

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 251057-U

NO. 4-25-1057

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 17, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Winnebago County
JOHN T. FERENCE,	)	No. 22CF1789
Defendant-Appellant.	)	
	)	Honorable
	)	Brendan A. Maher,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held:* The appellate court affirmed defendant's sentence, finding the trial court did not exhibit judicial bias against defendant during probation revocation proceedings.

¶ 2 In March 2023, defendant, John T. Ference, pleaded guilty to one count of possession of burglary tools, a Class 4 felony (720 ILCS 5/19-2 (West 2022)), and one count of driving under the influence of drugs (DUI), a Class A misdemeanor (625 ILCS 5/11-501(a)(4) (West 2022)). The trial court sentenced defendant to 24 months' probation for possession of burglary tools and 24 months' court supervision for DUI, to run concurrently.

¶ 3 In October 2023, the State filed petitions to revoke defendant's probation and court supervision, alleging several violations since August 2023. In May 2025, defendant admitted the State's allegation he failed to report to adult probation on two occasions. In September 2025, the trial court resentenced defendant to four years in prison for possession of

burglary tools.

¶ 4 Defendant appeals, arguing the trial court exhibited judicial bias against him during his probation revocation proceedings and resentencing. We affirm.

¶ 5 I. BACKGROUND

¶ 6 In August 2022, defendant was indicted on four counts: possession of burglary tools (720 ILCS 5/19-2 (West 2022)) (count I), DUI (625 ILCS 5/11-501(a)(4) (West 2022)) (count II), illegal transportation of alcohol by a driver (*id.* § 11-502(a)) (count III), and driving with only one headlight (*id.* § 12-211(a)) (count IV). In March 2023, defendant pleaded guilty to possession of burglary tools and DUI. In exchange, the State dismissed counts III and IV.

¶ 7 The trial court heard the following factual basis for defendant's plea. On July 22, 2022, at approximately 1:15 a.m., defendant was stopped by the police for driving a sedan with the left headlight out. The police canine alerted for the probable presence of narcotics in defendant's vehicle. During a pat-down search of defendant, the police found a "chore boy" in his front pocket, a scrubbing pad "commonly used to consume crack cocaine." Defendant told the police he started smoking cocaine around midnight at a friend's house. During a search of the vehicle, the police found drug paraphernalia, and "several shards of a white rock substance" on the floorboards tested positive for the probable presence of cocaine. In the trunk of the vehicle, the police found tools "commonly used to commit burglaries," including bolt cutters, wire cutters, copper pieces, a DeWalt saw, and a sledgehammer. Defendant refused to submit to blood and urine testing. After displaying indicators of impairment on field sobriety tests, defendant was placed under arrest and Mirandized (see *Miranda v. Arizona*, 384 U.S. 436 (1966)). Defendant stated he knew "the type of tools to be burglary tools" and "understood about his criminal past." After proper admonishments, the court accepted defendant's plea, finding it was knowingly and

voluntarily entered.

¶ 8 Pursuant to the fully negotiated plea agreement, defendant was placed on 24 months' probation for possession of burglary tools and 24 months' court supervision for DUI, to run concurrently. The probation and court supervision orders were entered on March 6, 2023. The probation order required defendant to serve 180 days in jail, with 166 days of that time stayed and credit for 7 days served.

¶ 9 In October 2023, the State filed petitions to vacate defendant's probation and court supervision, alleging since August 2023, defendant had failed to report to probation on two occasions, tested positive for cocaine on five occasions, and failed to submit to random testing on four occasions. The State requested resentencing on both counts. At arraignment on the petitions, the trial court informed defendant of his rights and entered his denial of the allegations. The court set a status hearing for December 2023, where defendant would be represented by a new public defender. After defendant failed to appear at the status hearing, a bench warrant for his arrest was issued.

¶ 10 In November 2024, defendant was returned to the trial court on the bench warrant. In order to ensure defendant's future appearance, the court imposed the 166 days of jail time previously stayed in the probation order, to be served day-for-day. The court stated defendant would be released to probation after completing the jail time.

¶ 11 In December 2024, defense counsel informed the trial court the State had made a plea offer and requested a plea conference pursuant to Illinois Supreme Court Rule 402 (eff. July 1, 2012). Counsel indicated she had discussed the offer and conference with defendant. The court admonished defendant and he consented to the Rule 402 conference.

¶ 12 On December 13, 2024, when the Rule 402 conference was scheduled to be held,

defense counsel informed the trial court defendant wished to discharge her. Defendant stated counsel had “not fought for” him. Defendant argued he should be granted pretrial release and insisted the court could not impose jail time without a hearing on the State’s petition to vacate probation. Defense counsel indicated she had explained to defendant the previously stayed jail time “was imposed at the time of the plea.” The court agreed with defense counsel and declined to reconsider the imposed jail time. Defendant asked the court to dismiss his attorney and stated he would represent himself.

¶ 13 Before the trial court could fully admonish defendant on the decision to proceed *pro se*, defendant interrupted to ask about the hearing on the State’s petitions to vacate. Defendant insisted the hearing “should’ve been done” already. The court explained it was in defendant’s best interest not to “have that hearing *** the minute that [he] come[s] through the door” but instead allow his attorney to “try to work things out” before a prison sentence and “get a better resolution.” Defendant decided he would not waive counsel or discharge his defense counsel. Defense counsel advised defendant “to not talk anymore” because he was “saying things that could be used against” him. When defendant continued to interrupt, the court asked defendant, “[W]hat year did you graduate from law school?” After defendant called the court’s comment “disrespectful,” the court told defendant he was disrespecting his attorney, “who [was] trying to help” him. The court set the hearing on the State’s petitions to vacate defendant’s probation for December 16, 2024.

¶ 14 On December 16, 2024, defense counsel advised the trial court defendant had been accepted into a competitive seven-week manufacturing training program at Rock Valley College in collaboration with the jail, and the case was continued to February 2025. On February 3, 2025, the parties reported defendant had successfully completed the program. At the request of

the parties, defendant was released to probation that day.

¶ 15 In May 2025, defendant admitted the first allegation in the State’s petition to vacate his probation on the possession of burglary tools, admitting he failed to report to adult probation on August 25, 2023, and September 6, 2023. The case was continued for the presentence investigation report to be completed.

¶ 16 On September 26, 2025, the case proceeded to resentencing on the charge of possession of burglary tools. The trial court sentenced defendant to four years in prison, consistent with the State’s recommendation. The record on appeal indicates defendant was not resentenced on the charge of DUI, and no postsentencing motions were filed.

¶ 17 This appeal followed.

¶ 18 II. ANALYSIS

¶ 19 On appeal, defendant argues the trial court exhibited judicial bias during his probation revocation proceedings and resentencing. Defendant concedes he forfeited this issue but asks this court to review his claim under the plain error doctrine. See Ill. S. Ct. R. 615(a) (eff. Jan. 1, 1967).

¶ 20 The plain error doctrine provides a narrow and limited exception to the general rule of forfeiture. *People v. Hillier*, 237 Ill. 2d 539, 545 (2010). To establish plain error, a defendant must first show a clear or obvious error occurred. *People v. Reese*, 2017 IL 120011, ¶ 60. If there was error, the defendant must then show either (1) “ ‘the evidence [was] so closely balanced that the error alone threatened to tip the scales of justice against the defendant, regardless of the seriousness of the error’ ” or (2) the “ ‘error [was] so serious that it affected the fairness of the defendant’s trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence.’ ” *Id.* (quoting *People v. Piatkowski*, 225 Ill. 2d 551, 565 (2007)).

Defendant asks us to review this claim for second-prong plain error. We first determine whether a clear or obvious error occurred. *Id.*

¶ 21 “A sentencing hearing is fundamentally unfair when the proceeding is affected by judicial bias. [Citation.] Trial judges are presumed to be impartial, and the party claiming bias bears the burden of overcoming this presumption.” *People v. Montgomery*, 2023 IL App (3d) 200389, ¶ 28. To prove judicial bias, the defendant must show the sentencing court exhibited “active personal animosity, hostility, ill will, or distrust toward the defendant.” (Internal quotation marks omitted.) *People v. Fisher*, 2023 IL App (4th) 220717, ¶ 31. We review *de novo* whether a trial court improperly exhibited judicial bias. *Id.*

¶ 22 Defendant contends the trial court exhibited judicial bias at the December 13, 2024, hearing where the court’s comments displayed “ongoing animosity” toward him and interfered with his right to proceed *pro se*. He argues his resentencing hearing in September 2025 “can only be viewed through the lens of the bias and unwarranted animosity shown toward [him] at the earlier proceedings in December of 2024.” In support of his arguments, defendant cites *Fisher* and *Montgomery*.

¶ 23 In *Fisher*, the trial judge made numerous disparaging remarks toward the defendant regarding the defendant’s behavior in jail, the defendant’s intellectual ability, and the fact the defendant had fathered many children. *Id.* ¶¶ 36-39. This court remanded for resentencing, finding the trial judge’s “remarks toward [the] defendant, [when] taken together, constitute a *tour de force* of sarcasm and scorn establishing the trial court’s prejudice against [the] defendant.” *Id.* ¶ 40.

¶ 24 In *Montgomery*, the trial judge “failed to hide its animosity toward [the] defendant” when, over the course of sentencing, the judge made “alarming remarks” about the

defendant and suggested he “would have killed [the] defendant” if he was at the crime scene. *Montgomery*, 2023 IL App (3d) 200389, ¶ 32. The appellate court remanded for resentencing, finding the trial court’s comments clearly demonstrated judicial bias. *Id.* ¶¶ 32-33.

¶ 25 “Allegations of judicial bias must be viewed in context and should be evaluated in terms of the trial judge’s specific reaction to the events taking place.” *People v. Jackson*, 205 Ill. 2d 247, 277 (2001). After reviewing the record, we find the trial court remained unbiased during these proceedings. None of the court’s statements displayed “active personal animosity, hostility, ill will, or distrust toward the defendant.” (Internal quotation marks omitted.) *Fisher*, 2023 IL App (4th) 220717, ¶ 31. Unlike the trial judges in *Fisher* and *Montgomery*, the judge’s comments in the present case focused on the nature of the offense and did not make disparaging personal attacks against defendant. The judge’s remarks throughout these proceedings stressed defendant’s failure to comply with probation and the consequences of his actions. When defendant continued to interrupt the court, despite a warning from defense counsel, the court asked defendant if he went to “law school” and pointed out he was disrespecting his attorney. In the context of the judge’s specific reactions to the events taking place, these statements do not demonstrate judicial bias. See *People v. Urdiales*, 225 Ill. 2d 354, 426 (2007) (“The fact that a judge displays displeasure or irritation with [a defendant’s] behavior is not necessarily evidence of judicial bias against the defendant.”).

¶ 26 Defendant argues the trial court’s comments discouraged his “expressed wishes” to proceed *pro se* and to proceed immediately on the State’s petitions to vacate his probation. In support of his argument defendant cites *People v. Vaughn*, 354 Ill. App. 3d 917 (2004). As *Vaughn* concerns a defendant’s decision to testify, however, it is inapplicable to the case *sub judice*. Instead, we note it was within the court’s discretion to warn defendant that

proceeding *pro se* would be unwise under the circumstances. See *People v. Foster*, 391 Ill. App. 3d 487, 493 (2009) (“[A]lthough a defendant has the constitutional right to self-representation, a trial court has the discretion to admonish him that such a course of action is ‘universally viewed as unwise.’ ”). We also note the court granted defendant’s wish to proceed immediately on the State’s petitions when it set the probation hearing for December 16, 2024.

¶ 27 Our review of the record confirms the trial court did not interfere with defendant’s right to proceed *pro se*. After defendant stated he wished to represent himself, the court was prepared to give admonishments and “get that done first.” Defendant interrupted to ask about the probation hearing. Later, the court asked defendant again if he wished to waive counsel. The court stressed to defendant, “It’s up to you. *** I need to go through [the petition] with you ***. So what do you want to do?” Defendant decided he would not waive counsel.

¶ 28 Finally, defendant argues his four-year sentence is reflective of judicial bias where he committed no further violations of his probation after serving his stayed jail sentence. On appeal, defendant has not raised any claim the trial court failed to consider factors or considered improper factors at sentencing. By arguing the trial court overlooked his late improvements on probation, defendant is essentially asking this court to rebalance the mitigating and aggravating factors and substitute our judgment for the judgment of the trial court, which we cannot and will not do. See *People v. Alexander*, 239 Ill. 2d 205, 214-15 (2010).

¶ 29 Ultimately, we conclude the trial court did not exhibit judicial bias toward defendant. Because we find no clear or obvious error, a plain error analysis is unnecessary. See *People v. Bliefnick*, 2024 IL App (4th) 230707, ¶ 286 (stating “without error, there can be no plain error”). Accordingly, remand for a new sentencing hearing is unwarranted.

¶ 30

III. CONCLUSION

¶ 31 For the reasons stated, we affirm the trial court's judgment.

¶ 32 Affirmed.