

No. 129992

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court
	)	of Illinois, First District,
Plaintiff-Appellant,	)	No. 1-22-0035
	)	
v.	)	There on Appeal from the Circuit
	)	Court of Cook County, Illinois,
	)	No. 10 CR 17983
	)	
PHAROAH MORRIS,	)	The Honorable
	)	Stanley J. Sacks,
Defendant-Appellee.	)	Judge Presiding.

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

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ARGUMENT

The appellate court exceeded its authority by vacating defendant's sentences, *see* Peo. Br. 16-20, where it did not find, and defendant failed to show, that his sentences violate the Eighth Amendment (the sole claim raised in the appellate court), *id.* at 21; that the trial judge was biased (a possible justification for resentencing), *id.* at 21-24; or that the trial court abused its discretion under this Court's established standard (even though the appellate court purported to find an abuse of discretion), *id.* at 24-27. Moreover, the appellate court exceeded its authority by ordering a substitution of judge where defendant had not shown bias. *Id.* at 27-29.

In response, defendant abandons his Eighth Amendment claim and seeks affirmance of the appellate court's judgment on two alternative grounds: (1) the trial court abused its discretion, Def. Br. 20-38; or (2) the trial court was biased, *id.* at 38-40. He concedes that he did not raise a judicial bias claim in the appellate court, *id.* at 18, 39, but nevertheless makes assertions that sound in judicial bias, despite characterizing them as abuse of discretion, *see, e.g., id.* at 20-27 (arguing, under heading that trial court abused its discretion, that trial court prejudged his sentence). This Court should disentangle his arguments and delineate the standards that apply to those separate and distinct claims.

Here, defendant has failed to show an abuse of discretion under this Court's established standard, *see infra* Section I.A, and has likewise failed to shoulder his burden of showing judicial bias, *see infra* Section II.

I. Defendant Failed to Show That the Trial Court Abused Its Discretion, Which Would Not Suffice to Justify a Judicial Reassignment in Any Event.

This Court should decline to affirm the appellate court's judgment on the asserted basis that the trial court abused its discretion because defendant has not demonstrated an abuse of discretion. And, even if he had, an abuse of discretion would not suffice to warrant reassignment.

A. The trial court did not abuse its discretion.

"[A]buse of discretion is the most deferential standard of review — next to no review at all," *People v. Morgan*, 2025 IL 130626, ¶ 23 (internal quotations and alteration omitted), and that deferential standard applies to sentencing decisions, *see People v. Perruquet*, 68 Ill. 2d 149, 153 (1977); *see also People v. Etherton*, 2017 IL App (5th) 140427, ¶ 15 ("the imposition of a sentence is left to the sound discretion of the trial court and will not be altered upon review absent an abuse of that discretion," and "[t]he abuse of discretion standard has been viewed as the most deferential standard of review available with the exception of no review at all"); *People v. Breeden*, 2016 IL App (4th) 121049-B, ¶ 46 ("We should disturb a sentence only if we

find it to be an abuse of discretion,” which “is the most deferential standard of review known to the law.”).

Thus, where a trial court expressly considered and weighed mitigating factors, including the youth-related factors set forth in 730 ILCS 5/5-4.5-105(a), a reviewing court should not second-guess the weight that it assigned to the factors. *See People v. Alexander*, 239 Ill. 2d 205, 214-15 (2010) (“The appellate court substituted its own judgment for that of the trial court because it would have weighed the factors differently — an improper exercise of the powers of a reviewing court.”); *see also People v. Anderson*, 2024 IL App (1st) 220864, ¶¶ 17-27 (where trial court expressly considered and weighed statutory youth-related factors, appellate court was precluded from reweighing factors); *People v. Kendrick*, 2023 IL App (3d) 200127, ¶¶ 47-53 (same); *People v. Elliott*, 2022 IL App (1st) 192294, ¶¶ 57-59 (same). Here, the appellate court vacated defendant’s sentences and ordered resentencing before a different judge because it believed that the trial court had accorded insufficient weight to the youth-related mitigating factors; this was error.

Defendant’s arguments in support of the appellate court’s judgment are unavailing. Defendant’s invitation to second-guess the sincerity of the trial court’s statements, *see, e.g.*, Def. Br. 16, should be rejected as inappropriate on abuse-of-discretion review. Defendant’s argument that the sentences were imposed in an “arbitrary manner,” *id.* at 19, misstates the

standard for an abuse of discretion and should be rejected as a matter of law. Even setting that aside, defendant has failed to show that the trial court sentenced him in an “arbitrary manner” where it merely weighed the appropriate factors set forth in the statutory framework. Thus, defendant has failed to show an abuse of discretion even under the standard he advances.

1. The abuse of discretion standard does not permit a reviewing court to second-guess the sincerity of a trial court’s statements.

The trial court analyzed the youth-related factors on the record, A47-52, yet defendant repeatedly urges this Court to discard its reasoning as insincere, *see* Def. Br. 16 (claiming that hearing was “a mere formality” at which trial court “paid only lip service to the youth-based sentencing factors”); *id.* at 24-25 (stating that “the sentencing hearing on remand was a sham”); *id.* at 28 (arguing that defendant “was denied true consideration of the mandated youth-related sentencing factors”); *id.* at 29 (insisting that trial court “only simulated consideration of the youth-based factors”).

But the deferential abuse of discretion standard — which asks only whether a defendant’s sentences are “‘greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense[s],” *Alexander*, 239 Ill. 2d at 212 (quoting *People v. Stacey*, 193 Ill. 2d 203, 210 (2000)) — affords no leeway to second-guess the trial court’s

sincerity. Such an exercise is contrary to the principle that the appellate court should “presume that the trial court properly considered all mitigating factors and rehabilitative potential before it,” *People v. Hussain*, 2024 IL App (1st) 230471, ¶ 44, and that a reviewing court should not engage in a reweighing of aggravating and mitigating factors, *People v. Streit*, 142 Ill. 2d 13, 19, 22 (1991). The abuse of discretion standard is deferential: it necessarily assumes that the trial court means what it said.

The bases on which defendant questions the trial court’s sincerity sound in *judicial bias*. For instance, defendant contends that the trial court “prejudged the case and paid only lip service to the youth-based sentencing factors,” Def. Br. 16, but a showing that the trial court was predisposed to a particular outcome is a quintessential claim of bias, *see People v. Williams*, 124 Ill. 2d 300, 308 (1988) (“Neither judge nor jury may be predisposed as to the outcome of a case.”) (cited at Def. Br. 39). And much of the evidence that defendant relies upon to show that the trial court did not mean what it said at the sentencing hearing, including the court’s allegedly “belittling, dismissive, and even sarcastic comments,” Def. Br. 29, “flippant and cruel responses,” *id.* at 32, and “disparaging tone,” *id.* at 34, similarly sound in judicial bias. *See People v. Fisher*, 2023 IL App (4th) 220717, ¶¶ 42-43 (finding judicial bias where sentencing court disparaged defendant for number of children he fathered and mocked his intellectual disability); *People*

v. Phuong, 287 Ill. App. 3d 988, 993-94 (1st Dist. 1997) (same, where sentencing court fixated on and mocked defendant's need for Chinese-English interpreter). On these allegations, this Court should hold defendant to his burden of showing judicial bias. And it should clarify that the abuse-of-discretion analysis assumes that the trial court meant what it said.

2. The abuse of discretion standard requires a review of the substantive propriety of the sentence.

Under this Court's established standard, a sentence constitutes an abuse of discretion only when it is "greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense[s]." *Alexander*, 239 Ill. 2d at 212 (quoting *Stacey*, 193 Ill. 2d at 210). Outside of the sentencing context, this Court has explained that "[a]n abuse of discretion will be found only where the trial court's ruling is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court." *People v. Hall*, 195 Ill. 2d 1, 20 (2000). In the sentencing context, it is the sentence *itself* that must be "arbitrary, fanciful, [or] unreasonable." See *Etherton*, 2017 IL App (5th) 140427, ¶ 26.

Defendant does not attempt to satisfy this standard but instead avoids it, citing *People v. Bolyard*, 61 Ill. 2d 583 (1975), and claiming that "[a]n abuse of discretion or a failure to exercise discretion *also* occurs when a sentencing judge imposes a sentence in an arbitrary manner," Def. Br. 19 (emphasis added). *Bolyard* does not stand for such a broad proposition and

does not permit second-guessing the weight assigned to mitigating factors under the guise of determining whether such weights were arbitrary. As this Court has explained, “[i]n [*Bolyard*], the trial judge had sentenced the defendant on the basis of an arbitrary category that was personal to him and not provided for in the [Unified Code of Corrections].” *People v. Streit*, 142 Ill. 2d 13, 21 (1991); *see also Bolyard*, 61 Ill. 2d at 585 (trial judge stated his belief that crime should not be eligible for probation, notwithstanding statute permitting probationary sentence). *Bolyard* does not permit a reviewing court to vacate sentences where a trial court instead “balanced the aggravating and mitigating factors within the parameters of the Code,” *Streit*, 142 Ill. 2d at 21, as the trial court did here.

Indeed, properly construed, *Bolyard* involved judicial bias — and not an abuse of discretion as this Court has repeatedly, and consistently, defined that phrase.¹ That reading explains the Court’s decision to order

¹ Under appropriate circumstances, the *Bolyard* standard for reversing sentences imposed “in an arbitrary manner” could also be construed as a matter of general due process rather than judicial bias. *See People v. Richardson*, 196 Ill. 2d 225, 233 (2001) (claim that procedural error rendered sentencing hearing fundamentally unfair presented question of due process). Generally, a sentence that is unlawful because it was imposed via an improper, arbitrary procedure is remedied by a remand for a new, proper procedure before the same judge. *See People v. Conover*, 84 Ill. 2d 400, 405-06 (1981) (remedying prejudicial procedural error — consideration of improper sentencing factor — by remanding for new sentencing hearing). But both *Bolyard* itself and petitioner’s claim here fall within a judicial bias

resentencing before a different judge in *Bolyard*, 61 Ill. 2d at 589, a remedy that this Court has not endorsed for an abuse of discretion. This Court should clarify that *Bolyard* did not create a standalone category of abuse-of-discretion claims, as defendant maintains. Instead, *Bolyard* and cases like this one better fit within this Court’s framework for judicial bias. Unlike a claim of abuse of discretion, a claim of judicial bias considers the fairness of the proceeding, and not the propriety of the sentence, *see People v. Rademacher*, 2016 IL App (3d) 130881, ¶ 47, as defendant seeks to do here: he challenges the sentencing procedure rather than the propriety of his sentence as compared to his crimes.

Notably, defendant’s cited cases of *People v. McKinley*, 2020 IL App (1st) 191907, and *People v. Woodson*, 2024 IL App (1st) 221172 (cited at Def. Br. 20, 28, 37), confirm that a sentence constitutes an abuse of discretion only if it is *substantively* excessive. In *McKinley*, the appellate court deemed a 39-year sentence for murder substantively excessive, 2020 IL App (1st) 191907, ¶ 91, where the 16-year-old defendant shot the victim after a peer handed him the gun and instructed him to shoot, *id.* ¶ 4, and the “[e]vidence of defendant’s rehabilitation was overwhelming,” *id.* ¶ 73. Similarly, in

framework: a subcategory of due process claims that is remedied instead by remanding for a new proceeding before a different factfinder.

Woodson, the appellate court found the sentence substantively excessive, 2024 IL App (1st) 22117, ¶ 88, where the murder occurred during a vehicular hijacking committed with peers, *id.* ¶ 6, the shooting was claimed to be accidental, *id.* ¶¶ 17-18, and the defendant suffered from head trauma and cognitive deficits, *id.* ¶¶ 39-40.

Those cases do not permit a defendant to claim, as defendant does here, that a sentence that *is* both proportionate to the crimes and consistent with a defendant's demonstrated lack of rehabilitation, is nonetheless subject to vacatur because the trial court made remarks that defendant deems arbitrary. Instead, defendant must show that the sentence is disproportionate under the circumstances, but he does not attempt to make that showing.

3. In any event, defendant failed to show that his sentence was imposed in an “arbitrary manner” where the trial court sentenced him within the parameters of the statutory framework.

Finally, even if *Bolyard* did create a separate pathway to showing an abuse of discretion, defendant could not meet that standard here because he has not shown that his sentence was imposed in an “arbitrary manner.” Def. Br. 19. As this Court has made clear, *Bolyard* does not apply where a trial court “balanced the aggravating and mitigating factors within the parameters of the Code,” *Streit*, 142 Ill. 2d at 21, as the court did here, A47-52.

Defendant has not shown that the trial court exceeded or ignored the parameters of the Code. The court did not refuse to view the youth-related “factors as *mitigating*,” Def. Br. 28 (emphasis in original), but rather found that numerous factors carried no mitigating weight in this case. A trial court does not abuse its discretion in according the mitigating factors little weight where, as here, it has “explained why defendant’s situation was not as mitigating as those of other juveniles.” *People v. Merriweather*, 2022 IL App (4th) 210498, ¶¶ 34-37.

Indeed, the statutory mitigating factors demand an inquiry into degrees: they do not impose a blanket rule requiring that these factors be deemed equally mitigating in every case. For instance, a court must consider the defendant’s “age, impetuosity, and level of maturity at the time of the offense,” and does not simply mitigate his crime if he was under the age of 18. 730 ILCS 5/5-4.5-105(a). The court must evaluate “*whether* the [defendant] was subjected to outside pressure,” not assume that he was, *id.*, and must evaluate “the [defendant’s] potential for rehabilitation” and any “evidence of rehabilitation” offered for consideration. Weighed against this, the court must consider “the [defendant’s] degree of participation and specific role in the offense,” *id.*, to determine how much mitigation is appropriate.

The trial court appropriately reasoned, within the scope of its discretion, that the statutory factors carried little mitigating weight where

defendant executed his own plan to commit a shooting with no outside pressure, A24-25, 48 (stating that “[a]ll of these crimes were done by Pharoah Morris when he was alone,” and “[t]here was nobody there to influence Pharoah Morris”), and had shown himself before, during, and after his crimes, to be a violent person who places little value on human life, A28-29, 49 (emphasizing that defendant continued “his reign of terror” and “can’t get along with anybody, on the street, in the Department of Corrections, in the county jail, anywhere”).

Nor did the trial court believe that the youth-related factors could *never* mitigate a murder case, as defendant claims, Def. Br. 27-28. If the trial court had believed that the crimes were dispositive, then it would not have undertaken the thorough analysis of the mitigating factors that it did. Instead, the trial court explained why the mitigating factors carried little weight in *this* murder case and thus weighed the youth-related factors within the bounds permitted by the law. The appellate court erred by vacating defendant’s sentences merely because it would have accorded those factors greater weight.

B. An abuse of discretion alone would not support the appellate court’s order that the case be reassigned on remand.

Even if the trial court had abused its discretion, such a showing would not justify a substitution of judge on remand. *See People v. Geiger*, 2012 IL

113181, ¶¶ 29, 32 (finding that trial judge abused discretion by imposing 20-year sentence for contempt of court but remanding to same judge to determine more appropriate sentence); *People v. Evans*, 2026 IL App (1st) 241368, ¶ 100 (declining to order substitution of judge for resentencing of juvenile, after trial judge misapplied youth-related factors, because “[n]othing in the record suggests bias on the part of the judge”).

A judicial reassignment must be predicated on a finding of bias, *see People v. Class*, 2025 IL 129695, ¶ 37 (applying this rule in criminal postconviction context); *Raintree Homes v. Vill. of Long Grove*, 209 Ill. 2d 248, 262-63 (2004) (applying rule in civil case); *Eychaner v. Gross*, 202 Ill. 2d 228, 280 (2002) (same), which defendant has not made, *see infra* Section II. Although defendant distinguishes *Class* as a postconviction appeal, Def. Br. 41-42, the appellate court has extended its logic to direct appeals, *Evans*, 2026 IL App (1st) 241368, ¶ 100, and defendant offers no reason to apply a different standard in this context.

In defendant’s cited cases in which this Court has ordered a substitution of judge on direct appeal, this Court has found either extreme judicial misconduct, *see People v. Hawkins*, 181 Ill. 2d 41, 50-52 (1998) (ordering substitution where trial judge accepted bribe from defendant but returned it in midst of federal investigation) (cited at Def. Br. 43), or clear bias, *see People v. Heider*, 231 Ill. 2d 1, 25 (2008) (cited at Def. Br. 43-44)

(ordering substitution where trial judge improperly relied on defendant's intellectual disability to impose harsher sentence). Although this Court did not use those precise words in *Heider*, it ordered substitution "to remove any suggestion of unfairness" after the trial judge had spoken harshly of defendant's intellectual disability, 231 Ill. 2d at 25, which amounted to a finding that the judge was biased against defendant due to his disability. In short, this Court has not endorsed a lower standard for judicial substitution on direct appeal than that set forth in *Class*, and *Class*'s holding should apply to direct appeals.

Moreover, by statute, the General Assembly has provided that substitutions in criminal cases must be based on "cause," 725 ILCS 5/114-5, and sentencing must be conducted by the judge who presided over the trial "unless he is no longer sitting as a judge in that court," 730 ILCS 5/5-4-1(b). Absent a showing of cause, there is no basis to depart from this statutorily prescribed procedure. Accordingly, even if the Court were to conclude that the trial court abused its discretion, this Court should vacate that portion of the appellate court's order requiring reassignment because defendant failed to show judicial bias, *see infra* Section II.

II. Defendant Failed to Show That the Trial Court Was Biased.

"[O]nly the most extreme circumstances warrant disqualifying a trial judge due to judicial bias," *People v. Conway*, 2023 IL 127670, ¶ 22, and

defendant has not shown such extreme circumstances. Defendant concedes that he did not ask the appellate court to vacate his sentences due to judicial bias, Def. Br. 39, but most of his contentions in both the appellate court and his brief in this Court, despite being framed in terms of abuse of discretion, instead sound in bias, *see supra* Section I.A.1. If this Court considers the issue on its merits, it should find that defendant has failed to satisfy his burden.

Due process requires “a judge with no actual bias against the defendant or interest in the outcome of his particular case.” *Bracy v. Gramley*, 520 U.S. 899, 904-05 (1997) (internal quotation marks omitted). “A trial judge is presumed to be impartial, and the burden of overcoming this presumption rests on the party making the charge of prejudice.” *Eychaner*, 202 Ill. 2d at 280. Defendant has not overcome the presumption.

A. The trial court’s condemnation of defendant’s crimes does not overcome the presumption of impartiality.

The trial court recalled defendant and his crimes from the trial and sentencing hearing and spoke of those crimes critically, *see* R1059 (summarizing, immediately following remand, that defendant’s case involved “[a]tttempt murder of one guy”; “a week later the murder of another guy, attempt murder of the guy with the victim of the murder”; and then “while in custody entreating some guy in jail, I want the witness taken care of which to me means I want them knocked off”); *see also* A24-25, 27-31 (emphasizing

same history when pronouncing sentence), but a judge's condemnation of a defendant's crimes does not demonstrate bias. A judge may become "exceedingly ill disposed towards the defendant" based on information "properly and necessarily acquired in the course of the [criminal] proceedings." *Liteky v. United States*, 510 U.S. 540, 550-51 (1994). Thus, "harsh criticism, based on the particular facts of a defendant's case, does not constitute any sort of evidence of prejudice derived from personal bias." *Rademacher*, 2016 IL App (3d) 130881, ¶ 48.

Condemnation of defendant for shooting three people in two separate incidents, then approaching a gang member to arrange for the execution of witnesses against him, was entirely proper, because the court must weigh in aggravation that "the defendant's conduct caused or threatened serious harm" and that "the defendant has a history of prior delinquency or criminal activity." 730 ILCS 5/5-5-3.2(a)(1), (3). Thus, defendant cannot show that the trial court harbored an "erroneous belief" that the youth-related mitigating factors did not "justify, or even excuse," defendant's crimes, Def. Br. 28 (quoting R1186), much less that the court's conclusion that the mitigating evidence did not outweigh the severity of the crimes was the product of impermissible bias.

Although defendant claims that the trial court used "belittling, dismissive, and even sarcastic comments," Def. Br. 29, or offered "flippant

and cruel responses,” *id.* at 32, the court’s demeanor derived from its familiarity with defendant’s crimes and not any personal characteristics that might be indicative of impermissible bias, *cf., e.g., Heider*, 231 Ill. 2d at 25 (ordering that case be reassigned for resentencing where court impermissibly based harsh sentence on defendant’s intellectual disability); *Fisher*, 2023 IL App (4th) 220717, ¶¶ 42-43 (finding judicial bias where sentencing court disparaged defendant for number of children he fathered and mocked intellectual disability); *Phuong*, 287 Ill. App. 3d at 993-94 (finding bias where sentencing court fixated on and mocked defendant’s Chinese heritage). Because the court’s demeanor did not betray actual bias against defendant on any illegitimate basis, defendant has failed to show a basis for disqualifying the judge.

B. The trial court’s questions about the shifting legal framework for juvenile sentencing do not overcome the presumption of impartiality.

The trial court’s awareness of the history of the case, and its questions seeking clarification of the legal framework for its resentencing, similarly did not evidence judicial bias. Defendant notes that the trial court repeatedly sought clarification of the scope of the appellate court’s mandate and guidance about the statute granting parole eligibility to juvenile offenders. *See* Def. Br. 21-24. Such attempts to clarify the court’s task were

reasonable, particularly given the shifting legal framework, and did not constitute evidence of judicial bias.

The trial court clarified — correctly — that the appellate court had not found a substantive error in defendant’s sentences that would preclude the trial court from reimposing the same sentence. R1059-60 (observing that “[i]t was a soft reversal,” and “[t]he Appellate Court did not say the sentence was wrong”). Indeed, it was *the appellate court* that emphasized in the first instance that its “decision should not be interpreted as a limitation on the discretion given to the sentencing judge when imposing the sentence it deems appropriate after consideration [of] all of the sentencing factors.” A74, ¶ 39.

Defendant characterizes the trial court’s remarks as evidence that it “did not perceive any constitutional error in his initial sentencing,” Def. Br. 22, but defendant appears to misconstrue the appellate court’s finding of constitutional error. The appellate court merely found that defendant’s original sentences violated the Eighth Amendment because the trial court had no discretion under the law to consider any sentence less than *de facto* life. A69-70, ¶ 22; *see also Jones v. Mississippi*, 593 U.S. 98, 106 (2021) (only *mandatory* sentencing schemes violate *Miller*); *People v. Wilson*, 2023 IL 127666, ¶ 40 (same); *People v. Jones*, 2021 IL 126432, ¶¶ 27-28 (same). Though defendant claims that “the appellate court mandated that the sentencing court consider [defendant’s] youthful nature, which the appellate

court deemed had not been done during [defendant's] initial sentencing," Def. Br. 10, reversal did not occur because the trial judge had failed to comply with the law. The appellate court reversed because the *mandatory statutory scheme* violated the Eighth Amendment. And the appellate court itself made clear that the trial court could reimpose the same sentences if it deemed them appropriate after exercising its discretion under the new sentencing scheme.

Moreover, the trial court reasonably asked about defendant's parole eligibility and its relevance to the Eighth Amendment issue that defendant had raised on direct appeal (and, it turns out, would raise again). Defendant criticizes the court's "preoccupation with whether [the court] could simply reimpose the same 100-year sentence," Def. Br. 17, but the parole statute was an appropriate consideration. Notably, the parole eligibility statute, 730 ILCS 5/5-4.5-115(b) (2020), was enacted *after* the appellate court's decision, R1036-37; had the statute been enacted beforehand, then defendant's original sentences would have comported with *Miller* and no resentencing would have been required, *see People v. Spencer*, 2025 IL 130015, ¶ 40 (due to enactment of parole statute, 100-year sentence was not life sentence for purposes of *Miller*). The enactment of the statute was relevant to the trial court's task on remand, and the court's clarification of the statute's role in this rapidly shifting legal framework was not inappropriate.

Defendant's contention that the judge "use[d] the parole statute as an excuse to disregard the youth-based sentencing factors," Def. Br. 24, fails on the facts: the trial court thoroughly considered those factors and explained why they carried little weight in this case, A47-52; *see also supra* Section I.A.3. For all these reasons, the trial court's questions about the legal framework did not constitute evidence of bias.

C. The trial court did not prejudge the outcome and instead relied on new evidence of defendant's continued violent conduct when reimposing the same sentences.

Finally, belying defendant's claims that the trial court prejudged the outcome, Def. Br. 16, and "was fixated on imposing the *same* sentence," *id.* at 23 (emphasis in original), the trial court assured that it would consider the evidence and reweigh the factors in aggravation and mitigation. *See* R1056-58 (defense counsel stated, "I still think, though, that . . . it would be mandatory that this court take into consideration his youth at the time of sentencing," and the court agreed that "we'll have the hearing"); R1060 (defense counsel intended to present mitigation concerning defendant's youthful characteristics, and trial court reiterated, "I'll listen to it").

Then, consistent with these proclamations, the court conducted such a hearing. At resentencing, the court heard ample evidence of defendant's *continued* violent conduct, including that defendant had twice been convicted of the aggravated battery of a correctional officer and sentenced to concurrent

3.5-year prison terms after his sentencing in this case, R1129-30, was disciplined after he stomped on a fellow inmate's head until correctional officers fired warning shots, R1130-31, and was facing a third charge of aggravated battery of a correctional officer, R1131-32. The court highlighted this continued violent conduct and ultimately reasoned that defendant "committed crimes after the murder in this case" and "so certainly the sentence will not be any less." A53.

Such considerations were proper under the statute, which requires the court to consider defendant's "potential for rehabilitation" and any "evidence of rehabilitation." 730 ILCS 5/5-4.5-105(a). Defendant's claim that the trial court had improperly prejudged his sentence must fail where the record instead reflects that the trial court expressly based its sentence on the very factors required by the statute and the appellate court's mandate.

CONCLUSION

For the foregoing reasons and those set forth in the People's opening brief, this Court should reverse the appellate court's judgment in its entirety and affirm the trial court's judgment; alternatively, this Court should vacate the portion of the appellate court's judgment ordering a substitution of judge.

October 13, 2026

Respectfully submitted,

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RULE 341(c) CERTIFICATE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the words contained in 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 4,598 words.

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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 October 13, 2026, 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 automatically served notice on counsel.

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