

No. 131820

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF
ILLINOIS,

Plaintiff-Appellee,

v.

MATTHEW LUCHINS,

Defendant-Appellant.

) Appeal from the Appellate Court of
) Illinois, First District,
) No. 1-22-1604

)
) There on Appeal from the Circuit
) Court of Cook County,
) Criminal Division,
) No. 18-CR-60185

)
) The Honorable
) James Michael Obbish,
) Judge Presiding.

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

KWAME RAOUL
Attorney General of Illinois

JANE ELINOR NOTZ
Solicitor General

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

MICHAEL L. CEBULA
Assistant Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(773) 590-6952
eserve.criminalappeals@ilag.gov

*Counsel for Plaintiff-Appellee
People of the State of Illinois*

ORAL ARGUMENT REQUESTED

E-FILED
4/21/2026 11:34
CYNTHIA A. GRANT
SUPREME COURT CLERK

TABLE OF CONTENTS

	Page(s)
NATURE OF THE CASE	1
ISSUES PRESENTED	1
JURISDICTION	2
STATEMENT OF FACTS	2
A. Defendant's Hospital Examination	2
B. Examination by Dr. Brian Curran	3
C. Reports Submitted by Defendant's Retained Experts	3
D. The People's Motion in Limine to Preclude Defendant from Raising an Involuntary Intoxication Defense	9
E. Defendant's Trial	11
1. The People's case	12
2. Defendant's case	14
3. Closing arguments and the verdict	19
4. Defendant's sentence and evidence of a psychotic break in jail	20
F. Defendant's Direct Appeal	22

POINTS AND AUTHORITIES

STANDARD OF REVIEW	22
ARGUMENT	22
<i>People v. Hari</i> , 218 Ill. 2d 275 (2006)	23
<i>People v. Neeley</i> , 2025 IL App (4th) 241290-U	23
720 ILCS 5/6-3	23

I. The Lower Courts Are Correct That Defendant Is Precluded as a Matter of Law from Raising an Involuntary Intoxication Defense.	25
A. Under the plain language of section 6-3, defendant may not raise an involuntary intoxication defense because he voluntarily ingested an illegal cannabis edible to become intoxicated.	25
<i>People v. Grayer</i> , 2023 IL 128871	25
<i>People v. Hari</i> , 218 Ill. 2d 275 (2006)	25
720 ILCS 5/6-3	25
B. Defendant’s speculation that the edible may have been laced with another drug does not entitle him to raise an involuntary intoxication defense.	26
<i>People v. Blair</i> , 215 Ill. 2d 427 (2005)	27-28
<i>People v. Brown</i> , 2020 IL 124100	28
<i>People v. Carlson</i> , 2016 IL 120544	27
<i>People v. Gutman</i> , 2011 IL 110338	28
<i>People v. Hanna</i> , 207 Ill. 2d 486 (2003)	28
Ill. Sup. Ct. R. 341	27
1. Defendant’s interpretation of section 6-3 is contrary to the plain and ordinary meaning of involuntary intoxication, has been repeatedly rejected, and is at odds with the legislative purpose of section 6-3.	28
<i>People v. Davis</i> , 2017 IL App (1st) 150134-U	33
<i>People v. Gallego</i> , 52 Cal. 3d 115 (Cal. 1990)	31
<i>People v. Hari</i> , 218 Ill. 2d 275 (2006)	33
<i>People v. McMillan</i> , 2011 IL App (1st) 100366	33
<i>People v. Sroga</i> , 2022 IL 126978	34
<i>People v. Velez</i> , 175 Cal. App. 3d 785 (Cal. Ct. App. 1985)	31

<i>State v. Hudson</i> , 643 S.W.3d 679 (Mo. Ct. App. 2022)	31
<i>State v. McClenton</i> , 781 N.W.2d 181 (Minn. Ct. App. 2010)	31
<i>State v. Tussing</i> , 2024-Ohio-5757 (Ohio Ct. App. 2024)	32
<i>United States v. Antonelli</i> , No. 05 C 1195, 2006 WL 1049616 (N.D. Ill. Apr. 19, 2006)	32
<i>United States v. Bindley</i> , 157 F.3d 1235 (10th Cir. 1998)	29-31
<i>Wilkerson v. State</i> , 338 A.3d 477 (Del. 2025)	31-32
2. Defendant’s authority does not support his claim that he was involuntarily intoxicated.	37
<i>People v. Brumfield</i> , 72 Ill. App. 3d 107 (5th Dist. 1979)	38-39
<i>People v. Hari</i> , 218 Ill. 2d 275 (2006)	37-38
<i>People v. McMillan</i> , 2011 IL App (1st) 100366	39
<i>People v. Mion</i> , 2026 CO 5 (Col. 2026)	39-40
3. Defendant’s interpretation of section 6-3 is unworkable and would lead to unjust and absurd results.....	41
<i>People v. Gutman</i> , 2011 IL 110338.....	41
<i>People v. Mion</i> , 2026 CO 5 (Col. 2026)	41
II. Any Error in Not Allowing Defendant to Raise the Affirmative Defense of Involuntary Intoxication Is Harmless.	44
<i>People v. Jackson</i> , 2020 IL 124112	52
<i>People v. Newton</i> , 2018 IL 122958.....	52
<i>People v. Salamon</i> , 2022 IL 125722	44
CONCLUSION	53
RULE 341(c) CERTIFICATE OF COMPLIANCE	
CERTIFICATE OF FILING AND SERVICE	

NATURE OF THE CASE

In 2018, defendant stabbed his father to death. Defendant admitted that shortly before killing his father, he had voluntarily (and illegally) ingested cannabis for the purpose of getting high. Before trial, defendant gave notice of his intent to raise an involuntary intoxication defense based on his speculation that the cannabis he voluntarily consumed may have been secretly laced with another drug. The trial court held that, as a matter of law, defendant could not assert an involuntary intoxication defense because he voluntarily ingested the illegal cannabis. Following a bench trial, defendant was convicted of second degree murder. Defendant appeals the appellate court's judgment, which affirmed his conviction and held that, as a matter of law, he could not raise an involuntary intoxication defense on these facts. No issue is raised on the pleadings.

ISSUES PRESENTED

1. Whether a defendant is precluded as a matter of law from raising an involuntary intoxication defense where the defendant admits that he voluntarily took an illegal drug with the intent to become intoxicated but speculates that the drug may have been secretly laced with another drug.
2. Whether, if the lower courts erred by holding that defendant's involuntary intoxication theory was not viable as a matter of law, that error was harmless because the evidence does not show that the drug defendant voluntarily consumed had been secretly laced with another drug.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315 and 612(b)(2). This Court allowed defendant leave to appeal on September 24, 2025.

STATEMENT OF FACTS

In 2018, defendant (then 26 years old) lived with his father (a 69-year-old psychiatrist) and his mother (a 69-year-old physician) in their Chicago apartment. R252-53, 278-79 Supp2CI5.¹ One night in May 2018, defendant went to a music festival where he admittedly and voluntarily used illegal drugs. R388-96. Upon returning home, defendant behaved erratically and stabbed his father to death in front of his mother. R398-447. Defendant cooperated with police during his arrest at the scene of the murder because he “knew that what [he] had just done was wrong.” R454. He was charged with first degree murder. C24-29.

A. Defendant’s Hospital Examination

Following his arrest on the night of the murder, defendant was taken to the hospital for treatment of cuts on his hands. R336. He told the treating physicians that he had “smoked” “something he thought was marijuana” that he “bought from a friend.” Supp2CI22. Defendant tested positive for the use of cannabis, but negative for alcohol, cocaine, barbiturates, benzodiazepines, opiates, and phencyclidine (PCP). Supp2CI23; R511-13.

¹ “C_,” “CI_,” and “Supp2CI_” refer to the common law record, impounded record, and second supplemental impounded record; “R_” refers to the report of proceedings; “Def. Br. _” and “A_” refer to defendant’s opening brief and appendix.

B. Examination by Dr. Brian Curran

Anticipating the defenses that defendant might raise at trial, the People requested that defendant be evaluated for his “ability to appreciate the nature of the offense at the time” he killed his father. R82. The court granted that motion, and Dr. Brian Curran interviewed defendant twice, reviewed other evidence, and concluded that defendant “was legally sane at the time of the alleged offense” and “was not suffering from a mental disease or defect which would have caused [him] to lack substantial capacity to appreciate the criminality of his conduct.” CI36.

C. Reports Submitted by Defendant’s Retained Experts

Before trial, defendant gave notice that he intended to raise the affirmative defense of “intoxicated or drugged condition (720 ILCS 5/6-3),” *i.e.*, that he was legally innocent of his father’s murder because he was involuntarily intoxicated. CI7. In support, defendant submitted reports from Dr. Stafford Henry and Dr. Stephen Dinwiddie. CI9-24; Supp2CI4-28. Although defendant’s toxicology screen did not show that he had consumed any drug other than cannabis, Henry and Dinwiddie opined that it was possible that the cannabis defendant ingested may have been laced with another drug, such as ketamine (though they were uncertain of precisely what drug that might be). CI18-24; Supp2CI23-28.

According to Dr. Henry’s report, defendant said he had used cannabis “150 to 200 times” in his life, beginning at age 16. CI12. Defendant also told Henry that in “adolescence” he stopped being the “golden child,” did not do as

well academically, and “acted out.” CI10-11. He dealt with depression in college and, after graduating in 2014, he “felt adrift.” CI11. After graduation, defendant went to work in India, which was “a total and utter failure.” *Id.* One night in India, while under the influence of cannabis, he “started to write his father’s eulogy,” though his father was not dying. *Id.* In 2016, defendant returned to Illinois and accepted a paralegal position, the job he held when he killed his father. *Id.*

Defendant told Dr. Henry that “the period preceding his father’s death was both eventful and tumultuous.” *Id.* A “romantic relationship” ended, two “very good friends” left the area, and his dog died; defendant was accepted by some law schools, but rejected by others, and he was “not thrilled about law in the future.” CI11-12. He also was unhappy at work because his employers were not “supportive”; overall, he felt he was in a “slump.” CI12.

Defendant also told Dr. Henry that “significant events” involving his housekey occurred “in the timeframe immediately preceding the crime.” *Id.* According to defendant, he had lost his housekey some time before his father’s death and could not find it despite an extensive search; then, one day, the key “inexplicably” appeared on his desk. *Id.* Defendant attributed its reappearance to some unexplained and “unknown intervention.” *Id.*

Defendant told Dr. Henry that on the night he killed his father, he went to a music festival with his friend Isaac and Isaac’s girlfriend. CI12-13. At the festival, he ate a piece of a cannabis edible (a cookie containing

cannabis) that Isaac brought to the concert. CI13. The edible appeared to be homemade and, typically, Isaac would make the edibles. *Id.* Isaac warned defendant that the edible “was strong”; after eating the initial piece, defendant consumed a larger piece 20 to 40 minutes later. *Id.*

Around 9:00 p.m., defendant began to feel “a normal cannabis high.” *Id.* At 10:00 p.m., he left the concert and went home to the apartment where he lived with his parents. *Id.* At the apartment, he was “in an altered, confused, and distressed state” and had difficulty talking. *Id.* He could see “a flow of energy from [his] parents’ bed” and felt like every breath he took made his parents “age and caused them detriment.” *Id.*

Defendant woke his father and said, “I should have been a doctor.” *Id.* His father “sarcastically” told defendant’s mother, “I think our son is under the influence of a substance.” *Id.* His parents took defendant to the kitchen and tried to get him to drink water, then escorted him to his bed and brought him a stuffed animal “to comfort him.” CI14-15. After his parents went back to bed, defendant got out of bed and started pacing in the dining room; from there, he could see the knife block in the kitchen and believed he saw “a light shining on the knife.” CI15. Defendant told Dr. Henry, “A resolution hits. I know what I have to do.” *Id.*

Defendant “repeatedly approached the knife” and backed away. *Id.* Defendant told Dr. Henry that when he looked at the knife, “I realized that that was the answer. As I see the knife, it tells me what I need to do. The

knife and the killing of my dad go together.” *Id.* Defendant “attempted to resist [those ideas] and although the pull toward the knife and desire for resolution by killing his father was strong, tormented and in conflict, he continued to resist these feelings and continued to pace.” *Id.*

Then, defendant “suddenly thought of his missing housekey and how it had without explanation, reappeared.” *Id.* He went to his bedroom and was unable to locate his key which confirmed to defendant that “this is real and needs to happen.” *Id.* Defendant told Dr. Henry, “Although the rational side of my brain was present and I knew that this was horrific and wrong, there was a more real and compelling side that I needed to kill my dad.” *Id.*

Defendant went back to the kitchen, grabbed a knife, then went to his father’s bedroom and began stabbing him. CI16. Defendant’s mother screamed, and defendant “realized” that he needed to have sex with his mother. *Id.* Defendant’s father tried to run away, but defendant was able to “catch[] up” with him and “repeatedly stabbed him.” *Id.* Defendant said, “I gave one final blow. I knew I sucked the life out of him.” *Id.*

Defendant told Dr. Henry that he then went to “retrieve” his mother, who was in the hallway of the apartment building; as he approached his mother, a neighbor intervened. *Id.* Defendant then returned to his parents’ bedroom and waited for his mother “so that they could consummate their relationship.” *Id.* Instead, police arrived, and defendant was arrested. *Id.*

Dr. Henry diagnosed defendant with “History of Major depressive disorder” and “Cannabis Use Disorder.” CI17. He opined that defendant killed his father due to “defendant’s substance-induced psychotic behavior” that was “a direct result of [defendant] having self-administered cannabis” that Henry believed was “likely” laced with “ketamine or another adulterant.” CI18. Dr. Henry stated that “substances of abuse” like cannabis and ketamine can alter the balance of neurotransmitters in the brain and cause “aberrant behavioral and perceptual changes.” CI21. Dr. Henry believed that the edible “likely” contained an “adulterant” of some kind (*i.e.*, was laced with another drug) because defendant self-reported that he previously used cannabis without any psychotic episodes. CI18, 21-22.

Dr. Dinwiddie’s report echoed much of Dr. Henry’s report regarding defendant’s background and his account of events leading to his father’s death, and included some additional information. Supp2CI4-23. Specifically, Dinwiddie noted that defendant’s mother reported that defendant’s father was “verbally abusive to the defendant due to jealousy.” Supp2CI6. Defendant’s mother also reported that defendant “engaged in unspecified animal cruelty” while in school. Supp2CI7. And Dinwiddie noted that there were reports that defendant may have been sexually abused by non-family members while growing up. Supp2CI6. Further, defendant had received psychotherapy during different periods of his life, beginning when he was around three years old, due to his occasionally “out of control” behavior in

school. *Id.* During that time, his mother said, “things were not great at home,” and she received phone calls “almost daily from the school.” Supp2C6, 11-14.

Defendant told Dr. Dinwiddie that he believed his housekey’s reappearance a few weeks before his father’s death was the result of “a ‘supernatural’ phenomenon” and said, “I believe in things like that”; defendant was aware that his mother instead believed that the family’s housekeeper had found the key and returned it to his desk. Supp2CI18-19.

Dr. Dinwiddie diagnosed defendant with (1) cannabis intoxication; (2) “Substance/Medication-Induced Psychotic Disorder”; (3) major depressive disorder; and (4) unspecified anxiety disorder. Supp2CI23-26.

Dinwiddie stated that the “acute onset of a true psychotic state in the context of recent cannabis use is well-known” though it is “apparently” rare. Supp2CI25. He further stated that “if it is found by the finder of fact that the ‘edible’ contained only cannabis, it would be my opinion that [defendant] was not in an involuntarily drugged condition.” Supp2CI27.

Yet, Dinwiddie believed that that the “presence of a second psychoactive substance” in the edible that defendant consumed “must be considered.” Supp2CI26. Based in part on defendant’s self-reported claim that his feelings on the night of his father’s death were “profoundly different from the many times he had previously used cannabis,” Dinwiddie stated his “hypothesis” that “these observations suggest the presence of a second

psychoactive substance” in the edible that defendant consumed (though Dinwiddie could not be certain what the second drug was, assuming there was a second drug). Supp2CI27-28.

D. The People’s Motion in Limine to Preclude Defendant from Raising an Involuntary Intoxication Defense

The People thereafter filed a motion in limine asking the trial court to preclude defendant from raising the affirmative defense of involuntary intoxication. C170-73. The motion argued that (1) defendant admitted that he ingested cannabis voluntarily, and (2) case law holds that if a defendant voluntarily ingests an illegal drug (like the edible defendant consumed), that defendant may not assert an involuntary intoxication defense even if that illegal drug was secretly laced with another illegal drug. *Id.* (collecting cases). As prosecutors explained, case law across the country holds that when a defendant voluntarily takes an illegal drug, it is a “user beware situation,” *i.e.*, the defendant assumes the risk that the illegal drug he voluntarily consumes may be laced with another illegal drug and cannot claim that he was involuntarily intoxicated due to the presence of the second illegal drug. R170-79; C171-72.

Defendant argued that he could raise the affirmative defense of involuntarily intoxication and also claim at trial that his intoxication, even if voluntary, was a mitigating factor that reduced his criminal liability to, at most, second degree murder. C176-95. During argument, defense counsel conceded that at trial, the factfinder might conclude that defendant’s experts

were not credible and that the evidence failed to show that the cannabis defendant ingested was laced with another illegal drug. R209-10.

The trial court ruled that defendant (1) could not raise the affirmative defense of involuntary intoxication but (2) could argue that his intoxication was a factor that mitigated his offense to second degree murder. R211-23. In announcing its ruling, the court began by noting that “[c]learly the law in the State of Illinois is that voluntary intoxication is not a defense” and it was undisputed that defendant “voluntarily ingested an intoxicating substance,” *i.e.*, cannabis. R213, 215. The court said, “When you take a substance voluntarily for the purpose of getting high, it just doesn’t seem reasonable to say that that’s involuntary, an involuntary occurrence.” R216.

The court acknowledged that defendant’s retained psychiatrists speculated, based on their conversations with defendant, that the edible he voluntarily consumed could have been laced with another illegal drug, such as ketamine; however, the court noted that “there is no evidence, specific evidence, that’s been suggested to the Court that exists out there, that anybody is going to be able to prove that ketamine or some similar substance was even present in the cannabis that the defendant consumed.” R219-20. Moreover, the court explained that even if the edible were laced with another illegal drug, as a matter of law defendant was not entitled to raise an involuntary intoxication defense because when someone chooses to use an

illegal drug, it is “buyer beware” and “you’re taking a risk” that it could be laced with another illegal drug. R216, 223.

Lastly, the court held that while defendant could not raise an involuntary intoxication defense (*i.e.*, he could not argue at trial that he was legally innocent of murder due to his ingestion of drugs), he could present evidence that his drug use caused him to have an unreasonable belief that he had to kill his father to protect himself and, therefore, was guilty of second degree murder, not first degree murder. R218-23; *see, e.g.*, R219 (stating that at trial defendant could present evidence as “to what he did in fact ingest” the night he killed his father because “the jury is going to be able to consider it on a second-degree murder”).

E. Defendant’s Trial

At defendant’s ensuing bench trial, the defense conceded that defendant killed his father and argued that he did so because defendant was in a “psychopathic” and “delusional” state caused by his ingestion of drugs — either the cannabis he voluntarily consumed or ketamine or another drug that could have been added to the edible — and thus he was at most guilty of second degree murder. R528-30. The prosecution argued that defendant was guilty of first degree murder because he stabbed his father to death while knowing his actions were wrong. R248-50, 523-28.

1. The People's case

Defendant's mother, Cathy Luchins, testified that in 2018, she lived in an apartment in Chicago with her 69-year-old husband, Dan Luchins, and defendant, their 26-year-old son. R252-53, 278-79. On the night in question, Cathy and Dan went to bed around midnight. R254-55. In the early morning hours, Cathy awoke to find defendant and Dan standing near her bed. R257. Dan told Cathy that defendant was "highly impaired"; she followed defendant and Dan into the dining room. R257-58.

Defendant was "agitated and jittery," so they tried to comfort him by bringing him a stuffed animal. R258-59. Defendant took his parents back to their room and tucked them into bed; shortly thereafter, Cathy got out of bed to keep an eye on defendant. R260-62. Defendant was wandering around the kitchen and staring at a block of knives. R264-68. At one point, he pulled a knife a few inches out of the block, then pushed it back and said, "no." R268.

Moments later, with "tremendous force," defendant grabbed a "big" knife and ran into the bedroom where Dan lay sleeping. R269-70. Defendant began stabbing Dan; Cathy tried to stop defendant, but he pushed and kicked her away, then continued stabbing his father. R271-72. Dan was able to get out of bed and run toward the kitchen, but defendant ran him down and continued stabbing him. R272-73. Cathy saw Dan's eyes "roll over," and he appeared to be dead. R273-74. She ran to the apartment building's hallway, screaming for help. R274.

Ian Jackson, one of the Luchins's neighbors, testified that he awoke around 2:30 a.m. because he heard the screaming in the hallway; he ran there and found Cathy, who was screaming and had blood on her neck and chest. R310-11. Jackson told his wife to call 911, then entered the Luchins's apartment because he heard Dan screaming inside. R312-13. As he neared the kitchen, he saw Dan on his back, covered in blood. R314-15.

Dan screamed as defendant stabbed him in the abdomen. R316. Defendant then stood up, moved to Dan's other side, and cut Dan's throat. R317. Jackson returned to the hallway; Dan stopped screaming; and Jackson heard defendant say, "it's done." R317-18. Defendant came out to the hallway moments later, covered in blood; he "suddenly" reached for Cathy, and Jackson pushed him away. R319-20. Defendant forcefully pushed Jackson back, then went inside the apartment. R320.

The responding officer, Sergeant Phillip Hooper of the Chicago Police Department, testified that he spoke with defendant's mother in the hallway, then entered the apartment. R332-34. He saw defendant inside, "covered in blood," and asked defendant to come to the hallway. R334-35. Defendant "cooperated" and came out with his hands behind his back; defendant continued to act "cooperatively" and was placed in handcuffs. R335. He then was taken to the hospital for treatment of cuts to his hands. R336.

The parties stipulated that the medical examiner who performed Dan's autopsy would testify that he observed numerous wounds all over Dan's body

including (1) two “gaping” stab wounds and other injuries to the head and neck; (2) two “gaping” stab wounds to the chest causing injury to the heart and left lung; (3) two “gaping” stab wounds to the abdomen causing injury to the liver and small intestines; (4) five “gaping” stab wounds to the back causing injury to the right lung and intestines; and (5) numerous other wounds, including incised wounds, contusions, and abrasions, all over Dan’s body. R358-75. The parties further stipulated that the medical examiner would testify that Dan’s cause of death was multiple stab wounds and the manner of death was homicide. R375.

2. Defendant’s case

Defendant testified that on the night he killed his father, his friend Isaac Miller invited him to a music festival at Soldier Field. R389. Miller told defendant he was “bringing one of [his] brownies,” which defendant knew meant that Isaac was bringing a homemade cannabis edible. R392.

When defendant arrived at Soldier Field around 8:00 p.m., Miller and his girlfriend, Mary, were already there. *Id.* They offered defendant the cannabis edible, and defendant ate a piece. *Id.* Defendant was “all in” on the idea of getting high. R423. After a “good amount of time” had passed, defendant was “feeling only the teeniest effect” from the edible, so he asked Mary for more. R394-95. Mary broke off another piece that was “two to three times larger” than the first piece, and defendant ate it. R395, 426. After

another 40 minutes, he started to feel the “common effects [he] associate[d] with marijuana,” which he described as “mild.” R395-96.

Around 10:00 p.m., the show ended, and defendant took an Uber home. R398. He had a “blackout” in the backseat during the ride. R399. When defendant arrived at his apartment building, he tried to greet the security guard but could not get the words out. *Id.*

Defendant rode the elevator to his floor and paced around the hallway for about 45 minutes. R401. He felt as though “each breath [he] took was like pulling energy out of” his parents and he could see them “getting frailer and more gray and sicker,” which was “extremely distressing.” R402. He entered the apartment, went to his parents’ bedroom, woke them, and said, “[D]ad, I should have been a doctor.” R403.

Defendant’s parents took him to the kitchen to get him some water. R404. Defendant then led his parents back to their bedroom and “tucked them into bed.” R405. His parents got out of bed, gave defendant a stuffed animal, and helped him get into his bed; after a short time, defendant got up and returned to the kitchen. R405-06.

In the kitchen, defendant saw a “ray of light” shining on a “big” knife in the knife block and had an “instantaneous realization” that he needed to stab his father. R407, 438. Defendant “kept away” from the knife because he “just knew this was not — this can’t be it, this can’t be right, something is very wrong, it’s got to work itself out.” R407. Defendant waited for the light

to go away because he “knew it was wrong” to kill his father; the “rational side” of his brain told him “that to do so would be horrific and wrong.” R439, 441-42.

Defendant continued pacing and then heard a voice ask, “where’s your key?” R408. This was significant to defendant because a few months earlier, he had lost his housekey and a “force” later made it reappear on his desk; during that time, he was considering law school, and defendant believed that the key’s reappearance was a message to him about school. R409. He had had similar “experiences in life” where it felt like he was “getting signs” telling him that “this is the right decision or the wrong decision.” R440.

Defendant believed that the force that made his key reappear was the same force that shone a light on the knife. R409. He continued to pace in front of the knife block, “just kind of hoping, praying that it will go away.” R410. Defendant pulled out the knife and looked at his mother, who had returned to the kitchen. *Id.* Defendant put the knife back in the block and felt “relief” because he knew it was wrong to stab his father. R410, 443. He was aware at the time that his thoughts were “not normal.” R444-45.

Then, “very suddenly,” a “blackness” came over defendant. R411. He started to think that the “force” that took his key and shined the light on the knife was “coming for” him and his mother. *Id.* Defendant grabbed the knife, rushed to his parents’ bedroom, and began stabbing his father because he

believed that if he did not kill his father, the “force” was going to kill him and his mother. R412, 419, 443.

Defendant stabbed his father “many” times, trying to “finish this.” R411-13, 449. After defendant killed his father, he “realiz[ed]” that he had to have sex with his mother, so he went out into the hallway to find her. R413. When he tried to reach for his mother, a neighbor stopped him, and at that moment, defendant realized that “everything that [he] thought was real was not.” *Id.* When the police arrived, he came out of the apartment with his hands behind his back. R418-19, 454. Defendant cooperated with police because he “knew that what [he] had just done was wrong.” R454.

Dr. Henry testified that he diagnosed defendant with cannabis use disorder. R508. Cannabis use disorder can affect cognitive function because cannabis has diverse effects on the brain, central nervous system, and peripheral nervous system. *Id.*

Henry opined that defendant was in “a psychotic delusional state” when he murdered his father. R486. “Psychotic” refers to symptoms such as “delusions, hallucinations, [and] paranoia” that are a “function of either a mood-altering substance or a function of psychiatric illness.” R473. Henry believed that “there was a direct causal nexus between the psychotic behavior depicted that evening and [defendant’s] self-administration of adulterated mood-altering substances.” R488. Henry thought that defendant’s behavior was caused by the “interaction of the THC” (a psychoactive and mood-altering

substance in cannabis) with an “adulterant” because “the idiosyncratic psychotic behavior” that defendant reported was characteristic of an adulterant that could cause a psychotic or delusional state of mind. R488, 492-93. Specifically, Henry “believe[d] ketamine or a ketamine-like substance was ingested” by defendant with the cannabis and caused him to become psychotic. R489

During cross-examination, Dr. Henry testified that the effects of the THC in cannabis can include the symptoms defendant said he experienced on the night he killed his father, such as memory loss, anxiety, impaired motor performance, hallucinations when taken in high doses, delusions, and paranoia (which is “very common”). R494-95. Henry also acknowledged that “there was a rational part” of defendant’s brain still operating on the night he killed his father, as illustrated by defendant’s initial resistance to grabbing the knife and harming his father. R506-07.

Dr. Henry also admitted that defendant’s toxicology screen on the night he killed his father showed that defendant tested negative for, among other things, alcohol, cocaine, barbiturates, benzodiazepines, opiates, and PCP. R511-13. Defendant tested positive only for cannabis. R513. Henry acknowledged that ketamine was not found in the toxicology screen; he stated that the toxicology screen did not test for ketamine because ketamine “is not commonly used” by individuals and a ketamine test is ordered only if the treating physician suspects the individual used ketamine. *Id.*

Dr. Henry conceded that he had previously opined, on behalf of a different defendant in another case, that “cannabis was sufficient” to cause someone “to have psychotic episodes.” R516. In that case, the defendant was charged with murder after stabbing someone to death; in a letter written on that defendant’s behalf, Henry had said that “mood-altering substances, specifically cannabis, likely played a role in the behavior for which [that defendant] was ultimately found guilty.” R517-18.

3. Closing arguments and verdict

Defense counsel argued in closing that defendant was guilty of second degree murder because he killed his father due to a mistaken belief in the need for self-defense caused by a “psychopathic” and “delusional” state brought on by his consumption of cannabis and/or ketamine. R528-30.

Prosecutors argued that defendant was guilty of first degree murder because (1) he stabbed his father to death despite knowing his actions were wrong; (2) defendant and Dr. Henry testified that part of defendant’s mind was thinking rationally when he killed his father; (3) there was no evidence besides defendant’s self-serving statements that he had been given ketamine; and (4) even by his own account, defendant did not think that his father was a threat, but rather that the “force” wanted him to kill his father. R523-28, 530-35.

The trial court ruled that the evidence of defendant’s guilt was “overwhelming.” R536, 542. It further stated that defendant’s “voluntary

ingestion” of cannabis in a homemade edible did not entitle him to claim that he had no culpability for the crime. R541. Defendant’s suggestion that the cannabis may have been laced with ketamine or another drug was unproven “speculation.” *Id.* And “whether or not ketamine was there, this was voluntary ingestion of cannabis” and if you ingest drugs that you did not obtain through “a legal purveyor,” then “you don’t have a right to rely on that. You don’t have a right to say, oh, it’s not my fault. I got bad weed.” *Id.* Because defendant voluntarily consumed illegal drugs, his actions could not be compared to those of someone who consumed a legal intoxicant, like alcohol, that another person had secretly laced with an illegal drug. R541-42.

Having found defendant guilty of murder, the court then held that defendant had an unreasonable belief in the need for self-defense that mitigated his offense to second degree murder. R542-43. The court found that “defendant’s testimony, bizarre as it is, unimaginable as it is” showed that he “believe[ed] that somehow he had to kill his father to save himself.” R539. The trial court therefore found defendant guilty of second degree murder. R542-43.

4. Defendant’s sentence and evidence of a psychotic break in jail

At sentencing, prosecutors presented evidence that while defendant was in jail, he had a “violent psychotic break” — which defendant said was caused by meditation, not drugs — in which he attempted suicide by bashing his head against a wall. R571-72. Defendant reported to doctors that during

that psychotic break, he felt an “evil presence” and had the urge to gouge out his eyes and bash his head against the wall. R572. Prosecutors argued that defendant’s psychotic break in jail, along with the violent nature of his offense, showed that he was “dangerous” because he was “prone to violent outbursts” that were not caused by drugs. *Id.* Defense counsel argued that defendant did not need to be incarcerated but rather needed “understanding” and “professional help,” including care of a psychiatrist and a “treatment plan.” R584-85.

In allocution, defendant said he never felt “burdened by guilt” for killing his father. R589. Defendant attributed his “absence” of feelings “of guilt” to the overwhelming feeling of “unconditional love” that “pour[ed] over” him when he killed his father. R589-90. Defendant stated that his father was able “to die with so much love and forgiveness” and defendant hoped to “honor that act” by sharing his love with “the world.” R590.

The trial court stated that defendant’s offense was “horrifically brutal” and “one of the more horrific homicide cases” it had ever seen. R595, 599. Although defendant tried to excuse his offense due to his drug use, the court said, it was merely “speculation” that drugs were to blame, and the court was not convinced that drugs were “the entire causation of the offense” because the defense had not “base[d] it on any scientific type of evidence.” R595-96.

The court further noted that defendant had had at least two psychotic breaks — when he stabbed his father to death and when he attempted

suicide in jail — and “it’s hard for [the court] to think that these were the only two situations” like that to have occurred in defendant’s life. R599-600. The court stated that defendant “needs to address what it was that triggered these events” so that he would not harm anyone else in the future. R600. The court sentenced defendant to 14 years in prison. R601.

F. Defendant’s Direct Appeal

On appeal, defendant claimed, in relevant part, that the trial court erred by ruling that he could not raise an involuntary intoxication defense, which argument the appellate court, in a 2-1 decision, rejected. A24-29 at ¶¶ 39-52. The majority concluded, as the trial court had, that under Illinois law a defendant may not assert an involuntary intoxication defense when he voluntarily took an illegal drug but contends that the drug was secretly laced with another illegal drug. *Id.* The dissent would have held that defendants can raise an involuntarily intoxication defense in such circumstances. A32-35 at ¶¶ 66-70 (Ocasio, J., dissenting).

STANDARD OF REVIEW

A trial court’s ruling on a motion in limine generally is reviewed for an abuse of discretion. *People v. Way*, 2017 IL 120023, ¶ 18. To the extent the trial court’s ruling turns in part on the interpretation of a statute, that portion of the ruling is reviewed de novo. *Id.*

ARGUMENT

This Court should affirm the appellate court’s judgment because defendant is precluded, as a matter of law, from raising an involuntary

intoxication defense because he voluntarily ingested an illegal drug. A defendant is entitled to raise an affirmative defense only if he presents evidence in support of a legally viable affirmative defense. *E.g., People v. Hari*, 218 Ill. 2d 275, 296-98 (2006). In turn, a trial court may grant a motion in limine to bar a defendant from raising an affirmative defense that is “unavailable as a matter of law.” *E.g., People v. Neeley*, 2025 IL App (4th) 241290-U, ¶¶ 23-25 (collecting cases).

Illinois law provides that voluntary intoxication is not a legally viable affirmative defense. Specifically, section 6-3 of the Criminal Code provides that a person who is “in an intoxicated or drugged condition” is responsible for his resulting criminal conduct “unless such condition is involuntarily produced” and prevents him from following the law. 720 ILCS 5/6-3.

In this case, it is undisputed that defendant voluntarily consumed an illegal drug with the intent to become intoxicated. In arguing that he nevertheless had a legally viable involuntary intoxication defense because the illegal cannabis edible he voluntarily consumed *may* have been secretly laced with another drug, defendant asks this Court to establish new law holding that (1) when a defendant voluntarily consumes an illegal drug with the intent to become intoxicated, he has the right to assume that the illegal drug is not laced with any other drugs; (2) thus, if a defendant voluntarily consumes an illegal drug with the intent to become intoxicated, but that drug is laced with another illegal drug, the defendant is “involuntarily intoxicated”

and legally innocent of any resulting crimes, including murder; and (3) accordingly, if a defendant consumed an illegal drug before committing a crime, and claims that the drug may have been secretly laced with another drug, prosecutors must prove beyond a reasonable doubt that that the illegal drug the defendant consumed was “pure” and did not contain an “adulterant,” *i.e.*, it was not laced with any other drug. Def. Br. 18-27.

Defendant’s arguments are contrary to the plain language of section 6-3. They would also lead to absurd and unjust results that the General Assembly did not intend and they have been rejected by courts across the country when applying similar statutes. Simply put, a defendant who *voluntarily* ingests an illegal drug to become intoxicated is not “involuntarily intoxicated” — and, thus, may not raise an involuntary intoxication defense — even if he claims that the illegal drug he voluntarily ingested was secretly laced with another drug. The trial and appellate courts below therefore were correct when they held that, as a matter of law, defendant was precluded from raising an involuntary intoxication defense.

Moreover, even if the lower courts erred by ruling that defendant was precluded as a matter of law from arguing that he was involuntarily intoxicated, that error was harmless. At defendant’s bench trial, the judge ruled that defendant would be permitted to present evidence that the edible was secretly laced with another drug, but the evidence failed to show that the edible contained an adulterant.

I. The Lower Courts Are Correct That Defendant Is Precluded as a Matter of Law from Raising an Involuntary Intoxication Defense.

A. Under the plain language of section 6-3, defendant may not raise an involuntary intoxication defense because he voluntarily ingested an illegal cannabis edible to become intoxicated.

The lower courts are correct that, under the plain language of section 6-3, defendant may not raise an involuntary intoxication defense because it is undisputed that he voluntarily ingested a drug (the illegal cannabis edible) with the intent to become intoxicated. R213-26; A24-29 at ¶¶ 39-52.

Section 6-3 states,

A person who is in an intoxicated or drugged condition is criminally responsible for conduct *unless such condition is involuntarily produced* and deprives him of substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.

720 ILCS 5/6-3 (emphasis added). Thus, under “the plain and unambiguous language of section 6-3,” a defendant’s “state of intoxication can be relied on as an affirmative defense only if it is involuntarily produced.” *People v. Grayer*, 2023 IL 128871, ¶ 22. And “involuntary” means the condition did not result from the exercise of a defendant’s “will,” did not result from a defendant’s “free and unrestrained choice,” and was not within a defendant’s “control.” *Hari*, 218 Ill. 2d at 292-93.

In this case, defendant has repeatedly stated that he “made a conscious decision to consume a cannabis edible” to get high, *i.e.*, he freely and voluntarily chose to ingest an illegal drug to put himself in an

intoxicated and drugged condition. *E.g.*, Def. Br. 19; *see also, e.g.*, R392-95, 423 (defendant testifying that he consumed the edible because he was “all in” on the idea of getting high on the night he killed his father). Therefore, defendant’s “drugged or intoxicated condition” was not “involuntarily produced” — rather, defendant *intended* to become intoxicated.

Moreover, defendant’s own experts confirmed that cannabis can cause a high level of intoxication that can include violent, psychotic episodes. Specifically, Dr. Dinwiddie stated that it is “well-known” that cannabis can cause “acute onset of a true psychotic state.” Supp2CI25. And Dr. Henry likewise testified that cannabis can cause hallucinations, delusions, and psychosis. R493-95, 516-18. Indeed, Henry testified that he opined in another case (in which a different defendant was charged with stabbing someone to death) that cannabis can cause someone “to have psychotic episodes” and that the defendant’s cannabis use in that case “likely played a role” in his offenses. R516-18.

Accordingly, because it is undisputed that defendant voluntarily consumed an intoxicating drug with the intent to become intoxicated, he was properly precluded under the plain language of section 6-3 from raising an involuntary intoxication defense.

B. Defendant’s speculation that the edible may have been laced with another drug does not entitle him to raise an involuntary intoxication defense.

It is irrelevant whether the illegal cannabis that defendant voluntarily consumed may have been laced with another illegal drug. Defendant does

not dispute that he voluntarily ingested a cannabis edible on the night he killed his father nor does he dispute the appellate court’s observation that his “possession and usage” of the homemade cannabis edible was “illegal.” Def. Br. 18-27; A28 at ¶¶ 50-51; *see also* Ill. Sup. Ct. R. 341(h)(7) (arguments not raised in opening brief are forfeited). Defendant’s contention that his intoxication was involuntary because the edible “contained an adulterant — likely ketamine, bath salts [an illegal synthetic drug], or something similar,” Def. Br. 23, misses the mark both factually and legally. First, as a factual matter (and as defendant’s inability to identify the alleged possible adulterant suggests), the evidence does *not* affirmatively show that the cannabis edible was laced with another drug. *See* Section II, *infra*. But this Court need not reach that factual issue because the lower courts are correct that, even if the edible he voluntarily consumed contained an adulterant, defendant is precluded as a matter of law from raising an involuntarily intoxication defense under section 6-3.

Both the plain language and legislative purpose of section 6-3 dictate that a defendant who voluntarily consumes illegal drugs with the intent to become intoxicated cannot raise an involuntary intoxication defense, even if the drugs contain a second illegal substance of which defendant is unaware. When interpreting a statute, courts “must give the language its plain and ordinary meaning.” *People v. Carlson*, 2016 IL 120544, ¶ 17. Moreover, courts “may properly consider not only the language of the statute, but also

the purpose and the necessity for the law, evils sought to be remedied, and goals to be achieved.” *People v. Blair*, 215 Ill. 2d 427, 443 (2005) (cited at Def. Br. 18). As defendant’s authority holds, it is a well-recognized “rule” that conduct “may be within the letter of the statute and yet not within the statute, because [it is] not within its spirit, nor within the intention of its makers.” *People v. Hanna*, 207 Ill. 2d 486, 498 (2003) (cited at Def. Br. 24). Therefore, courts must consider “the consequences of construing the law one way or another,” with the knowledge that the legislature does not intend to create laws that lead to “absurd” or “unjust” results. *E.g.*, *People v. Brown*, 2020 IL 124100, ¶ 30; *People v. Gutman*, 2011 IL 110338, ¶ 12 (same).

Defendant’s interpretation of section 6-3 — which would allow defendants who *voluntarily* consume illegal drugs with the intent to become intoxicated to raise an *involuntary* intoxication defense — is contrary to the plain and ordinary meaning of “involuntary,” has been rejected by courts across the country, and would lead to absurd and unjust results contrary to the legislature’s intent.

- 1. Defendant’s interpretation of section 6-3 is contrary to the plain and ordinary meaning of involuntary intoxication, has been repeatedly rejected, and is at odds with the legislative purpose of section 6-3.**

Contrary to defendant’s argument, *see* Def. Br. 19-27, intoxication is not “involuntary” when a person voluntarily uses illegal drugs to become intoxicated, even if the person is not told precisely what illegal drugs he is taking. Defendant’s claim that his intoxication was “involuntary” even

though he “made a conscious decision to consume” an illegal cannabis edible for the purpose of becoming intoxicated simply because he “was told it was ‘strong cannabis,’ not that it contained an entirely different intoxicant,” *id.*, cannot withstand scrutiny in light of the plain language of section 6-3 and the ordinary meaning of “involuntary.” *Supra* pp. 25-26.

Indeed, defendant identifies nothing in the plain language of section 6-3 or the commonly understood meaning of “involuntary intoxication” that could support an understanding that a defendant who *voluntarily* consumes an illegal drug with the intent to get high is *involuntarily* intoxicated. It is therefore unsurprising that state and federal courts across the country have consistently rejected the exact claim defendant raises in this case.

Specifically, courts consistently have held that a defendant who voluntarily uses illegal drugs is not “involuntarily intoxicated,” even if that illegal drug was secretly laced with another drug, because such a defendant (1) necessarily takes the risk that the illegal drug he voluntarily ingests may be laced with another drug; and (2) made a conscious choice to use an illegal drug for the purpose of becoming intoxicated, so the exact drug that caused his intoxication is irrelevant. *See, e.g., United States v. Bindley*, 157 F.3d 1235, 1242-43 (10th Cir. 1998).

As in this case, the defendant in *Bindley* claimed that he was involuntarily intoxicated, and thus legally innocent of his offenses, because the marijuana he illegally smoked was secretly laced with another drug. *Id.*

The Tenth Circuit Court of Appeals noted that the involuntary intoxication defense has been permitted in four circumstances: (1) where the defendant's intoxication was caused by the fault of another (such as through force or trickery); (2) where the intoxication was caused by an innocent mistake; (3) where the defendant unknowingly suffers from a condition that makes him abnormally susceptible to a legal intoxicant; and (4) where unexpected intoxication results from prescribed medication. *Id.* at 1242. The Tenth Circuit reasoned that “a key component” of the involuntary intoxication defense “is lack of culpability on the part of the defendant in causing the intoxication.” *Id.* It followed, therefore, that courts had repeatedly rejected the use of an involuntary intoxication defense in a circumstance, like *Bindley*'s, where a defendant voluntarily consumes an illegal drug but then claims that that illegal drug was secretly laced with another drug. *Id.* at 1242-43 (collecting cases). The Tenth Circuit found that it was “not surprising” that the defendant “cited no cases, and our research has produced none, in which the [involuntary intoxication] defense has been recognized where a defendant has knowingly ingested an illegal substance.” *Id.*

As in *Bindley*, defendant's voluntary consumption of an illegal drug for the purpose of becoming intoxicated does not excuse his criminal conduct. The *Bindley* Court explained that because it was undisputed that the defendant voluntarily used an illegal drug, “the conduct that resulted in [his] intoxication” was “not innocent.” *Id.* at 1243. And, perhaps most

importantly, because illegal drugs are not subject to governmental standards to ensure “the purity” of the drug, the defendant “had no right to assume the marijuana cigarette, which he knew to be an illegal substance, was not laced with an adulterant.” *Id.* Accordingly, the defendant could not raise an involuntary intoxication defense because “by voluntarily choosing to smoke the marijuana cigarette, any resulting intoxication (whatever that may have been) was likewise voluntary.” *Id.* So, too, here.²

Similarly, courts have held that a defendant cannot raise an involuntarily intoxication defense where the defendant thought he was taking one illegal drug to become intoxicated but in fact was ingesting a different illegal drug. *See, e.g., Wilkerson v. State*, 338 A.3d 477, 488 (Del. 2025). The defendant in *Wilkerson* claimed he was involuntarily intoxicated

² Other courts likewise have held that defendants who voluntarily use illegal drugs cannot raise an involuntary intoxication defense, even if the drug was secretly laced with another drug, because such persons necessarily intended to become intoxicated and take the risk that the illegal drug is not pure and might be laced with another drug. *E.g., State v. Hudson*, 643 S.W.3d 679, 688-689 (Mo. Ct. App. 2022) (because illegal drugs, which are not purchased from “a state-regulated dispensary,” “frequently” are “not the substance they purport to be or are contaminated with other substances,” defendant had “no right to assume that a marijuana cigarette furnished to him by others at a social gathering will not contain” other illegal drugs) (collecting cases); *State v. McClenton*, 781 N.W.2d 181, 192 (Minn. Ct. App. 2010) (defendant “who voluntarily smokes marijuana, which unbeknownst to him is laced with some other controlled substance, is not entitled to an involuntary-intoxication defense” because he has no right to assume the marijuana is “pure”); *People v. Gallego*, 52 Cal. 3d 115, 183-84 (Cal. 1990) (defendant could not raise involuntary intoxication defense where he “asserts PCP was secretly given to him while he was taking other illegal drugs”); *People v. Velez*, 175 Cal. App. 3d 785, 795-96 (Cal. Ct. App. 1985) (defendants who voluntarily use illegal drugs have no right to assume they are not laced with other illegal drugs; therefore, they cannot raise an involuntary intoxication defense).

because he intended to purchase and inject methamphetamines but was secretly given bath salts instead. *Id.* at 478, 481-82. The Delaware Supreme Court held that the defendant was precluded as a matter of law from raising an involuntarily intoxication defense and explained,

[Defendant] knowingly introduced an unlawful substance into his body that he believed was methamphetamine. He knew that methamphetamine causes intoxicating effects. That means he was properly precluded from presenting an involuntary intoxication defense. In this situation, it is not relevant whether the methamphetamine was in fact bath salts, nor is it relevant whether the effects differed from those that [defendant] anticipated.

Id. at 488; *see also State v. Tussing*, 2024-Ohio-5757, ¶¶ 6, 18-19, 21 (Oh. App. Ct. 2024) (involuntary intoxication defense “does *not* apply if the defendant voluntarily used illegal drugs that, unbeknownst to the defendant, turned out to actually be a different illegal drug”); *United States v. Antonelli*, No. 05 C 1195, 2006 WL 1049616, at *1, 5 (N.D. Ill. Apr. 19, 2006) (that defendant thought he was ingesting cocaine, not PCP, was irrelevant because it “is black-letter law that intoxication voluntarily induced will not support a defense of involuntary intoxication, whether the substance causing the intoxication is the intended intoxicant or not”). As an Illinois federal district court put it, “If the drugged condition is the product of the defendant’s conscious choice to be in a drugged state, it matters not if the drug actually taken was the one intended.” *Antonelli*, 2006 WL 1049616, at *5.

These cases are consistent with the General Assembly’s intent. The purpose of section 6-3 and the “involuntary intoxication” defense is to

exculpate defendants who bear no responsibility for their intoxication and, thus, no culpability for crimes that are caused by that intoxication. But someone who voluntarily uses illegal drugs to become intoxicated *is* responsible for their intoxication. Defendant does not dispute that the General Assembly seeks to discourage the public from using illegal drugs because they harm not only the individual who uses the drug but also the people around them. Illegal drug use by its very nature is risky behavior and carries the inherent risk that the illegal drug a person chooses to consume may not be pure, *i.e.*, it may be laced with another drug (or substance). It plainly was not the General Assembly's intent to shield a defendant from the consequences of his reckless, illegal choice to use illegal drugs by allowing that reckless, illegal behavior to excuse all resulting crimes, including murder. Simply put, a defendant who voluntarily uses illegal drugs to become intoxicated is culpable for his intoxication and any crimes that result from that intoxication. *Supra* pp. 29-32 (collecting cases).

Although defendant is correct that this Court has defined “involuntary” as not resulting from a defendant’s free “choice” and “not subject to control” by the defendant’s will, Def. Br. 18-19 (citing *Hari*, 218 Ill. 2d at 292-93), he is incorrect that he is not “culpable” for his intoxication (and thus should be excused for his father’s murder) because his intoxication was not within his “control” and was not a result of his “choice,” *id.* at 19-21. Defendant testified that he chose to ingest the edible — knowing it was an

intoxicating drug — because he was “all in” on the idea of getting high (that is, becoming intoxicated) at the music festival. R423. Indeed, defendant testified that as the night progressed, he chose to ingest more of the edible because he wanted to increase his level of intoxication. R394-95. While defendant speculates that the illegal cannabis edible may have been secretly laced with another illegal drug, it was within defendant’s control to eliminate that possibility by choosing not to ingest illegal drugs in the first place. By choosing to use an illegal drug, defendant chose to accept the risks that illegal drug use entails, including the risk that the illegal drug he voluntarily consumed might be laced with other drugs. *Supra* pp. 29-32 (collecting cases). Accordingly, defendant is incorrect that he bears no culpability for his intoxication and ensuing crime.

Defendant is likewise incorrect when he contends that it is irrelevant that the cannabis edible he voluntarily ate was illegal. Def. Br. 21, 26. As noted, courts consistently have held that it is relevant whether the substance the defendant voluntarily consumed was illegal because illegal drugs are not regulated as to their purity and, thus, one assumes the risk that they are laced with other illegal drugs. *Supra* pp. 29-32. That is in sharp contrast to someone who purchases a legal product (such as a soda at a restaurant, a beer at a bar, or cannabis at a legal dispensary) that is highly regulated and can reasonably be expected to be free of illegal drugs.

Moreover, as defendant concedes, the involuntary intoxication defense is intended to exculpate defendants who are not “blameworthy,” *i.e.*, defendants who were engaged in innocent behavior and bear no responsibility for their drugged or intoxicated condition. Def. Br. 20, 28. But, by definition, a person who voluntarily uses illegal drugs to become intoxicated is not innocent and does bear responsibility for their intoxicated condition.

Defendant also fails to consider that his interpretation of section 6-3 has been repeatedly rejected by the Illinois Appellate Court. In 2011, the appellate court unequivocally held that “Illinois law does not allow the involuntary intoxication defense where an individual voluntarily ingested an illegal drug” and that a defendant who voluntarily ingested cocaine was precluded from claiming that he was involuntarily intoxicated due to unwarned side effects of medication he was prescribed. *People v. McMillan*, 2011 IL App (1st) 100366, ¶ 29. Moreover, in the proceedings below, the parties discussed an unpublished 2017 Illinois appellate decision which held that defendants who voluntarily use illegal drugs may not raise an involuntarily intoxication defense even if the drugs were secretly laced with another drug. C171, 180-81 (citing *People v. Davis*, 2017 IL App (1st) 150134-U, ¶¶ 29-30). And a year ago, the appellate court again held that the involuntarily intoxication defense is unavailable to defendants who voluntarily ingest illegal drugs, even if the defendant claims the drug was secretly laced with another drug. A24-29 at ¶¶ 39-52.

Notably, the General Assembly has not amended section 6-3 in response to this authority to provide that a defendant may raise an involuntary intoxication defense if they voluntarily ingest illegal drugs. Therefore, it must be presumed that the that the legislature agrees with the appellate court's construction of section 6-3, *i.e.*, the legislature agrees that a defendant is not involuntarily intoxicated if they voluntarily ingest an illegal drug. *See, e.g., People v. Sroga*, 2022 IL 126978, ¶ 41 (where the General Assembly does not amend a statute to contradict judicial interpretations, it is presumed that the legislature has acquiesced to the courts' interpretation).

Lastly, defendant is incorrect that the rule that a person who voluntarily consumes an illegal drug cannot raise an involuntary intoxication defense is "unworkable" because (in rare cases) it may be difficult to determine whether the substance that person voluntarily ingested was illegal. Def. Br. 24-26. To the contrary, that it may be difficult in certain rare cases for prosecutors to prove that the substance someone voluntarily ingested was an illegal substance does not mean that the rule is "unworkable;" rather, in such cases, the defendant would be allowed to proceed with his affirmative defense at trial and claim that he ingested a legal substance that was secretly laced with an illegal drug. Put differently, it would simply become a matter for the trier of fact to determine whether the substance was illegal. And this provides no basis for this Court to adopt defendant's proposed rule, which would allow a defendant who admits he

voluntarily ingested methamphetamines, heroin, cocaine, or other obviously illegal drugs to raise an involuntary intoxication defense.

In sum, defendant's argument that he was involuntarily intoxicated even though he voluntarily ingested an illegal drug is contrary to the plain language and purpose of section 6-3 and has been rejected by courts across the country.

2. Defendant's authority does not support his claim that he was involuntarily intoxicated.

Against the weight of authority discussed above, defendant relies on three cases, none of which supports his claim that he was involuntarily intoxicated. Def. Br. 18-19, 21-22, 27-28 (citing *Hari*, *Brumfield*, and *Mion*). Defendant's first case, *Hari*, 218 Ill. 2d at 293-94, held that an involuntary intoxication defense can be based on "unexpected and unwarned" side effects resulting from "medication taken on doctor's orders." *Hari* explained that "unexpected and unwarned" intoxication caused by prescribed medication is "involuntary" because it cannot be said that the defendant chose to become intoxicated or that his intoxication was within his control or will. *Id.* at 293-94. Thus, the defendant in *Hari* could claim to be involuntarily intoxicated because he innocently took medication (which, to safeguard the public, is regulated regarding dosage, purity, and side effects) on the orders of a doctor (who can be trusted to provide advice regarding medication and possible side effects) for the purpose of improving his health (not to become intoxicated). By contrast, in this case, defendant was voluntarily intoxicated because he

voluntarily chose to take an illegal drug (which is not regulated for purity and, thus, may be laced with other illegal drugs) from a non-physician (whom defendant says could not be trusted to advise him about what was in the edible) for the express purpose of becoming intoxicated. *See McMillan*, 2011 IL App (1st) 100366, ¶ 23 (*Hari* is limited to side effects of prescribed medication and does not apply to defendants who use illegal drugs).

Defendant's next case, *People v. Brumfield*, 72 Ill. App. 3d 107 (5th Dist. 1979), does not support his arguments, either. The defendant there, who was accused of rape, claimed that he smoked marijuana that was secretly laced with angel dust; the trial court held that intoxication (voluntary or involuntary) is not a defense to rape, and barred the defendant from presenting evidence regarding his drug use. *Id.* at 110-11. On appeal, the People admitted that involuntary intoxication, if proven, is a legal defense to any crime; however, the People argued that the defendant failed to prove he was "involuntarily intoxicated" because he failed to prove before trial that he was "trick[ed] or "forced" into becoming intoxicated. *Id.* at 111-12. Notably, the appellate court in *Brumfield* did not define "involuntary," conduct a statutory analysis to explain when intoxication is "involuntary," or hold that the People's definition of "involuntary" was incorrect. *Id.* Instead, the appellate court held that it was error to require the defendant to "prove" before trial "that he had sufficient evidence to establish" an involuntary intoxication defense. *Id.* at 112.

Indeed, later authority has noted that *Brumfield* “did not hold” that “the [involuntary intoxication] defense would ultimately be available at trial, only that the defense could not be barred based on the defendant’s initial offer of proof before any evidence had been presented.” *McMillan*, 2011 IL App (1st) 100366, ¶ 26. And, as noted, the appellate court subsequently has emphasized that (1) Illinois law “does not allow the involuntary intoxication defense where an individual voluntarily ingested an illegal drug,” *id.* at ¶ 29; and (2) trial courts may grant motions in limine to bar defenses that are not legally viable (a principle that defendant does not dispute), *supra* p. 23.

Defendant’s final case, *Mion*, was reversed by the Colorado Supreme Court after defendant filed his opening brief in this Court. Defendant correctly noted in his opening brief that the Colorado appellate court had held that a defendant could raise an involuntary intoxication defense where he ingested marijuana that was secretly laced with another drug. Def. Br. 27 (citing *People v. Mion*, 2023 COA 110M (Col. App. Ct. 2023)). But the Colorado Supreme Court recently reversed the appellate court’s judgment and held that the defendant “was voluntarily intoxicated and therefore barred from raising the involuntary intoxication defense” because it was undisputed that he voluntarily smoked marijuana, *i.e.*, a drug that causes intoxication. *People v. Mion*, 2026 CO 5, ¶ 4 (Col. 2026) (*en banc*).

Notably, the Colorado Supreme Court held that the defendant’s claim that the marijuana he smoked was secretly laced with another drug was

irrelevant: because the defendant chose to smoke marijuana that was “a street drug” given to him by someone he recently met (*i.e.*, not marijuana the defendant legally purchased from a “licensed establishment”), the defendant could not assume that the marijuana was pure and contained no adulterants. *Id.* at ¶ 27. The Court further held that the defendant’s situation could not be compared to someone who goes to a bar and purchases an alcoholic drink that is “secretly spiked” because a person who purchases a legal product can reasonably assume it is not laced with an illegal drug. *Id.* at ¶¶ 28-32.

The Colorado Supreme Court also observed that accepting the defendant’s proposed construction of “involuntary intoxication” would, contrary to the legislature’s intent, open the floodgates by allowing defendants to allege in nearly any case that the drugs they used before committing a crime must have been secretly laced with other drugs. *Id.* at ¶ 20. And the Court explained that, under the defendant’s interpretation of involuntary intoxication” (like the interpretation offered by the defendant in this case) a person who believed he was purchasing and ingesting one illegal drug (such as cocaine) but instead inadvertently purchased and ingested a different illegal drug (such as methamphetamines) would be legally innocent of his ensuing crimes, but it was “highly unlikely that the legislature intended the intoxication statute to safeguard such a culpable defendant from criminal liability.” *Id.* at ¶ 23. Accordingly, *Mion*, like the other cases

defendant cites, fails to support his claim that he has a legally viable involuntarily intoxication defense.

3. Defendant's interpretation of section 6-3 is unworkable and would lead to unjust and absurd results.

Lastly, defendant's interpretation of section 6-3 fails because it is unworkable and would lead to unjust and absurd results. *E.g., Gutman*, 2011 IL 110338, ¶ 12 (the legislature does not intend to create unworkable laws, or laws that lead to unjust or absurd results).

As the trial court in this case and reviewing courts in other cases have recognized, defendant's interpretation of section 6-3 would lead to spurious involuntary intoxication defenses because a defendant would need only claim that he used drugs before committing his crime, that he experienced effects that were inconsistent with effects of his past drug usage, and therefore that the drug must have been secretly laced with another illegal drug. *See, e.g., R188; Mion*, 2026 CO 5, ¶ 20. Often, it will be too late for police to perform a toxicology screen to disprove a defendant's speculation about which drugs he may have ingested. Or, as in this case, the defendant may be screened for the use of some, but not all, illegal drugs. And because such cases, by definition, involve illegal drugs, it will also often be impossible for police to obtain a statement from the person who sold or gave the drug to the defendant regarding whether an adulterant was added and, if so, whether the defendant was informed of that fact. The General Assembly could not have intended to create such an unworkable rule that could so easily be abused by defendants.

In addition, defendant's interpretation of section 6-3 also would lead to the unjust and absurd result of completely negating a defendant's personal responsibility for the consequences of his reckless, illegal behavior. For example, suppose that Person A attends a birthday party and eats what he is told is a normal brownie (but the brownie is secretly laced with an illegal drug); by contrast, Person B goes to a drug dealer, where he purchases and ingests methamphetamine with the intent to become intoxicated (but the methamphetamine is secretly laced with another illegal drug). Under defendant's view, Persons A and B bear the same criminal culpability: neither is "culpable" for their intoxication — or any resulting criminal behavior — because they were "unaware" that the substance they consumed was laced with an illegal drug. Def. Br. 20-21, 27-28.

But Persons A and B are obviously very different. Person A is not culpable because he engaged in innocent behavior and became intoxicated through no fault of his own. The legislature could rationally elect to excuse such persons from criminal liability resulting from their intoxication — and the General Assembly plainly intends section 6-3 to apply to them.

By contrast, Person B did not engage in innocent behavior, nor did he become intoxicated through no fault of his own. Rather, Person B is culpable because he engaged in reckless, illegal behavior with the intent to become intoxicated and, in doing so, exposed himself to the risk that the illegal drug he voluntarily consumed was laced with another drug. It would be absurd to

conclude that the intoxication of such persons is “involuntary,” and it would be unjust to excuse them from liability for their resulting criminal behavior.

Because defendant’s construction would absolve defendants from responsibility for reckless and illegal choices, his interpretation of section 6-3 should be rejected because it would lead to additional unjust and absurd outcomes. To take another example, suppose a person attending a rave is handed a pill, is told to “take this, it will get you really high,” but is not told what drug(s) the pill contains; under defendant’s view, that person has a legally viable involuntary intoxication defense — even though he voluntarily consumed a substance with the intent to become intoxicated — because he did not “know” the “intoxicant that caused his condition” and could not have fully anticipated its “effect.” Def. Br. 19-21, 26-28. Similarly, under defendant’s view, if someone is offered a powdered substance at a party and snorts it, assuming it is cocaine, but later discovers it was crystal meth, that person is involuntarily intoxicated even though they voluntarily consumed what they understood to be an illegal drug for the purpose of becoming intoxicated. *Id.*

Such illegal, reckless actions are precisely the types of behavior that the General Assembly intended to discourage. To instead allow such behavior to serve as a legal excuse for all crimes — up to and including murder — is unjust and absurd, which is why defendant fails to cite any authority supporting his definition of “involuntary intoxication.”

* * *

In sum, the lower courts are correct that defendant is precluded as a matter of law from raising an involuntarily intoxication defense because it is undisputed that he voluntarily ingested illegal drugs.

II. Any Error in Not Allowing Defendant to Raise the Affirmative Defense of Involuntary Intoxication Is Harmless.

Even if, for the sake of argument, the trial court erred by ruling that defendant was precluded from arguing that he was involuntarily intoxicated, that error was harmless. An error is harmless if “the result [of the trial] would have been the same absent the error.” *People v. Salamon*, 2022 IL 125722, ¶¶ 121, 127. Defendant contends that the alleged error was not harmless because (1) he was barred from presenting “critical evidence” at trial that the edible contained an adulterant; and (2) his evidence would have proved that the edible contained an adulterant that caused him to kill his father. Def. Br. 28-30. Defendant is incorrect because: (1) the trial judge permitted defendant to present, at trial, evidence that the edible he consumed may have been laced with another drug; and (2) the evidence failed to show that the edible contained an adulterant. Indeed, after considering defendant’s evidence, the trial judge in his role as factfinder made clear that he was not persuaded that the edible was laced with another drug. Thus, even if the trial court erred by ruling that section 6-3 precluded defendant from arguing that he was involuntarily intoxicated, that error was harmless.

To recap, before trial, the judge read the expert reports of Drs. Henry and Dinwiddie, which explained the testimony they could provide. CI9-24; Supp2CI4-28; R192-93. They opined that it was possible that the cannabis edible was laced with another drug, such as ketamine or bath salts, though they could not say precisely what drug it might be. CI18-24; Supp2CI23-28. Indeed, even now, defendant does not claim that he can identify the alleged adulterant that the edible supposedly contained: he, too, merely speculates that it may have been laced with “ketamine, bath salts, or something similar.” Def. Br. 23; *see also id.* at 19.

By contrast, it is undisputed that (1) no toxicology test showed that the cannabis edible contained an adulterant; (2) in fact, defendant’s toxicology test showed that he had *not* consumed other common adulterants, like cocaine and PCP. Supp2CI23; 511-13. As a result, during argument on the People’s motion in limine, defense counsel conceded that, at trial, the factfinder might conclude that defendant’s experts lacked “credibility” and that the edible was *not* laced with another drug. R209-10.

In turn, when ruling on the People’s motion in limine, the trial court noted that defendant’s experts merely “speculat[ed]” that the edible may have contained an adulterant, but there was no “physical proof” that it contained an adulterant, *i.e.*, “there is no evidence, specific evidence, that’s been suggested to the Court that exists out there, that anybody is going to be able

to prove that ketamine or some similar substance was even present in the cannabis that the defendant consumed.” R190-93, 219-20.

As noted, the court further ruled that even if the edible were laced with another drug, as a matter of law, defendant could not raise an involuntary intoxication defense because his intoxication was not “involuntary.” R216, 223. Importantly, however, the court also ruled that defendant could present evidence at trial that his drug use (including his speculation that the edible may have been laced with another drug) caused him to have an unreasonable belief that he had to kill his father to protect himself, which would reduce his culpability to, at most, second degree murder. R217-19.

Accordingly, at his bench trial, defendant presented evidence in support of his theory that the edible he consumed must have secretly been laced with another drug. Specifically, defendant testified in detail about the effects he claimed to have experienced after consuming the edible — including hearing the voice of an evil force that made him believe he needed to kill his father — which, the defense contended, were effects defendant had not experienced in the 150 to 200 times he had previously consumed cannabis and, therefore, must mean that the edible was laced with another drug. R393-414, 421-58.

In addition, at trial Dr. Henry provided lengthy testimony — spanning 64 transcript pages — during which “ketamine,” “adulterant,” or

“adulterated” were mentioned more than 20 times. R458-521. During that testimony, Henry repeatedly opined that defendant’s behavior was caused by an “adulterant” in the edible because “the idiosyncratic psychotic behavior” that defendant self-reported (1) was something he claimed he had not experienced the other times he consumed cannabis; (2) generally “was not consistent with” someone who had consumed only cannabis; and (3) was “so indicative of an adulterant” and “very, very characteristic of an adulterant.” R471, 479, 488, 513; *see also* R469-89, 492-514. And Henry expressly testified, “I believe ketamine or a ketamine-like substance was ingested” by defendant and caused him to become psychotic. R489; *see also* R488, 513.

However, Henry also admitted that cannabis can cause the symptoms defendant claimed to have experienced on the night he killed his father, such as anxiety, hallucinations, delusions, and paranoia. R493-95. And Henry conceded that he had previously opined, on behalf of a different defendant in another case who likewise stabbed someone to death, that (1) cannabis can cause someone “to have psychotic episodes”; and (2) cannabis use by that defendant “likely played a role in the behavior for which [that defendant] was ultimately found guilty.” R516-18.

After hearing the evidence, the trial judge found that defendant was guilty of second degree murder because he was in an “altered” state of mind that caused him to believe he needed to kill his father. R542. However, the judge was not persuaded that defendant ingested ketamine or another

adulterant when he consumed the edible: the judge stated that at trial defendant had presented only “speculation” that the edible contained an adulterant and the toxicology test was negative for adulterants. R540-41.

Similarly, during the sentencing hearing, the judge again said that it was merely “speculation” that drugs were to blame for defendant’s offense, and he was not convinced that drugs were “the entire causation of the offense” because the defense had failed to provide “any scientific type of evidence.” R595-96. Moreover, the judge noted that defendant had later experienced a second, violent psychotic break while in jail, which defendant claimed was caused by meditation, not drugs; the judge observed that “it’s hard for me to think that these were the only two situations” like that to have ever occurred in defendant’s life. R600. And the judge stated that defendant “needs to address whatever it was that triggered these events” so that he would not harm anyone in the future. *Id.*

The record therefore shows that (1) defendant had an opportunity before, during, and after trial to present evidence in support of his theory that the cannabis edible he voluntarily consumed was laced with another drug; (2) defendant’s evidence did not show that the edible contained an adulterant; and, as a result, (3) the judge, as the factfinder at trial and sentencing, did not believe that the edible was laced with another drug or that an alleged adulterant caused defendant’s behavior. Accordingly, even if the trial court were wrong that involuntary intoxication is not a legally viable

defense under Illinois law when a defendant consumes an illegal drug that he alleges was secretly laced with another drug, that error was harmless because the evidence in this case does not show that the edible was laced with another drug.

Defendant's arguments to the contrary are meritless. *See* Def. Br. 28-30. To start, defendant's claim that he was harmed because he could not introduce his evidence in support of his theory that he was involuntarily intoxicated due to the presence of an adulterant is incorrect. As noted, the trial court *permitted* defendant to present evidence at trial that the edible contained an adulterant. *Supra* pp. 11, 46.

Defendant's conclusory assertion that he was "barred from presenting the testimony of Dr. Dinwiddie," Def. Br. 28, cites no portion of the record and fails for the same reason: the trial court permitted defendant to present evidence at trial regarding his adulterant theory. Moreover, as defendant notes, before trial he proffered Dr. Dinwiddie's report (along with Dr. Henry's report) to the trial court, the trial judge read it, and he was not persuaded that the edible contained an adulterant. *Supra* pp. 45-48; Def. Br. 29. The trial judge's skepticism is unsurprising, for Dinwiddie stated in his report that the "acute onset of a true psychotic state in the context of recent cannabis use is well-known" and "if it is found by the finder of fact that the 'edible' contained only cannabis, it would be [his] opinion that [defendant] was not in an involuntarily drugged condition." Supp2CI25, 27. Accordingly,

the record shows that the trial judge considered Dr. Dinwiddie's report before trial and was not persuaded that an adulterant was included in the edible and caused defendant to kill his father; thus, Dinwiddie's testimony would not have changed the result of defendant's bench trial.

Defendant takes the trial judge's comments out of context when he notes that the judge said that defendant's brain was "adulterated" when he killed his father and that defendant's testimony was "credible." Def. Br. 28 (citing R539). As discussed, while the judge believed that defendant was in an "altered" state of mind that made him think he should kill his father, the judge was not persuaded that ketamine or another adulterant was the cause of that altered state of mind. R540-42, 595-96, 600; *see also supra* pp. 47-48.

Defendant also is incorrect that testimony or other evidence from the emergency room doctors who treated defendant on the night of the murder would prove that the edible he ate contained an adulterant. *See* Def. Br. 29. To the contrary, those witnesses undermine defendant's credibility and contradict his theory that an adulterant was to blame for his offense. For example, contrary to the story defendant told at trial (and told his retained experts) — that he ate an edible brownie given to him by a friend — the record shows that defendant told hospital personnel that he "smok[ed] something" that he "bought from a friend." Supp2CI22. Moreover, it is undisputed that the toxicology screen ordered by the treating physicians showed that defendant tested negative for a number of possible adulterants.

Supp2CI23. And Dr. Henry explained that the treating physicians could have included ketamine in the toxicology screen if their examination of defendant had given them reason to believe he may have ingested it. R513. That the doctors did not include ketamine in the screen thus suggests that nothing about defendant's behavior gave them reason to believe he had ingested it. Accordingly, testimony from the treating physicians would have shown that defendant changed his story about the drugs he consumed and otherwise undermined defendant's claim that he consumed an adulterant, which is presumably why counsel did not call them to testify.

At bottom, the record contains no factual basis to support defendant's adulterant theory. Indeed, to conclude that defendant was involuntarily intoxicated because he ate a cannabis edible that was secretly laced with another drug, one would have to believe that

1. Defendant ate an edible (as he claimed at trial), even though he told multiple doctors in the emergency room on the night of the murder that he "smok[ed] something," Supp2CI22;
2. Defendant's "trusted friend," Isaac Miller, Def. Br. 23, added a powerful adulterant to the homemade edible and then lied to defendant that it contained only cannabis, *id.* at 19, though defendant identifies no motive for Miller to deceive him;
3. The edible contained an adulterant that caused defendant to have a deadly, psychotic break even though, as prosecutors noted, others who shared the edible (such as Miller and Miller's girlfriend) did not experience such symptoms, R527;
4. Defendant consumed an adulterant even though his toxicology test was negative for the more commonly used drugs and nothing about defendant's condition caused the treating physicians to believe it necessary to test for other drugs, R513; Supp2CI23;

5. Defendant's delusional thoughts were caused by an adulterant, even though defendant experienced delusional thoughts long before he consumed the edible (*i.e.*, defendant's belief weeks before the murder that a "supernatural" force caused his housekey to disappear then reappear), Supp2CI18-19; CI12; R409, 440;
6. Defendant's psychotic break on the night of the murder must have been caused by an adulterant even though defendant later had another psychotic break in jail, which defendant admits was not caused by drugs, R571-72, 579-80, 599-600;
7. Defendant's intoxication was not caused by the cannabis he voluntarily consumed, though he concedes that Miller told him it "was 'strong cannabis,'" Def. Br. 19; and
8. Defendant's intoxication and psychosis were not caused by the cannabis he voluntarily consumed, even though his experts stated that cannabis can cause psychosis and Dr. Henry opined in another case that cannabis likely played a role in causing another defendant to stab someone to death, R516-18; Supp2CI25.

It is highly improbable that all of these things could be true, and neither a trier of fact nor a reviewing court is required to credit such an improbable, unsupported theory. *See People v. Jackson*, 2020 IL 124112, ¶ 70 (factfinder need not "search out all possible explanations consistent with innocence and raise them to a level of reasonable doubt"); *People v. Newton*, 2018 IL 122958, ¶ 27 (the People "need not disprove or rule out all possible factual scenarios" of innocence).

* * *

In sum, the trial and appellate courts were correct that a defendant who voluntarily consumes an illegal drug is precluded as a matter of law from claiming that he was involuntarily intoxicated. It therefore is irrelevant whether the illegal drug defendant voluntarily consumed with the intent

become intoxicated was laced with another drug. But, if the lower courts erred in reaching that legal conclusion, such an error is harmless in this case because the evidence shows that an adulterant was not included in the edible that defendant voluntarily consumed, let alone that such an adulterant was the cause of defendant's offense.

CONCLUSION

This Court should affirm the appellate court's judgment affirming defendant's conviction.

April 21, 2026

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

JANE ELINOR NOTZ
Solicitor General

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

MICHAEL L. CEBULA
Assistant Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(773) 590-6952
eserve.criminalappeals@ilag.gov

*Counsel for Plaintiff-Appellee
People of the State of Illinois*

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 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, and the certificate of service, is 13,250 words.

/s/ Michael L. Cebula

MICHAEL L. CEBULA

Assistant Attorney General

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 April 21, 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 notice to the following registered email addresses:

James E. Chadd
Christopher McCoy
Jessica Wynne Arizo
Office of the State Appellate Defender
Second Judicial District
One Douglas Avenue, Second Floor
Elgin, Illinois 60120
2nddistrict.eserve@osad.state.il.us

Counsel for Defendant-Appellant

Additionally, upon its acceptance by the court's electronic filing system, the undersigned will mail thirteen copies of the brief to the Clerk of the Supreme Court of Illinois, 200 East Capitol Avenue, Springfield, Illinois, 62701.

/s/ Michael L. Cebula

MICHAEL L. CEBULA
Assistant Attorney General
eserve.criminalappeals@ilag.gov