

IN THE  
SUPREME COURT OF ILLINOIS

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|                                  |   |                                    |
|----------------------------------|---|------------------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) | On Appeal from the Appellate       |
|                                  | ) | Court of Illinois, Second Judicial |
| Plaintiff-Appellee,              | ) | District, No. 2-24-0609.           |
|                                  | ) |                                    |
|                                  | ) | There on Appeal from the Circuit   |
| v.                               | ) | Court for the Sixteenth Judicial   |
|                                  | ) | Circuit, Kane County, Illinois,    |
|                                  | ) | No. 20 CF 1481.                    |
|                                  | ) |                                    |
| NALIANA VARGAS,                  | ) | The Honorable                      |
|                                  | ) | David P. Kliment,                  |
| Defendant-Appellant.             | ) | Judge Presiding.                   |

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**BRIEF OF PLAINTIFF-APPELLEE**  
**PEOPLE OF THE STATE OF ILLINOIS**

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## NATURE OF THE ACTION

In January 2022, defendant pleaded guilty to misdemeanor domestic battery and was sentenced to a 24-month term of probation. C66-67.<sup>1</sup> Shortly before she completed that term, the People petitioned to revoke probation. C74-75. Although the trial court found by a preponderance of the evidence that defendant had violated probation, it did not revoke her probation and resentence her; instead, it ordered her probation terminated and discharged her from custody. R104-05; A33. Defendant purported to appeal from a “[r]evocation of probation,” C97; A32, and now appeals from the appellate court’s order dismissing her appeal as moot. No question is raised on the charging instrument.

## ISSUES PRESENTED FOR REVIEW

1. Whether the appellate court lacked jurisdiction because the trial court’s order terminating defendant’s probation was not appealable under Supreme Court Rule 604(b).
2. Whether, if the order was appealable, the appellate court properly dismissed defendant’s appeal as moot because she had completed

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<sup>1</sup> Citations to the common law record appear as “C\_\_,” to the report of proceedings as “R\_\_,” and to the supplemental report of proceedings as “Sup R\_\_.” Defendant’s brief and appendix are cited as “Def. Br.\_\_” and “A\_\_,” respectively, and defendant’s opening brief and reply brief in the appellate court, which were filed in this Court pursuant to Supreme Court Rule 318(c), are cited as “Def. App. Br.\_\_” and “Def. App. Reply\_\_.”

her sentence and showed no collateral consequences from the trial court's order.

3. Whether, if jurisdiction was proper, the trial court's determination that defendant violated her probation was not against the manifest weight of the evidence.

### **JURISDICTION**

This Court allowed defendant's petition for leave to appeal on November 26, 2025, and has jurisdiction over this appeal under Supreme Court Rules 315, 602, and 612.

### **SUPREME COURT RULE INVOLVED**

Supreme Court Rule 604(b) — "Appeals When Defendant Placed Under Supervision or Sentenced to Probation, Conditional Discharge or Periodic Imprisonment" — provides in relevant part:

A defendant who has been . . . found guilty and sentenced to probation . . . may appeal from the judgment and may seek review . . . of the finding of guilt or the conditions of the sentence, or both. He or she may also appeal from an order modifying the conditions of or revoking such . . . sentence.

### **STATEMENT OF FACTS**

#### **I. Defendant Pleads Guilty to Domestic Battery and Is Sentenced to 24 Months of Probation.**

In August 2020, defendant was charged with two counts of aggravated battery causing bodily harm to a child under the age of 13 for whipping her two children with a belt, leaving bruises, welts, and outlines of the belt across their backs, shoulders, and arms. C8-9; *see* 720 ILCS 5/12-3.05(b)(2).

Defendant was initially released on her own recognizance, C6, but after she failed to appear for multiple hearings, R15, 19, 31; C38-39, 43, the trial court issued a warrant for her arrest, C43, and she was taken into custody, *see* R44.

In January 2022, defendant entered a negotiated guilty plea to misdemeanor domestic battery in exchange for a sentencing recommendation of 116 days in jail (to be offset by credit for defendant's time in presentencing custody) and 24 months of probation. Sup R10-11. Because defendant was not a United States citizen, *see* R40; Sup R17, the court admonished her regarding the possible immigration consequences of pleading guilty, including deportation and denial of naturalization, Sup R16-17. After the court determined that defendant's guilty plea was knowing and voluntary, Sup R17-19, the court accepted the plea and imposed the agreed-upon sentence, Sup R20; C67.

As conditions of probation, defendant was to commit no new offenses, meet with her probation officer, undergo a drug and alcohol evaluation, complete any recommended treatment, and submit to drug testing. Sup R20-21; C67-68. She was also to have no abusive contact with her two children, C67, whom her mother-in-law adopted after defendant relinquished her parental rights in a related civil abuse-and-neglect case, Sup R21. Finally, defendant was to comply with the financial obligations of her sentence. C67.

Those financial obligations were limited to the monthly probation fee. *See* Sup R23-24; C63-65. Defendant received a full waiver of the assessments

against her based on her receipt of public assistance. Sup R23-24; C65. The court also offset defendant's fine with per diem credits from her presentence custody. Sup R24; C65; *see* 725 ILCS 5/110-14(a). Accordingly, defendant's only financial obligation was the \$20 monthly probation fee, Sup R24, which was reduced from the usual \$50 to accommodate her financial circumstances, *see* 730 ILCS 5/5-6-3(i); Gen. Order 11-23 (Kane Cnty. Cir. Ct. Sept. 29, 2011), *available at* [cic.countyofkane.org/General%20Orders%20PDFs/GO-2011-2015/11-23.pdf](http://cic.countyofkane.org/General%20Orders%20PDFs/GO-2011-2015/11-23.pdf) (last visited June 29, 2026). Defendant did not assert that her financial circumstances rendered her unable to pay that reduced fee or ask that the court waive the fee on the basis of such inability. *See* Sup R11, 24, 26.

**II. After Defendant Pleads Guilty to Committing Other Offenses, Tests Positive for Drugs, and Fails to Pay Her Probation Fees, the People Petition to Revoke Her Probation.**

In late February 2022, defendant's probation supervision was transferred from Kane County to Cook County. C71. After two months of probation, she was \$40 in arrears to Kane County because she had not paid anything toward the \$20 monthly probation fee for either of the first two months of her probation. *Id.*<sup>2</sup>

In March 2023, defendant pleaded guilty to a 2021 charge for unlawful possession of drug paraphernalia. *See* R81-83, 97. She was sentenced to serve a term of supervision and pay a \$750 fine. *See* R82, 98, 104.

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<sup>2</sup> She was directed to make the monthly payments for the remaining 22 months of her probation to Cook County. *Id.*

In December 2023, the month before defendant's probation term was to set to terminate, the People petitioned to revoke defendant's probation on the ground that she had failed to complete recommended treatment and pay the \$40 she had owed to Kane County since February 2022. C74-75. At no time between January 2022, when defendant was sentenced to probation, and December 2023, when the People petitioned to revoke her probation, had defendant informed the court that she was unable to pay the \$20 monthly probation fee or requested a payment plan or other relief from that obligation.

About two weeks after the People filed the initial petition to revoke, they filed another petition, clarifying that defendant's failure to complete the recommended treatment was due to her termination from the substance-abuse program after not attending since mid-November 2023. C78. Defendant admitted that her treatment had been terminated because she had not been attending but explained that she had since returned to treatment. R56. The court allowed her additional time to complete the additional treatment hours that the program had recommended. R57.

In September 2024, the People petitioned to revoke defendant's probation on the ground that she (1) had failed to complete her drug treatment; (2) tested positive for cocaine on one occasion and for hydrocodone, hydromorphone, morphine, and cocaine on another; and (3) willfully failed to pay the \$40 in fees for the first two months of her probation. C93. The court

conducted a hearing on both that petition to revoke petitioner's probation in her 2020 domestic battery case and a petition to revoke petitioner's supervision in her 2021 drug paraphernalia case. R80-83, 98; *see* C94.

### **III. The Trial Court Finds That Defendant Committed a Probation Violation but Nonetheless Terminates Her Probation.**

At the revocation hearing, the People proceeded in the 2020 domestic battery case only on the allegation that defendant violated the terms of her probation by willfully not paying the \$40 she owed to Kane County. R102.<sup>3</sup>

The People presented defendant's testimony admitting that she had not paid the balance. R100. Defendant testified that she had lost her job as a forklift driver in September 2023. R99. That job had paid \$500 to \$530 per week. *Id.* She testified that she had not filed a tax return and received a refund "because [her] work permit is not valid," and that her expenses when she had been working had included unspecified amounts for rent and transportation and unspecified costs "for the children," R99-100, who did not

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<sup>3</sup> The People abandoned the allegations that petitioner had failed to complete drug treatment and tested positive for drugs after they were prohibited from presenting their evidence supporting those allegations. *See* R102. Defendant's Kane County probation officer testified that she had received documentation regarding defendant's participation in drug treatment, R85-87, but the court sustained defendant's hearsay objection to the probation officer testifying regarding whether the documentation showed that defendant had completed that treatment, R87, 94-95. Similarly, the probation officer testified that defendant had submitted to drug testing, her sample had been sent to a laboratory for testing, and the laboratory had returned the results of that testing to the probation department, R88-90, but the court sustained defendant's hearsay objection to the probation officer testifying regarding those results, R89-90.

live with her, R101. She denied that she received any form of government assistance. R99.

The court found that the People had proved that defendant violated the terms of her probation in her 2020 domestic battery case by not paying the \$40 she owed Kane County in that case, R104, and that such violation was willful, C95. Specifically, the court found that defendant had worked for some period, during which she made at least \$2,000 per month, and “certainly had the ability to pay something” during that period yet had “made no effort to do that at all.” R104. Although the court then stated that it would “sentence [defendant] right now,” it did not revoke defendant’s probation and impose a new sentence; instead, it “terminate[d] . . . the probation unsatisfactorily” and ordered defendant’s outstanding balance sent to collections. R104-05; *see* A33.<sup>4</sup> The court admonished defendant that it “ha[d] just found that [she] violated the terms of [her] probation for not paying [her] fines, costs[,] and fees,” and asserted that she “ha[d] the right to appeal from this.” R105.

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<sup>4</sup> The court also terminated petitioner’s supervision in the 2021 drug paraphernalia case “unsatisfactorily.” R104-05; C95.

#### **IV. Defendant Purports to Appeal from an Order Revoking Her Probation and the Appellate Court Dismisses the Appeal as Moot.**

In her notice of appeal, defendant identified the “[o]rder[ ] appealed” as “[r]evocation of probation” in the 2020 domestic battery case. A32.<sup>5</sup> In her brief before the appellate court, defendant asserted that the appellate court had jurisdiction under Supreme Court Rule 604(b), Def. App. Br. 1, which permits “[a] defendant who been . . . found guilty and sentenced to probation” to “appeal from an order modifying the conditions of or revoking such . . . sentence,” Ill. S. Ct. R. 604(b). Defendant asked the appellate court to reverse “[t]he trial court’s decision to revoke probation” on the basis of her willful nonpayment of probation fees as “against the manifest weight of the evidence.” Def. App. Br. 13.

The appellate court dismissed the appeal as moot. A1, ¶ 12. The court held that defendant’s appeal was moot because there was no longer any effectual relief to be granted from either the direct or collateral consequences of an order revoking defendant’s probation. A25, ¶¶ 35; A30, ¶ 47. There was no relief to be granted from the direct consequence of such order — the new sentence imposed in place of the revoked sentence of probation — because defendant had already served her full sentence and her probation had been terminated. A17-18, ¶ 18; A25, ¶ 35. Nor was there any relief to grant from any collateral consequence of an order revoking probation because

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<sup>5</sup> Defendant did not appeal from the trial court’s order terminating her supervision in the 2021 drug paraphernalia case. See A16, ¶ 12.

the consequence that defendant offered in her opening brief — that “the revocation may affect any future sentencing hearings” — was insufficiently concrete and definite. A25, ¶ 36. And the consequence that defendant raised for the first time in her reply brief (and therefore forfeited, A26, ¶ 38) — that, if she someday applied for citizenship, “the unsatisfactory termination of her probation” would be “a factor considered in determining whether [she] w[a]s eligible for naturalization,” A26, ¶ 37 — was also insufficiently definite. A27-29, ¶¶ 39-44.

### STANDARDS OF REVIEW

This Court reviews de novo whether the appellate court had jurisdiction to consider defendant’s appeal from the order terminating her probation. *People v. Seymore*, 2025 IL 131564, ¶ 18.

The Court also reviews de novo whether, if defendant had appealed from the revocation of her probation, the appellate court correctly determined that appeal was moot. *In re V.S.*, 2025 IL 129755, ¶ 55.

Finally, any review of the trial court’s finding that defendant violated the terms of her probation would be for manifest error. *People v. Colon*, 225 Ill. 2d 125, 158 (2007).

### ARGUMENT

This Court should affirm the judgment of the appellate court, which correctly dismissed defendant’s appeal. First, the appellate court lacked jurisdiction because defendant did not appeal from an appealable order.

*Infra* § I. Although she identified the order from which she appealed as an order revoking her probation, in fact that order *terminated* her probation, and it was appealable neither as the final judgment in her criminal case nor under Supreme Court Rule 604(b), the rule governing appeals by defendants on probation.

Second, even if defendant had appealed from an order revoking her probation and “resentencing” her to immediate release from custody, the appellate court still would have been correct to dismiss the appeal because such appeal was moot. *Infra* § II. Having completed her sentence, defendant no longer suffered any direct consequence from any order revoking probation, *infra* § II.A., and she failed to establish that there were any collateral consequences that persisted beyond the end of her sentence, *infra* § II.B.

Finally, if this Court were to review the trial court’s finding that defendant violated her probation, the Court should affirm because that finding was not against the manifest weight of the evidence. *Infra* § III.

**I. The Appellate Court Lacked Jurisdiction Over Defendant’s Appeal from the Order Terminating Her Probation Because That Order Was Not Appealable.**

The appellate court properly dismissed defendant’s appeal because the order from which defendant appealed — an order terminating her probation, A33 — was not appealable. Although the People did not raise this jurisdictional infirmity below, “a lack of appellate jurisdiction is not subject to forfeiture.” *People v. Vara*, 2018 IL 121823, ¶ 12. Moreover, just as this Court “may affirm on any basis presented in the record,” the People, as

appellee, “may raise any argument or basis supported by the record” for the Court to do so, “even though [they] had not previously advanced such an argument.” *In re Veronica C.*, 239 Ill. 2d 134, 151 (2010).

The appellate court “is without jurisdiction to review judgments, orders or decrees that are not final,” unless this Court’s rules authorize appeals from such orders. *Flores v. Dugan*, 91 Ill. 2d 108, 112 (1982). The order terminating defendant’s probation was not the final judgment in her criminal case, for “[t]he final judgment in a criminal case is the sentence.” *People v. Abdullah*, 2019 IL 123492, ¶ 19 (quoting *People v. Caballero*, 102 Ill. 2d 23, 51 (1984)). Nor was it appealable under Rule 604(b), which governs appeals by defendants on probation and allows them to appeal only (1) “the finding of guilt,” (2) “the conditions of the sentence,” (3) orders “modifying the conditions” of probation, and (4) orders “revoking” probation. Ill. S. Ct. R. 604(b). The order terminating defendant’s probation and releasing her from custody fell within none of these categories.

Although defendant asserted that she was appealing from an order revoking her probation, *see* Def. App. Br. 1, the trial court did not revoke her probation. After the trial court found that defendant had violated the terms of her probation, R104, it *could have* revoked her probation and “impose[d] any other sentence that [wa]s available.” 730 ILCS 5/5-6-4(e); *see* 730 ILCS 5/5-6-4(h) (governing “[r]esentencing after revocation of probation”). But the court did not do that. Instead, it ordered that defendant’s probation was

terminated, meaning that she had completed her sentence. R104-05; A33; *see* 730 ILCS 5/5-6-2(d) (“Upon the expiration or termination of the period of probation . . . , the court shall enter an order discharging the offender.”); *see also People v. Clark*, 2019 IL 122891, ¶ 53 (trial court’s jurisdiction over defendant serving probation ends when probation is terminated). That order was not appealable, so the appellate court lacked jurisdiction.

Nor did the trial court’s description of its order, or its assertion that the order was appealable, alter this analysis. An order’s appealability turns on its substance, not its label. *See, e.g., Marsh v. Ill. Racing Bd.*, 179 Ill. 2d 488, 491 (1997) (appealability turns on “the substance of the action, not its form,” for “[a]n apple calling itself an orange remains an apple” (quoting *In re A Minor*, 127 Ill. 2d 247, 260 (1989))); *Johnson v. Northwestern Mem’l Hosp.*, 74 Ill. App. 3d 695, 697 (1st Dist. 1979) (“The appealability of an order is determined by the substance as opposed to the form of the order.”).

Although the trial court stated after finding the probation violation that it would “sentence [defendant] right now,” R104, the court in fact did *not* sentence her; it terminated her probation. *See* A33; R104-05. Upon finding that defendant violated probation, the trial court could have either (1) revoked probation and imposed a new sentence or (2) “continue[d] [defendant] on the existing sentence.” 730 ILCS 5/5-6-4(e). Here, the trial court chose the latter course, and, since petitioner’s existing sentence would have already terminated but for the People’s petition to revoke it, terminated

that sentence. *See* 730 ILCS 5/5-6-4(a) (petition to revoke “shall toll the period of probation” until adjudication). In other words, the People had petitioned to revoke defendant’s probation, and the court denied that relief, finding that defendant violated the conditions of her probation but nevertheless terminating her probation. *See* A33.

Defendant was thus the prevailing party in the trial court. She could not appeal from the trial court’s favorable ruling on the revocation petition just because she disagreed with the court’s adverse factual finding that she had violated a condition of her probation. *See Geer v. Kadera*, 173 Ill. 2d 398, 414 (1996) (explaining “[i]t is fundamental that the forum of courts of appeal should not be afforded to successful parties who may not agree with the reasoning, conclusion or findings below” (quoting and altering *Ill. Bell Tel. Co. v. Ill. Com. Comm’n*, 414 Ill. 275, 282-83 (1953))). The trial court’s notation that defendant’s probation was terminated “unsatisfactorily,” C33, was nothing more than dicta, which cannot be attacked on appeal. *See Geer*, 173 Ill. 2d at 414 (appellate review also should not “be afforded to one who merely disagrees with the *dicta* of a lower court, but not its judgment”); *Argonaut-Midwest Ins. Co. v. E.W. Corrigan Const. Co.*, 338 Ill. App. 3d 423, 427 (1st Dist. 2003) (“Where a trial court’s judgment is entirely in favor of a party, specific findings of the trial court that may have been adverse to the party, do not give rise to an appeal.” (citing *Material Serv. Corp. v. Dep’t of Revenue*, 98 Ill. 2d 382, 386-87 (1983))).

Indeed, the trial court's qualification of its termination of defendant's probation as "unsatisfactory" could not be anything *but* dicta, for that qualification had no legal significance in defendant's case. Whether a defendant's probation was terminated "satisfactorily" or "unsatisfactorily" is relevant only if the defendant was placed on "qualified probation" for an offense, such that satisfactory termination of probation will prevent a conviction from being entered. *See* 20 ILCS 2630/5.2(a)(1)(C) ("An order of qualified probation (as defined in subsection (a)(1)(J)) successfully completed by the petitioner is not a conviction. An order of . . . qualified probation that is terminated unsatisfactorily is a conviction[.]"). For that reason, orders terminating *qualified* probation must specify whether the termination is satisfactory or unsatisfactory. *See* 20 ILCS 2630/5.2(a)(1)(M) ("Terminate' as it relates to a sentence . . . of . . . qualified probation includes either satisfactory or unsatisfactory termination of the sentence[.]"). But defendant was not placed on qualified probation in her 2020 domestic battery case (nor was she eligible for qualified probation). *See* C67; Sup R20; 20 ILCS 2630/5.2(a)(1)(J) (defining "qualified probation" as probation ordered under statutes for certain drug, alcohol, and first-time offenders (not including domestic-battery offenders)). Had defendant been on qualified probation and the trial court terminated that probation unsatisfactorily, then that termination would have the effect of a conviction. But here the trial court's

note that defendant's probation was terminated "unsatisfactorily" had no legal significance.

Defendant herself recognizes that the order from which she appeals terminated her probation. *See* Def. Br. 8 (recognizing that trial court "entered its judgment terminating [defendant's] probation unsatisfactorily"); *id.* (seeking an order "reversing the unsatisfactory termination of her probation"). Defendant argues that the termination of her probation did not render her appeal moot because "the termination itself is the subject of the appeal." *Id.* But an order terminating probation is not appealable in the first place, so mootness is beside the point, and this Court should affirm the appellate court's judgment dismissing the appeal.

## **II. Had Defendant Appealed from an Order Revoking Her Probation and Resentencing Her to Time Served, the Appellate Court Correctly Recognized That Such Appeal Was Moot.**

Even if defendant had appealed from an order "revoking" her probation, such that it was an appealable order, the appellate court was correct to dismiss the appeal as moot because it presented no justiciable matter.

As this Court has repeatedly emphasized, "[t]he existence of an actual controversy is essential to appellate jurisdiction," such that "[c]ourts of review generally will not decide abstract, hypothetical, or moot questions." *In re Benny M.*, 2017 IL 120133, ¶ 17; *see also, e.g., People v. Hill*, 2011 IL 110928, ¶ 6; *In re Andrea F.*, 208 Ill. 2d 148, 156 (2003). "An appeal is moot if no actual controversy exists or if events have occurred that make it

impossible for the reviewing court to grant the complaining party effectual relief.” *People v. Grayson*, 2025 IL 131279, ¶ 3 (internal quotation marks omitted).

Because defendant had completed her sentence, there was no relief to be granted with respect to the direct consequence of any order revoking her probation. Nor was there any relief to be granted from any collateral consequence of an order revoking probation, for there were no such consequences. Therefore, defendant’s appeal was moot.

**A. The appellate court could not grant effectual relief from the direct consequence of an order revoking defendant’s probation — the new sentence — because defendant had completed her sentence.**

When a defendant challenges an order that she serve some term in custody, such as a pretrial detention order, a sentencing order, or a civil commitment order, that challenge becomes moot once the defendant has served the term imposed by the challenged order. *See, e.g., People v. Cooper*, 2025 IL 130946, ¶ 16 n.1 (appeal from pretrial detention order became moot after defendant was tried and therefore no longer in custody pursuant to that order); *In re Shelby R.*, 2013 IL 114994, ¶ 15 (“appeal involv[ing] the validity of a sentence . . . is rendered moot if the sentence has been served”); *In re Barbara H.*, 183 Ill. 2d 482, 490 (2009) (appeal from civil commitment order becomes moot after period of commitment ended).

The same is true for an order revoking probation, for when a trial court revokes probation, it is replacing the previously imposed sentence of

probation with a new sentence. *See* 730 ILCS 5/5-6-4(e). Accordingly, once the defendant has completed that new sentence, there is no effectual relief to be granted from the direct consequence of the order revoking probation. *People v. Yackle*, 42 Ill. App. 3d 695, 696 (5th Dist. 1976) (appeal from order revoking probation became moot once defendant was released because “the maximum relief” available — “vacation of the order of revocation and sentence” — was not effectual); *accord Spencer v. Kemna*, 523 U.S. 1, 8 (1998) (once prisoner who challenges revocation of parole is released, no relief can be granted from the direct consequence of the revocation, for “the reincarceration that he incurred as a result of that action is now over, and cannot be undone”).

Therefore, if defendant had her probation revoked, then her appeal from that order was moot because she had already served her sentence. *See People v. Dawson*, 2020 IL App (4th) 170872, ¶ 8 (no effectual relief available from direct consequences of order revoking probation — defendant’s new sentence — once defendant has completed that sentence); *accord In re Jarquan B.*, 2017 IL 121483, ¶ 17 (appeal from order revoking juvenile probation and imposing new sentence became moot after respondent completed that sentence).

Defendant recognizes that completion of a sentence prevents any effectual relief from being granted with respect to that sentence. *See* Def. Br. 10 (agreeing that “a defendant’s challenge to his fully-served sentence is

moot, because the appellate court cannot wind back the clock and undo the amount of the time the defendant spent in custody”). To avoid that conclusion here, she argues that “the fact that [her] probation was terminated does not amount to a change in circumstances mooting the appeal” because “the termination itself is the subject of the appeal.” *Id.* at 8. But this argument effectively concedes that defendant is not actually appealing from an order revoking her probation; she is appealing from a nonappealable order terminating her probation and releasing her from custody because she disagrees with the finding of a probation violation that the trial court made on its way to denying the People’s revocation petition. *See supra* § I. .

Defendant’s argument untethers the concept of effectual relief on appeal from the requirement that there be an appealable order. Because an appellant may appeal only from an adverse appealable order, not a finding with which he disagrees, *see Geer*, 173 Ill. 2d at 414, effectual relief on appeal necessarily means relief from the effects of an appealable order, not the effects of an unappealable finding. If a defendant is convicted of a crime, he may appeal the judgment of conviction because relief from that judgment will provide effective relief both from the direct consequence of the conviction (the sentence) and from the presumed collateral consequences of being branded a criminal. *See Spencer*, 523 U.S. at 12 (1998) (courts presume that criminal conviction has collateral consequences); *cf. Nat’l Fed. of Indep. Bus. v.*

*Sebelius*, 567 U.S. 519, 573 (2012) (acknowledging “all the attendant consequences of being branded a criminal”). But if the defendant is acquitted, he may not appeal from the judgment of acquittal merely because he disagrees with the trial court’s finding that the prosecution proved some but not all of the elements of the charged offense. *See, e.g., People v. Harrison*, 226 Ill. 2d 427, 439 (2007) (defendant found not guilty by reason of insanity may not appeal from that acquittal to challenge trial court’s finding of insanity).

Because defendant here prevailed against the People’s petition to revoke her probation, there is no relief to be granted from the order denying that petition and terminating her probation. Although she might prefer that the trial court have ruled in her favor because it found the People failed to prove a violation rather than because it declined to revoke based on the violation, she is not actually aggrieved by the termination of her probation, so there is no effectual relief to be granted from the termination order. *See id.* at 438-39 (defendant not aggrieved by judgment of acquittal, regardless of whether he believes that it should have been based on finding of insufficient evidence rather than of insanity). The same is true when a defendant appeals from an order revoking probation and imposing a new sentence; once the defendant has completed that new sentence, there is no effectual relief to be granted from the direct consequence of the revocation order.

**B. The appellate court could not grant effectual relief from any collateral consequence of an order revoking defendant's probation because there were no such consequences.**

Because there was no longer any effectual relief to be granted with respect to the direct consequences of the trial court's order, *see supra* § II.A., defendant's appeal was moot unless she established that "collateral consequences survive the expiration or cessation of [the] court order that are likely to be redressed by a favorable judicial determination." *In re V.S.*, 2025 IL 129755, ¶ 62; *see In re Alfred H.H.*, 233 Ill. 2d 345, 361 (2009) (appeal from order not moot if appellant "has 'suffered, or [is] threatened with, an actual injury traceable to the [order] and likely to be redressed by a favorable judicial decision'" (quoting *Spencer*, 523 U.S. at 7)). For an adjudication to have a collateral consequence that suffices to overcome mootness, the consequence must "stem *solely* from the present adjudication," which a reviewing court determines by "consider[ing] all relevant facts and legal issues." *V.S.*, 2025 IL 129755, ¶ 62 (quoting and adding emphasis to *Alfred H.H.*, 233 Ill. 2d at 363). Collateral consequences cannot be established based on "a vague, unsupported statement that collateral consequences might plague the [defendant] in the future." *In re Rita P.*, 2014 IL 115798, ¶ 34; *see V.S.*, 2025 IL 129755, ¶ 62. Rather, if the facts do not prove that a judgment has collateral consequences, then there are none unless circumstances are such that consequences may be presumed. *Alfred H.H.*, 233 Ill. 2d at 361.

Defendant failed to prove any collateral consequences that could be attributed solely to the revocation of her probation in her 2020 domestic battery case. Nor can collateral consequences be presumed to flow from orders revoking probation, as they may for judgments of conviction.

**1. Defendant failed to prove any collateral consequences of the trial court's finding that she violated her probation in the 2020 domestic battery case.**

Defendant failed to prove any collateral consequence that could be attributed solely to the order finding that she violated the terms of her probation in her 2020 domestic battery case. Defendant offered two possible consequences: (1) if she is someday convicted of another offense, a future sentencing court could consider the finding when determining the appropriate sentence, Def. App. Br. 12; and (2) if she someday applies for naturalization, a future immigration officer could consider the finding when determining whether she had established good moral character, Def. App. Reply 4-5. Neither speculative future scenario establishes that defendant will suffer a collateral consequence solely because the trial court found that she violated her conditions of probation in this case.

Indeed, defendant's speculation that some future decision-maker in a hypothetical sentencing or immigration proceeding might consider the finding as one factor among many to inform its exercise of discretion is just the kind of "vague, unsupported" statement[ ] about the future" that this Court has repeatedly explained is insufficient. *V.S.*, 2025 IL 129755, ¶ 62

(quoting *Rita P.*, 2014 IL 115798, ¶ 34); *see id.* ¶ 64 (admissibility of neglect adjudication “in a future, currently nonexistent and unexpected, proceeding” was insufficient to establish collateral consequence of that adjudication). Defendant does not face sentencing in any other case, and courts do not presume that defendants will commit crimes in the future, given that they “are able — and indeed required by law — to prevent such a possibility from occurring.” *Spencer*, 523 U.S. at 13 (quoting *Lane v. Williams*, 455 U.S. 624, 632 n.13 (1982)); *Dawson*, 2020 IL App (4th) 170872, ¶ 18 (avoiding future sentencing for crimes is “within the defendant’s power,” so “instead of entertaining the possibility that he w[ill] reoffend,” appellate court should “assume[ ] and expect[ ] that he w[ill] *not* reoffend” (emphasis in original)).<sup>6</sup> Nor has defendant applied for naturalization. *See* A27, ¶ 40 (declining to presume “that defendant is or will be seeking to obtain United States citizenship through naturalization”). Thus, there was no basis to conclude that there was an actual proceeding in which the finding of a probation violation would be considered.

Moreover, there was no reason to believe that any adverse outcome at a hypothetical future sentencing or immigration proceeding would “stem

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<sup>6</sup> Defendant argues that it was unreasonable for the appellate court to presume that she would abide by the law and therefore control whether she faces sentencing for another offense in the future because she might be wrongly convicted of an offense she did not commit. Def. Br. 20. But if defendant is convicted of another offense in the future, it will be because she either pleads guilty to committing that offense (as she has at least twice before) or because a factfinder finds her guilty beyond a reasonable doubt.

*solely* from” the finding of a probation violation in this case. *V.S.*, 2025 IL 129755, ¶ 62 (quoting and adding emphasis to *Alfred H.H.*, 233 Ill. 2d at 364). If defendant were convicted of another crime and the prosecution presented evidence that she once violated her probation by not paying \$40, the sentencing court would consider that fact alongside all the other relevant matters at sentencing. *People v. Ward*, 113 Ill. 2d 516, 527 (1986) (sentencing court “must consider all matters reflecting upon the defendant’s personality, propensities, purpose, tendencies, and indeed every aspect of his life relevant to the sentencing proceeding”). Those matters would also include the fact that the future offense is defendant’s third (at least). In addition to being permitted to consider that criminal history as generally “reason[ ] to impose a more severe sentence,” the sentencing court would be *required* to afford that history “weight in favor of imposing a term of imprisonment.” 730 ILCS 5/5-5-3.2(a)(3). Thus, the sentence imposed by that future court would not be attributable solely to the court’s knowledge that defendant once violated the conditions of her probation in this matter. *See V.S.*, 2025 IL 129755, ¶ 65 (no collateral consequence from adjudication of neglect where parent “could not establish [that adjudication] was the sole reason for any collateral consequence” in some future proceeding given that he had prior criminal convictions that would also be considered in such proceeding); *Alfred H.H.*, 233 Ill. 2d at 363 (no collateral consequences from challenged involuntary commitment because all consequences “already existed as a result of

respondent's previous adjudications and felony conviction"); *cf. Spencer*, 523 U.S. at 13 (no collateral consequence from parole revocation based on consideration at future parole decisions because such "discretionary decisions . . . made by . . . a sentencing judge' . . . are 'not governed by the mere presence or absence of a recorded violation of parole,' but can 'take into consideration, and are more directly influenced by'" other factors (quoting *Lane*, 455 U.S. at 632-33)).

Evidence that defendant was found to have violated her probation by not paying \$40 would have a similarly limited influence on the outcome of any future naturalization proceeding. If defendant applies for naturalization, she will "bear[ ] the burden of demonstrating that . . . she has been and continues to be a person of good moral character." 8 C.F.R. § 316.10(a)(1). An immigration officer would first have to consider whether any *single* factor rendered defendant automatically ineligible for naturalization, *see* 8 C.F.R. § 316.10(b)(2), such as a violation of "any law . . . relating to a controlled substance," 8 C.F.R. § 316.10(b)(2)(iii). Thus, a future immigration officer could conclude that defendant lacks good moral character solely because she was convicted of possessing drug paraphernalia. *See* 8 C.F.R. § 316.10(b)(2) (applicant for naturalization "shall be found to lack good moral character if during the statutory period the applicant . . . [v]iolated any law . . . relating to a controlled substance"); *cf. Barma v. Holder*, 640 F.3d 749, 751 (7th Cir. 2011) (holding that "conviction for possession of drug paraphernalia is a

violation of a law ‘relating to a controlled substance’” under removal statute). In such case, the immigration officer would not consider defendant’s violation of her probation in this case for nonpayment of \$40 in fees at all.

If defendant were not automatically disqualified on that basis, then the immigration officer would consider “the totality of the circumstances and weigh all factors, favorable and unfavorable,” including the (1) “[a]bsence or presence of other criminal history,” (2) “[e]mployment history,” (3) “[o]ther law-abiding behavior (for example, meeting financial obligations, paying taxes),” and (4) “[c]ompliance with probation.” U.S. Citizenship & Immigr. Serv., 12 USCIS Policy Manual F.2.A, *available at* <https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-2> (last visited June 29, 2026). Thus, the immigration officer would consider that defendant (1) has multiple criminal convictions, (2) is unemployed, (3) failed to meet her court-ordered financial obligations in two separate cases and did not file a tax return, and (4) was found to have violated the conditions of probation in one case and of supervision in another for not making court-ordered payments. The immigration officer might also consider evidence that defendant tested positive for controlled substances on more than one occasion while on probation, since hearsay is admissible in immigration proceedings. *See Sehgal v. Lynch*, 813 F.3d 1025, 1029 (7th Cir. 2016). All of these factors would weigh against a finding that defendant had demonstrated good moral

character, and the probation violation at issue in this appeal would carry little weight.

Lacking any sufficiently definite consequence that is solely attributable to the purported revocation of her probation to meet the requirements of the collateral consequences exception — as this Court has repeatedly articulated them — defendant instead disputes the standard. She argues that those requirements are either exclusive to involuntary commitment orders, Def. Br. 32-33, or represent a mistaken application of federal jurisdictional requirements to Illinois courts, *see id.* 15-16. Neither argument is correct.

Defendant is mistaken that the requirements of the collateral consequences exception that this Court articulated in *Alfred H.H.* “were created in response to a problem that is unique to involuntary commitment cases: that a 90-day involuntary commitment order will always expire before the case can be heard on appeal.” *Id.* at 32. She cites no statement in *Alfred H.H.* supporting this assertion. *See id.* Nor could she; in its discussion of the collateral consequences exception, the Court made clear that it was applying the usual exception, as articulated in *Spencer v. Kemna*, which applied the exception in a parole revocation case, and rejected the appellate court’s holding that the exception was inapplicable in mental health cases. 233 Ill. 2d at 361-62. The Court did not mention the expiration of commitment orders during the pendency of appeals anywhere in its discussion of the

collateral consequences exception, much less suggest that the requirements of the exception were motivated by that problem. *See id.* at 361-63. Rather, the Court addressed the expiration of 90-day commitment orders in its discussion of the exception to mootness for matters capable of repetition yet evading review. *Id.* at 358. And, as defendant admits, Def. Br. 32, the Court has required that consequences be reasonably certain and solely attributable to the challenged order to satisfy the collateral consequences exception in cases that do not involve involuntary commitment, *see V.S.*, 2025 IL 129755, ¶¶ 62-63.

Defendant is also mistaken that the Court’s articulation of the collateral consequences exception in *Alfred H.H.*, *Rita H.*, and *V.S.* reflects a misapplication of the federal courts’ Article III case-and-controversy requirement to Illinois courts. Contrary to defendant’s assertion, Def. Br. 15-16, Illinois’s jurisdictional requirement of justiciability *does* include a controversy requirement; as this Court has repeatedly emphasized, “[t]he existence of an actual controversy is essential to appellate jurisdiction,” such that “[c]ourts of review generally will not decide abstract, hypothetical, or moot questions.” *Benny M.*, 2017 IL 120133, ¶ 17; *see also, e.g., Hill*, 2011 IL 110928, ¶ 6 (“The existence of an actual controversy is an essential requisite to our jurisdiction. . . . That is, we will not consider abstract, hypothetical, or moot questions.”); *Andrea F.*, 208 Ill. 2d at 156 (“The existence of an actual controversy is an essential prerequisite to appellate jurisdiction[.]”). Thus,

when the Court adopted the United States Supreme Court’s articulation of the requirements for the collateral consequences exception from a case concerning Article III jurisdiction, it did not do so because it was under the misapprehension that Illinois courts are governed by Article III, but because it determined that those requirements are equally necessary to satisfy Illinois’s own justiciability requirement. *See V.S.*, 2025 IL 129755, ¶ 55 (recognizing that “[i]t is a basic tenet of justiciability that reviewing courts will not decide moot or abstract questions” unless exception to mootness like collateral consequences exception applies (quoting and altering *In re J.T.*, 221 Ill. 2d 338, 349 (2006)); *id.* ¶ 62 (defining collateral consequences exception as requiring that consequences not be based on vague statements about future and be solely attributable to challenged judgment)).

In support of her contrary assertion, defendant cites an appellate court case for the proposition that mootness is “not a limitation on the authority of [Illinois] courts.” Def. Br. 15-16 (citing *Kern v. Chicago & E.I.R. Co.*, 44 Ill. App. 2d 468, 477 (3d Dist. 1963)). But *Kern* does not go so far as defendant suggests. There, a corporation was sued by a class of its stockholders after it adopted a bylaw that diluted their voting rights. 44 Ill. App. 2d at 469. Two days later, the corporation revoked the bylaw and, while still maintaining that the bylaw was valid, argued that the case was moot. *Id.* at 470. The appellate court rejected the corporate defendant’s mootness defense, explaining that

mootness is a doctrine which the court imposes for its own protection, and it will not be applied where it is apparent that the controversy is a genuine one concerning valuable rights and where the party defending maintains that it still has the power to annul those rights and to recreate the condition as it existed at the time the litigation was commenced.

*Id.* at 477. The appellate court did not hold that mootness was irrelevant to its jurisdiction. Nor could it have, for it was bound by this Court’s holdings that “the existence of a real controversy is an essential requisite to appellate jurisdiction” and generally excludes “moot questions.” *La Salle Nat’l Bank v. City of Chicago*, 3 Ill. 2d 375, 379 (1954); *accord Trust Co. of Chicago v. Cownot*, 3 Ill. 2d 553, 555 (1954) (explaining that public-interest exception to mootness permits court to “retain jurisdiction” over otherwise moot case).

Defendant here failed to meet this jurisdictional requirement by proving some consequence that was both sufficiently definite and solely attributable to the order on appeal to satisfy the collateral consequences exception.

## **2. No collateral consequences should be presumed.**

Nor may defendant rely on a presumption of collateral consequences from an order finding a probation violation. As this Court has emphasized, “[a]pplication of the collateral consequences exception is determined on a case-by-case basis,” *V.S.*, 2025 IL 129755, ¶ 62, and turns on “the facts of th[e] case,” *id.* ¶ 63; *see Alfred H.H.*, 233 Ill. 2d at 362-63 (determining applicability of collateral consequences exception in particular case based on “the facts of this specific case”).

Generally, this Court has rejected categorical presumptions that certain kinds of orders have collateral consequences. *See Rita P.*, 2014 IL 115798, ¶ 34 (declining to presume collateral consequences from involuntary commitment or treatment orders). Criminal convictions are the sole exception. Although the United States Supreme Court similarly required that collateral consequences be “specifically identified” in each case, *Spencer*, 523 U.S. at 8, it made a categorical exception for challenges to criminal convictions in recognition of the “obvious fact of life that most criminal convictions do in fact entail adverse collateral legal consequences,” *id.* at 12 (quoting *Sibron v. New York*, 392 U.S. 40, 55 (1968)). This Court followed suit, *see People v. Lynn*, 102 Ill. 2d 267, 273 (1984) (citing *Sibron*, 392 U.S. at 58), for it had also recognized the “obvious advantages in purging oneself of the stigma and disabilities which attend a criminal conviction,” *People v. Davis*, 39 Ill. 2d 325, 329 (1968).

There is good reason to treat criminal convictions differently from other judgments: “In the context of criminal conviction, the presumption of significant collateral consequences is likely to comport with reality.” *Spencer*, 523 U.S. at 12. A conviction brands the defendant as a criminal, subjecting him to myriad statutory and regulatory disabilities. *See Nat’l Inventory of Collateral Consequences of Conviction, Collateral Consequences Inventory, available at* <https://niccc.nationalreentryresourcecenter.org/consequences> (last visited June 29, 2026) (showing 167 mandatory or automatic

consequences under Illinois and federal law for misdemeanor convictions and 468 such consequences for felony convictions). Accordingly, given the wide variety of legal consequences associated with a criminal conviction (not only in the State of conviction but across the country), it is reasonable to presume that a criminal conviction will have *some* collateral consequence that persists after the sentence ends. Similarly, and for the same reason, this Court and the United States Supreme Court have presumed that judgments that are *treated* like convictions have collateral consequences. *See Minnesota v. Dickerson*, 508 U.S. 366, 371 n.2 (1993) (appeal from sentence under diversionary program that did not result in conviction not moot where disposition would be used as conviction for purposes of federal sentencing); *People v. Jordan*, 218 Ill. 2d 255, 263-64 (2006) (appeal from sentence to period of supervision not moot because dispositions of court supervision are treated as convictions in various circumstances).

But neither this Court nor the United States Supreme Court has extended that presumption to orders other than criminal convictions or their equivalents. To the contrary, in *Lane v. Williams*, the United States Supreme Court explained that there was no basis to presume collateral consequences from an order revoking parole because there were no equivalent “civil disabilities . . . from a finding that an individual has violated parole.” 455 U.S. at 632; *see Spencer*, 523 U.S. at 13-14. Rather, “[a]t most, certain non-statutory consequences may occur,” such as consideration in future

discretionary employment or sentencing decisions, which “are not governed by the mere presence or absence of a recorded violation of parole.” *Lane*, 455 U.S. at 632-33. Similarly, in *Rita P.*, this Court “decline[d] to adopt a blanket rule of appealability” from involuntary commitment orders, continuing to require that an appellant identify specific collateral consequences stemming “solely from the present adjudication.” 2014 IL 115798, ¶ 34 (quoting *Alfred H.H.*, 233 Ill. 2d at 363).

An order revoking probation based on a finding of a probation violation, like an order revoking parole or an order of civil commitment, does not support a presumption of collateral consequences. A conviction brands a defendant as a criminal, with all the stigma that entails. An order finding that defendant violated probation does not carry a similar stigma, either in society or under the law. Certainly, the fact that a defendant did not complete a court-ordered anger-management class or pay a probation fee does not result in even a fraction of the disabilities imposed by statute or regulation for even misdemeanor convictions. Accordingly, this Court should not presume collateral consequences from a revocation of probation.

Defendant’s attempt to muster support for a presumption of collateral consequences from lower court decisions and decisions from other jurisdictions is unavailing. *See* Def. Br. 22. At bottom, the argument that defendant seeks to support with those cases is that an order finding a violation of probation always has collateral consequences because (1) if the

defendant is someday convicted of another crime, the finding of a violation will be considered along with all the other factors at sentencing, *see id.* at 18-19; and (2) a finding that the defendant violated the conditions of probation may harm the defendant's reputation in the community, *see id.* at 22-25. Accepting either argument would require that this Court upend its collateral consequences jurisprudence and find that virtually any order carries collateral consequences.

First, given the breadth of the matters that a court must consider at sentencing, *see Ward*, 113 Ill. 2d at 527, defendant's proposed presumption of collateral consequences for orders that might be considered at a future sentencing hearing would make the exception the rule. Nor is such a rule warranted under this Court's or the United States Supreme Court's precedent. Although petitioner asserts that *Spencer* "directly conflicts with long-standing precedent of . . . this Court," Def. Br. 41, she does not identify *any* decision in which this Court held that an order other than a criminal conviction or its equivalent is presumed to have collateral consequences. And her assertion that *Spencer* "directly conflicts with *Sibron* and *Dickerson*," *id.* at 17, misapprehends both the holdings of all three decisions and the nature of sequential precedent.

*Spencer* does not directly conflict with the earlier decisions in *Sibron* and *Dickerson*. In 1968, *Sibron* held that a criminal conviction is not moot unless "it is shown that there is no possibility that any collateral legal

consequences will be imposed,” 392 U.S. at 57 — that is, that criminal convictions are presumed to have collateral consequences, *see Spencer*, 523 U.S. at 8. This was a departure from prior decisions holding that convictions had collateral consequences only after showings were made that the defendants could suffer specific legal consequences, such as being barred from engaging in certain business or rendered ineligible to vote. *See id.* at 8-9 (collecting cases). In 1982, *Lane* held that *Sibron* was “not applicable” to orders revoking parole, which carried no civil disabilities but only the possibility of, “[a]t most, certain non-statutory consequences,” such as that the revocation would be considered as a non-dispositive factor in some future sentencing proceeding. 455 U.S. at 632-33. In 1993, *Dickerson* held that when a defendant was found guilty of a crime but completed his sentence under a diversionary program that prevented any conviction from being entered but preserved the finding of guilt for use in future criminal and sentencing proceedings, the finding had collateral consequences. 508 U.S. at 371 n.2. Finally, in 1998, *Spencer* reaffirmed that orders revoking parole, unlike criminal convictions, are not presumed to have collateral consequences and that the possibility they would be considered at some discretionary proceeding in the future was insufficient. 523 U.S. at 13-14. If *Spencer* had directly conflicted with *Sibron* and *Dickerson*, it would have overruled those decisions rather than discussing them and then limiting their application to criminal convictions (and findings of guilt that did not result in actual

convictions but were intended to be used against the defendant in future proceedings).<sup>7</sup>

Any tension between the statements in *Sibron* about consideration at a future sentencing hearing being a collateral consequence of a criminal conviction and the statements in *Lane* and *Spencer* that such consideration is not a collateral consequence of orders revoking parole is resolved simply by recognizing that a prior conviction has a significantly greater impact at sentencing than a prior revocation of parole or probation. In addition to being a stronger indicator of limited rehabilitative potential, a prior conviction may also trigger mandatory sentencing enhancements for recidivist offenders. In other words, it is significantly less likely that some future sentencing court will impose a harsher sentence for defendant because she did not pay \$40 in probation fees than because she was convicted of beating her two young children with a belt.

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<sup>7</sup> Defendant's characterization of the body of appellate precedent is similarly confused. Contrary to defendant's assertion, Def. Br. 13-14, her identification of some cases holding that orders revoking probation are moot once the sentence is completed followed by other cases holding that such orders are *not* moot once the sentence is completed does not describe the development of "unanimous consensus" in the appellate court; it describes a split. See *Dawson*, 2020 IL App (4th) 170872, ¶ 14 (recognizing split in appellate authority and joining the side supported by *Spencer*, upon which this Court had relied in *Alfred H.H.*). Defendant's suggestion that there was "no clear catalyst" for the appellate court to start applying *Spencer*'s articulation of the collateral-consequences exception, Def. Br. 14, neglects the fact that in 2009, this Court adopted that articulation in *Alfred H.H.*, see 233 Ill. 2d at 361. The appellate court began applying the same articulation shortly thereafter. See *Behl v. Duffin*, 406 Ill. App. 3d 1084, 1091 (4th Dist. 2010).

Second, defendant’s proposed presumption of collateral consequences for orders that may affect one’s reputation in the community would apply to nearly any order and make the presumption of collateral consequences even stronger for orders revoking probation than for criminal convictions. This Court has recognized that the collateral consequence presumed for criminal convictions are “collateral *legal* consequences.” *People v. Casler*, 2020 IL 125117, ¶ 18 (emphasis added); *see Jordan*, 218 Ill. 2d at 263; *People v. Jones*, 215 Ill. 2d 261, 267 (2005) (citing *Dickerson*, 508 U.S. at 371 n.2 (1993)). The same is true for the prophylactic admonishments regarding potential collateral consequences that might result from pleading guilty. *See People v. Delvillar*, 235 Ill. 2d 507, 520 (2009) (explaining that defendants need not be admonished regarding potential collateral consequences of pleading guilty, which are “effects upon the defendant that the circuit court has no authority to impose” but “result[ ] from an action that may or may not be taken by an agency that the trial court does not control”).

The possibility that some private party may think less of defendant and therefore decline to hire her or do business with her is not a collateral consequence within the meaning of the exception, and those appellate court cases asserting otherwise are incorrect. *See, e.g., People v. Brown*, 2023 IL App (1st) 220801-U, ¶ 21 (asserting that violation of conditional discharge has collateral consequence because it “could affect [the defendant] adversely . . . in other aspects of his life, including employment efforts”); *People v.*

*McNally*, 2022 IL App (2d) 180270, ¶ 18 (asserting that suspension of driver’s license has collateral consequence because it might “impact . . . the ability to obtain certain types of future employment”).<sup>8</sup> After all, if an appellant could overcome mootness just by speculating that some in the community might think less of him because of the adverse ruling he wishes to challenge, it is difficult to imagine an adverse ruling that would ever be moot. In addition, if collateral consequences included potential adverse social consequences, then the Court would not have held the involuntary civil commitment orders to be moot for lack of collateral consequences in *Alfred H.H.*, for there is no question that involuntary commitment may affect social and employment opportunities.

Finally, defendant’s argument that the Court should presume collateral consequences because defendants may not be able to prove such consequences, *see* Def. Br. 26-29, would likewise require the Court to overturn *V.S.* and *Alfred H.H.* The Court was very clear that the general rule is that an appeal is moot once the direct consequence of the challenged order has ended unless the appellant demonstrates that there are still collateral consequences. Defendant’s arguments that the record in probation revocation cases often will not include facts demonstrating that there are any collateral consequences could apply to any order; litigants generally focus

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<sup>8</sup> Copies of all nonprecedential orders cited in this brief are available at <https://www.illinoiscourts.gov/top-level-opinions>. *See* Ill. S. Ct. R. 23(e)(1).

their litigation narrowly on the disputed issue and do not provide extraneous information about their future plans to seek particular licenses, apply for particular jobs, or contest custody over their children. If the possibility that the record will not contain evidence of collateral consequences is enough to excuse an appellant from establishing that such consequences exist, then it is unclear when courts would not have to presume collateral consequences.

### **III. The Trial Court's Finding That Defendant Violated the Conditions of Her Probation Was Not Against the Manifest Weight of the Evidence.**

If this Court were to find that the appellate court had jurisdiction, then the Court should remand for the appellate court to decide the merits of defendant's challenge. However, if the Court chooses to review the trial court's finding that defendant violated a condition of her probation, the Court should affirm that finding, for it was not against the manifest weight of the evidence. There is no question that defendant violated the condition that she pay the \$20 monthly probation fee by failing to pay the \$40 in fees that she owed to Kane County. The evidence was also sufficient to support the trial court's finding that defendant's violation was willful. However, that finding is unquestionably moot now, since its only relevance was that it authorized the trial court to revoke defendant's probation for the violation, which the trial court did not do and which it cannot do in the future because defendant's probation has already ended.

A defendant violates the conditions of her probation if she does not comply with those conditions. *See Black's Law Dictionary* 1458 (12th ed.

2024) (defining “probation violation” as “[a] probationer’s breaching a condition of the sentence”). But whether a defendant’s violation of a condition results in revocation of probation depends on which condition she violated. For some conditions, violations *require* the trial court to revoke probation. *See* 730 ILCS 5/5-6-4(e) (mandating revocation for violations of condition that sex offender not live in same housing complex as other sex offenders). For other conditions, violations provide the trial court with discretion to revoke probation and resentence the defendant. *See id.* (court “may” resentence for violations of conditions that do not require revocation). And for financial conditions, violations provide the trial court with discretion to revoke probation only if the violation was “willful.” 730 ILCS 5/5-6-4(d) (probation “shall not be revoked” for failure to comply with financial condition of probation “unless such failure is due to [defendant’s] willful refusal to pay”).

Here, the trial court found that the People proved by a preponderance of the evidence that defendant violated the conditions of her probation by not paying the \$40 in monthly probation fees that she owed to Kane County. R104-05; *see* 730 ILCS 5/5-6-4(c) (burden is preponderance of evidence). That finding may be overturned “only if [it] is against the manifest weight of the evidence.” *Colon*, 225 Ill. 2d 125, 158 (2007). “In determining whether a judgment is contrary to the manifest weight of the evidence, the reviewing court views the evidence in the light most favorable to the appellee” and

draws all reasonable inference in the appellee's favor. *In re Marriage of Bates*, 212 Ill. 2d 489, 516 (2004). Thus, the trial court's finding is not against the manifest weight of the evidence unless the evidence, even when "viewed in the light most favorable to the [People], so overwhelmingly favors [defendant] that no other [finding] based on the evidence could stand." *Barth v. State Farm Fire & Cas. Co.*, 228 Ill. 2d 163, 177 (2008).

The trial court's finding that defendant violated probation by not paying the \$40 in monthly probation fees was not against the manifest weight of the evidence. One of the conditions of defendant's probation was that she pay the \$20 monthly probation fee. C68 (condition of probation that defendant "pay all court ordered fines, costs and fees"); C64 (order that defendant pay \$20 monthly probation fee); *see* 730 ILCS 5/5-6-3(i) (payment of monthly probation fee is "a condition of . . . probation"). Defendant conceded at the hearing that she had not paid these fees. R100. Therefore, the trial court's finding that defendant violated probation by not paying the fees was not against the manifest weight of the evidence.

The evidence was also sufficient to prove that defendant's nonpayment was willful. The evidence showed that defendant had not paid anything toward the \$40 that she owed had Kane County since February 2022, even though she had worked as a forklift driver earning between \$500 and \$530 per week until September 2023. R99-100. Viewing this evidence in the light most favorable to the People and drawing all reasonable inferences in their

favor, a rational factfinder could conclude that defendant had worked as a forklift driver making about \$500 per week for 19 months after she was placed on probation, and that her failure to pay anything at all toward her \$40 obligation to Kane County during that period demonstrated that her nonpayment was willful.

Defendant's arguments to the contrary turn the standard of review on its head, requiring that this Court draw inferences in her favor and against the People to reject the trial court's finding of willful nonpayment. For example, defendant speculates that she "may well have been living paycheck-to-paycheck to survive," such that she could not (rather than would not) pay anything toward the \$40 she owed over a nearly two-year period. Def. Br. 39-40.<sup>9</sup> But the record contains no evidence that this was the case, and the trial court was not compelled to draw that inference from the evidence that was presented. The only evidence regarding why defendant did not pay the \$40

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<sup>9</sup> In support of this argument, defendant relies on an extra-record federal guideline to assert that "her income for that year would have been below the poverty line for a family of three." Def. Br. 39. But defendant did not present that guideline in the trial court, and this Court has repeatedly reminded that the sufficiency of the evidence presented in the trial court turns on the evidence actually presented in the trial court. *See People v. Johnson*, 2026 IL 131337, ¶ 93 (review of sufficiency of evidence "must be limited to evidence actually admitted at trial, and judicial notice cannot be used to introduce new evidentiary material not considered by the fact finder during its deliberations" (quoting *People v. Cline*, 2022 IL 126383, ¶ 32)). Moreover, defendant neglects to mention that she was not supporting a household of three while on probation; after she pleaded guilty to committing domestic battery against her two children, they were adopted by her mother-in-law, Sup R21, and no longer lived with her, R101.

she owed was her testimony that she did not pay because she “lost [her] job” in September 2023, R99 — that is, that she *would* have been able to pay the \$40 had she *not* lost her job. That testimony supports the reasonable inference that she could have paid the \$40 *before* she lost her job but chose not to do so. And because that is the inference that supports the trial court’s factual finding, that is the inference that must be drawn on appeal. *In re Marriage of Bates*, 212 Ill. 2d at 516.

Here, defendant accepted the plea agreement, knowing that it required payment of a \$20 monthly probation fee. *See* Sup R11, 24. If she had been unable to pay \$20 per month at that time, she could have sought (and the court could have granted) a waiver of those fees. *See* Gen. Order 11-23 (Kane Cnty. Cir. Ct. Sept. 29, 2011), *available at* [cic.countyofkane.org/General%20Orders%20PDFs/GO-2011-2015/11-23.pdf](http://cic.countyofkane.org/General%20Orders%20PDFs/GO-2011-2015/11-23.pdf) (last visited June 29, 2026). She did not. Accordingly, she “cannot now argue [s]he was not financially able to pay [the fee] during the month immediately following [her] sentencing,” and her “[f]ailure to pay such a small amount when [she] ha[d] given every indication of the financial ability to do so [wa]s a strong indication of willfulness,” at least with respect to her failure to make that first payment. *People v. Clark*, 268 Ill. App. 3d 810, 815-16 (4th Dist. 1995). And willful nonpayment of a single month’s fee is sufficient to support finding of willful nonpayment of court-ordered fees. *Id.* at 816.

Accordingly, when viewed in the light most favorable to the People and with all reasonable inferences drawn in their favor, the evidence was sufficient to prove by a preponderance of the evidence that defendant's failure to pay the \$40 she owed to Kane County was willful.

### CONCLUSION

This Court should affirm the judgment of the appellate court.

June 29, 2026

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**RULE 341(c) CERTIFICATE OF COMPLIANCE**

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 10,633 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 June 29, 2026, the foregoing **Brief of Plaintiff-Appellee People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the Court's electronic filing system, which provided service to the following:

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