pub. Act 103-822, § 20 (eff. Jan. 1, 2025).

nonfunctioning trigger guard. After a “name check,” police arrested Cecil and during a custodial search recovered a 12-gauge shotgun shell from Cecil’s front right pocket. The parties stipulated that “The Defendant, Steve Cecil, was previously convicted of a prior felony offense.”

¶ 6 The jury found Cecil guilty of UUWF. The court denied Cecil’s motion for new trial. At sentencing, the State emphasized Cecil’s background in aggravation, including a “1997 manufacture delivery conviction for which he received six years Illinois Department of Corrections,” and that Cecil was on probation for aggravated fleeing and eluding at the time of the offense. The State requested “the maximum time on this offense *** seven years.” In mitigation, defense counsel emphasized the nature of the offense and Cecil’s rehabilitative potential and requested probation or “the minimum amount of time *** three years” in prison. The court sentenced Cecil to 54 months in prison. Following a discussion about presentence credit, the State clarified that the applicable sentencing range was not three to seven years, but three to fourteen years. Defense counsel did not dispute the clarification, the State did not change its requested sentence, and the court kept the 54-month sentence. The court denied Cecil’s motion to reconsider sentence. Cecil appeals.

¶ 7

II. ANALYSIS

¶ 8

A. Constitutionality of UUWF Statute

¶ 9 Cecil first argues that his conviction should be reversed outright because the unlawful use or possession of a weapon by a felon (UUWF) statute (720 ILCS 5/24-1.1(a) (West 2022)) is unconstitutional. He contends that under the analytical framework established in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), the statute violates the Second Amendment to the United States Constitution, both on its face and as applied to him.

¶ 10 Statutes are presumed constitutional, and the party challenging validity bears the burden of clearly establishing unconstitutionality. *People v. Villareal*, 2023 IL 127318, ¶ 14. Where reasonably possible, a reviewing court must construe a statute to preserve its constitutionality. *People v. Bochenek*, 2021 IL 125889, ¶ 10. A constitutional challenge may be facial or as applied. *People v. Hilliard*, 2023 IL 128186, ¶ 21. A facial challenge to a statute is “the most difficult challenge to mount.” *People v. Davis*, 2014 IL 115595, ¶ 25. A facial challenge requires showing the statute is unconstitutional under any set of facts, whereas an as-applied challenge depends on the specific facts and circumstances of the challenging party. *Hilliard*, 2023 IL 128186, ¶ 21. The constitutionality of a statute is a question of law subject to de novo review. *Villareal*, 2023 IL 127318, ¶ 14.

¶ 11 The UUWF statute makes it a felony to “knowingly possess on or about [one’s] person or on [one’s] land or in [one’s] own abode or fixed place of business any *** firearm *** if the person has been convicted of a felony under the laws of this State or any other jurisdiction.” 720 ILCS 5/24-1.1(a) (West 2022). The Second Amendment provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const., amend. II. The United States Supreme Court has held that the Second and Fourteenth Amendments protect an ordinary, law-abiding citizen’s right to possess a handgun in the home for self-defense, as well as the right to carry a handgun outside the home for self-defense. *Bruen*, 597 U.S. at 8-10 (citing *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742 (2010)).

¶ 12 In *Bruen*, the Court announced an analytical framework that proceeds in two steps: we first ask whether “the Second Amendment’s plain text covers an individual’s conduct;” if it does, the State “must then justify its regulation by demonstrating that it is consistent with the Nation’s

historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 24. Under the second step, the government must identify “a well-established and representative historical *analogue*,” rather than a historical twin. *Id.* at 30 (emphasis in original).

¶ 13 Illinois courts have repeatedly rejected facial Second Amendment challenges to the UUWF statute, differing only in their reasoning. *People v. Lashley*, 2026 IL App (1st) 241099-U, ¶ 13. Some hold that felons are categorically excluded from the Second Amendment’s protections. See, e.g., *People v. Baker*, 2023 IL App (1st) 220328, ¶ 37 (because felons are not “law abiding citizens,” they are not protected by the Second Amendment, and *Bruen*’s historical-tradition analysis “does not apply” to them); *People v. Welch*, 2025 IL App (1st) 231116, ¶ 57; *People v. Lopez*, 2025 IL App (1st) 2025 IL App (1st) 232120, ¶ 22; *People v. Price*, 2026 IL App (2d) 250047-U, ¶ 46; *People v. Burns*, 2024 IL App (4th) 230428, ¶ 21; *People v. Spears*, 2026 IL App (5th) 240625, ¶ 64. Others hold that a felon’s possession of a firearm falls within the scope of the amendment and thus warrants an historical inquiry under the second step of the *Bruen* test. See, e.g., *People v. Brooks*, 2023 IL App (1st) 200435, ¶¶ 88-89 (“How the defendant’s prior felony might impact his second amendment right to possess a firearm is more properly evaluated under the second step’s historical tradition analysis”); *People v. Woodhouse*, 2026 IL App (1st) 240827, ¶ 46 (defendant’s “status as a felon is more appropriately considered under the second step”); *People v. Travis*, 2024 IL App (3d) 230113, ¶ 33; *People v. Stephens*, 2024 IL App (5th) 220828, ¶ 34.

¶ 14 We do not need to decide which step is the more suitable analytical prong, because even if Cecil satisfied the first step, his argument would fail under *Bruen*’s historical-tradition analysis. Laws that prohibit felons from possessing firearms are generally consistent with our historical tradition of firearm regulation. See *Woodhouse*, 2026 IL App (1st) 240827, ¶ 47; *Brooks*, 2023 IL

App (1st) 200435, ¶¶ 88-89; *Travis*, 2024 IL App (3d) 230113, ¶¶ 27-33; *Stephens*, 2024 IL App (5th) 220828, ¶¶ 34-39.

¶ 15 We find the analysis contained in these cases amply supports a finding that the UUWF statute is similarly consistent with the nation’s history of firearm regulation and, therefore, agree with the numerous courts that have upheld the constitutionality of the statute under the second amendment. We decline Cecil’s invitation to revisit these and similar rulings. We thus reject his facial constitutional challenge.

¶ 16 Cecil also argues for the first time on appeal that the UUWF statute is unconstitutional as applied to him because his prior adult felony convictions were nonviolent and no historical tradition supports permanently disarming individuals based on past nonviolent conduct.

¶ 17 After the briefs in this case were filed, our supreme court decided *People v. Benson*, 2026 IL 131191, finding that the appellate court erred in considering the defendant’s as-applied constitutional challenge raised for the first time on appeal because the trial court record was insufficient to determine the merits of the claim, which “requires consideration of the individual facts and circumstances surrounding the application of the UPWF statute to defendant.” *Id.* ¶ 16. This would require a factual record addressing the defendant’s dangerousness, whether he was permanently disarmed by the statute, and whether he sought and was denied relief under the FOID Card Act (430 ILCS 65/10 (West 2022)). *Id.* ¶¶ 32, 40, 42. Cecil has not provided such a factual record here, so we decline to consider his as-applied challenge.

¶ 18 B. Sentencing

¶ 19 Cecil next argues that the trial court erred in imposing a Class 2 sentence for his UUWF conviction where the State charged him with the Class 3 offense and did not give him proper notice that it was charging him with an enhanced Class 2 offense. Specifically, he argues the State should

have provided him notice pursuant to section 111-3(c) of the Code of Criminal Procedure of 1963 (725 ILCS 5/111-3(c) (West 2022)) that it was, in fact, charging him with a Class 2 felony. Because he has served his entire sentence, Cecil requests his mittimus be modified to reflect that he was convicted of a Class 3 felony. The State responds that, given the nature of the prior conviction underlying the UUWF charge, a Class 3 sentence was not authorized, and a Class 2 sentence was the only permissible option; therefore, notice was not required under section 111-3(c) of the Code of Criminal Procedure (725 ILCS 5/111-3(c) (West 2022)). We agree.

¶ 20 Cecil acknowledges that he failed to preserve the issue but argues that his claim should be reviewed for plain error or ineffective assistance of counsel. To establish a claim for ineffective assistance of counsel, Cecil must show defense counsel's performance fell below an objective standard of reasonableness and there is a reasonable probability that, but for counsel's deficient performance, the result would have been different. *People v. Jackson*, 2020 IL 124112, ¶ 90 (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). As for plain error, the first step is to determine whether reversible error occurred at all. See *People v. Hood*, 2016 IL 118581, ¶ 18.

¶ 21 To prove UUWF, the State must prove that Cecil knowingly possessed a weapon or ammunition and that the defendant had previously been convicted of a felony. 720 ILCS 5/24-1.1(a) (West 2022). Subsection (e) of the UUWF statute sets forth the possible sentencing class and penalties for the offense:

“Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years. *** Violation of this Section by a person not confined in a penal institution who has been convicted of *** a Class 2 or greater felony under the Illinois Controlled Substances Act [720 ILCS 570/100 et seq.] *** is a Class 2 felony for which the person shall be

sentenced to not less than 3 years and not more than 14 years.” (Emphasis added.) 720 ILCS 5/24-1.1(e) (West 2022)

¶ 22 Section 111-3(a) delineates what must be included in the charging instrument. (725 ILCS 5/111-3(a) (West 2022)). The charging instrument here read, in relevant part: Cecil “knowingly possessed on or about his person any firearm, to wit: a shotgun, after having been previously convicted of the felony offense of possession of a controlled substance with intent to deliver, under case number 97CR2361301, under the laws of the State of Illinois.”

¶ 23 Cecil does not contest that the charging instrument complied with Section 111-3(a) in setting out the form of the charge but argues that he was not provided notice pursuant to section 111-3(c) that he was being charged with a Class 2 UUWF offense. As relevant here, subsection (c) of the statute states:

“When the State seeks an enhanced sentence because of a prior conviction, the charge shall also state the intention to seek an enhanced sentence and shall state such prior conviction so as to give notice to the defendant. However, the fact of such prior conviction and the State’s intention to seek an enhanced sentence are not elements of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.” 725 ILCS 5/111-3(c) (West 2022).

¶ 24 Cecil argues that he should have been provided notice that his sentence would be “enhanced” to a Class 2 sentence. However, our supreme court has determined that it is “clear that the notice provision applies only when the prior conviction that would enhance the sentence is not already an element of the offense.” *People v. Easley*, 2014 IL 115581, ¶ 19. Therefore, “notice is not necessary when the prior conviction is a required element of the offense, such that only one

class of felony conviction is possible for that offense as alleged in the charging instrument.” *People v. Nowells*, 2013 IL App (1st) 113209, ¶ 26.

¶ 25 In this case, the charging instrument alleged that Cecil was guilty of UUWF in that he, having previously been convicted of the felony offense of possession of a controlled substance with intent to deliver, was found in possession of a gun. The section 111-3(c) notice provision does not apply because the State did not seek to enhance Cecil’s sentence. As alleged in the indictment, a Class 2 sentence was the only statutorily allowed sentence available in this situation. See 720 ILCS 5/24-1.1(e) (West 2022); *People v. Powell*, 2012 IL App (1st) 102363, ¶ 12 (in addressing whether the trial court imposed an impermissible double enhancement for a UUWF conviction, the court explained that it was not the sentencing judge who determined the offense to be a Class 2 felony; rather, “the General Assembly made that determination in enacting section 24-1.1(e). *** The trial court did not impermissibly enhance defendant’s penalty, but simply imposed the special penalty range established by the legislature for defendant’s conduct.”).

¶ 26 Cecil argues he was not put “on notice” that a Class 2 sentence was inevitable from the charging document because possession of a controlled substance with intent to deliver “can be a Class 3 felony.” There was no certified copy of conviction for case number 97CR2361301 because the parties stipulated at trial to the felony underlying the UUWF charge.

¶ 27 However, as the perpetrator of the prior offense and recipient of the sentence, Cecil was undoubtedly “on notice” of the class of his prior conviction. The Cook County circuit court clerk’s online case records portal (CCC Portal) shows that in that earlier case, Cecil pled guilty to a Class 1 felony drug offense. 720 ILCS 570/401(c)(2) (West 1997); see CCC Portal, Clerk of the Cir. Ct. of Cook County, <https://cccportal.cookcountyclerkofcourt.org/CCCPortal> (last visited Oct. 22, 2026); *In re Treasurer of Cook County*, 2024 IL App (1st) 220670, ¶ 87 (noting that the CCC Portal

can be used to access public records); *People v. Green*, 2024 IL App (1st) 231167, ¶ 3 n. 1 (taking judicial notice of information found on circuit court clerk’s online docketing system).

¶ 28 The record in this case bears this out. The presentence investigation report (PSI) presented at the sentencing hearing indicates that the conviction was for “Manu/Del 01-15 Gr. Cocaine.” When given the opportunity to correct the PSI, Cecil gave no indication that this was inaccurate. The PSI and the State’s argument in mitigation at the sentencing hearing reflected that Cecil received a six-year sentence for this conviction.

¶ 29 According to the Illinois Controlled Substances Act, “Manufacture or delivery, or possession with intent to manufacture or deliver” between 1 and 15 grams of cocaine was a Class 1 felony. 720 ILCS 570/401(c)(2) (West 1997). The base sentencing range for a Class 1 felony was 4 to 15 years, while the base range for a Class 3 felony was 2 to 5 years. 730 ILCS 5/5-8-1(a)(4), (6) (West 1997). Cecil’s six-year sentence fell squarely within the sentence prescribed for a Class 1 felony. The record provides ample information from which to determine the class of the prior offense.

¶ 30 Unlike the Wisconsin conviction in *People v. Whalum*, 2014 IL App (1st) 110959-B, ¶ 5, on which Cecil relies, Cecil’s prior conviction clearly arose under the Illinois Controlled Substances Act and supported the Class 2 UUWF charge. 720 ILCS 5/24-1.1(e) (West 2022). We find no error where the record establishes that a Class 2 sentence was the only possible sentence class Cecil could have received after having been charged with the crime of UUWF specifically premised on his prior Class 1 felony drug conviction. As such, Cecil is unable to establish plain error or ineffective assistance of counsel, and we affirm his conviction and sentence.

¶ 31 Affirmed.