

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) 250748-U

NO. 4-25-0748

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 2, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Tazewell County
DONALD D. QUICKLE,	)	No. 94CF30
Defendant-Appellant.	)	
	)	Honorable
	)	John M. Spears,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Doherty and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed an order denying defendant leave to file a successive postconviction petition where he unsuccessfully raised the same claim and issue in a prior appeal.

¶ 2 In January 1994, defendant, Donald D. Quickle, and his brother robbed a bar. During the robbery, the owner of the bar sustained a fatal gunshot wound. The State charged defendant with first degree murder under multiple theories (720 ILCS 5/9-1(a)(1)-(3) (West 1994)) and armed robbery (720 ILCS 5/18-2(a) (West 1994)). In 1999, a jury found defendant guilty of both offenses pursuant to general verdict forms, meaning the jury was not instructed to specify which murder theory or theories the State proved. Defendant received consecutive prison sentences totaling 90 years. The Appellate Court, Third District, affirmed the judgment on direct appeal. *People v. Quickle*, No. 3-00-0057 (2001) (unpublished order under Illinois Supreme Court Rule 23). Defendant now appeals an order entered on July 22, 2025, denying his motion for leave to file

a successive postconviction petition. We affirm.

¶ 3

I. BACKGROUND

¶ 4

As the factual background of the matter has been set forth in defendant's numerous prior appeals, we discuss here only those facts necessary to provide context for this appeal. See, e.g., *People v. Quickle*, 2025 IL App (4th) 240959-U; *People v. Quickle*, 2023 IL App (4th) 220844-U.

¶ 5

The claim defendant wishes to present in his successive postconviction petition is that the rule and reasoning of *People v. Smith*, 233 Ill. 2d 1 (2009)—which our supreme court decided in April 2009—should apply retroactively to his case and provide him sentencing relief. In summary, defendant contends that *Smith* requires interpreting his jury's general guilty verdict for murder as a finding of guilt only for felony murder. Defendant requests to be resentenced accordingly, which would include vacating his armed robbery conviction because a person cannot be convicted of both felony murder and the predicate felony.

¶ 6

Defendant did not assert a claim based on *Smith* during his protracted initial postconviction proceedings, which lasted from July 2001 until August 2010. In 2012, the Third District affirmed the trial court's final judgment denying postconviction relief, rejecting defendant's contention that he received unreasonable assistance of postconviction counsel. *People v. Quickle*, 2012 IL App (3d) 100670-U, ¶ 2.

¶ 7

Defendant first raised a claim based on the rule and reasoning of *Smith* in April 2014, when he challenged his sentences as void in a petition filed pursuant to section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2014)). The trial court granted the State's motion to dismiss that petition, determining that the judgment was not void. The Third District

affirmed without addressing whether *Smith* applies retroactively. *People v. Quickle*, No. 3-14-0472 (2017) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 8 In March 2017, defendant filed a motion for leave to file a successive postconviction petition, asserting a claim of actual innocence based on the rule and reasoning of *Smith*. The Third District affirmed an order denying defendant leave to file that petition, essentially reasoning that he complained of an error that did not amount to a claim of actual innocence. *Quickle*, 2020 IL App (3d) 170281, ¶ 24. The court did not expressly address the question of retroactivity.

¶ 9 In June 2022, defendant filed another motion seeking leave to file a successive postconviction petition based on the rule and reasoning of *Smith*. This time, rather than alleging actual innocence, defendant invoked the cause-and-prejudice test. See 725 ILCS 5/122-1(f) (West 2022) (authorizing a successive petition where “a petitioner demonstrates cause for his or her failure to bring the claim in his or her initial post-conviction proceedings and prejudice results from that failure”). The trial court denied the motion, and we affirmed. *Quickle*, 2023 IL App (4th) 220844-U, ¶ 2. We declined to address whether *Smith* and its progeny applied retroactively, which was defendant’s argument pertaining to the “prejudice” portion of the cause-and-prejudice test. *Quickle*, 2023 IL App (4th) 220844-U, ¶ 37. Rather, we held that defendant failed to establish “cause” for presenting his claim in a successive petition because (1) he “could have argued in his initial postconviction proceedings that *Smith* applies retroactively,” (2) “[n]othing prevented the defense from discovering *Smith* during defendant’s initial postconviction proceedings,” and (3) he inappropriately presented his claim piecemeal over the years. *Quickle*, 2023 IL App (4th) 220844-U, ¶¶ 40-42.

¶ 10 In May 2024, defendant filed a complaint seeking an order of *habeas corpus* based on the rule and reasoning of *Smith*. The trial court dismissed that complaint *sua sponte*. We affirmed the judgment without deciding whether *Smith* applied retroactively. *Quickle*, 2025 IL App (4th) 240959-U, ¶¶ 2, 17.

¶ 11 In May 2025, defendant filed yet another motion for leave to file a successive postconviction petition based on *Smith*, which is the subject of the present appeal. Once again framing his arguments under the cause-and-prejudice test, he requested a reconsideration of whether he could demonstrate “cause.” Defendant alleged that he could not have discovered the *Smith* decision during his initial postconviction proceedings due to prison lockdowns and lack of access to an updated law library. Defendant also claimed that various attorneys who represented him over the years had conflicts of interest and/or provided him with ineffective or unreasonable assistance.

¶ 12 On July 22, 2025, the trial court denied defendant leave to file his proposed successive petition. Defendant filed a timely notice of appeal.

¶ 13 II. ANALYSIS

¶ 14 On appeal, defendant argues that he showed both “cause” and “prejudice” to file a successive postconviction petition. With respect to “prejudice,” he again argues that the decision in *Smith* should apply retroactively. Defendant candidly acknowledges that he “has failed numerous times to meet the cause prong.” Nevertheless, he emphasizes that (1) conditions attendant to his imprisonment prevented him from discovering the *Smith* decision during his initial postconviction proceedings and (2) the attorney who represented him in connection with the initial postconviction proceedings had no professional obligation to raise new claims. Due to this “conundrum,” defendant invokes fundamental fairness as a reason for allowing him to present his

claim based on *Smith*. As his primary relief, defendant asks for this court to “grant his petition and remand his case to the trial court for a new sentencing hearing,” with instructions to vacate the armed robbery conviction. Alternatively, he asks us to reverse the decision denying leave to file the proposed successive petition and remand the matter for further postconviction proceedings.

¶ 15 The State defends the trial court’s decision to deny leave to file a successive petition. Among the State’s overarching points are that *res judicata* bars defendant from relitigating claims that were already addressed and that defendant cannot obtain postconviction relief merely by presenting factual allegations he could have made previously. The State also proposes that *Smith* does not apply retroactively.

¶ 16 The Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2024)) allows a prisoner to assert that there was a “substantial denial” of his or her constitutional rights in the proceedings that resulted in his or her conviction. 725 ILCS 5/122-1(a)(1) (West 2024). The Act contemplates one postconviction petition, so a defendant “faces ‘immense procedural default hurdles when bringing a successive postconviction petition.’ ” *People v. Dorsey*, 2021 IL 123010, ¶ 32 (quoting *People v. Davis*, 2014 IL 115595, ¶ 14). A defendant must seek leave of court to file a successive petition, demonstrating both “ ‘cause’ for the failure to raise the claim in the initial petition and that ‘prejudice’ resulted from that failure.” *Dorsey*, 2021 IL 123010, ¶ 32. The Act says that “a prisoner shows cause by identifying an objective factor that impeded his or her ability to raise a specific claim during his or her initial post-conviction proceedings.” 725 ILCS 5/122-1(f) (West 2024). “Prejudice” means that “the claim not raised during his or her initial post-conviction proceedings so infected the trial that the resulting conviction or sentence violated due process.” 725 ILCS 5/122-1(f) (West 2024).

¶ 17 At the leave-to-file stage, “the court must determine whether [the] defendant has made a *prima facie* showing of cause and prejudice.” *People v. Bailey*, 2017 IL 121450, ¶ 24. A trial court should deny leave to file a successive postconviction petition “when it is clear from a review of the successive petition and supporting documents that the claims raised fail as a matter of law or are insufficient to justify further proceedings.” *Dorsey*, 2021 IL 123010, ¶ 33. We review *de novo* an order denying leave to file a successive petition. *Dorsey*, 2021 IL 123010, ¶ 33.

¶ 18 In 2023, we held that defendant did not meet the “cause” requirement to present a claim based on *Smith* in a successive postconviction petition. We expressly determined that “defendant could have argued in his initial postconviction proceedings that *Smith* applies retroactively,” and “[n]othing prevented the defense from discovering *Smith* during defendant’s initial postconviction proceedings.” *Quickle*, 2023 IL App (4th) 220844-U, ¶¶ 40-41. For purposes of analyzing the “cause” requirement, we deemed it unpersuasive that defendant claimed he may not have known about the *Smith* decision until 2014 and that he lacked legal training. *Quickle*, 2023 IL App (4th) 220844-U, ¶ 41. On that point, we noted that “after our supreme court issued its decision in *Smith*, defendant was represented by counsel during his initial postconviction proceedings, and defendant continued to add new claims to his petition.” *Quickle*, 2023 IL App (4th) 220844-U, ¶ 41. We also emphasized that defendant violated the Act’s prohibition against presenting a claim piecemeal because he raised the same claim based on *Smith* under different legal theories at different times. *Quickle*, 2023 IL App (4th) 220844-U, ¶ 42.

¶ 19 The State mentions the doctrine of *res judicata* in its brief. There is indeed authority indicating that matters decided in connection with one successive postconviction petition become *res judicata* for purposes of subsequent petitions. See *People v. Moore*, 2023 IL App (4th) 210245, ¶¶ 49-50 (agreeing with a defendant’s attorney that certain claims in the defendant’s latest

successive postconviction petition were *res judicata* because they had been adjudicated in connection with previous successive petitions); *People v. Sanders*, 2016 IL App (1st) 121732-B, ¶¶ 32-33 (holding that *res judicata* prevented a defendant from relitigating in his second successive postconviction petition a claim that was previously adjudicated in his first successive petition). *Res judicata* applies when (1) a court of competent jurisdiction has rendered a final judgment on the merits, (2) the same parties are involved, and (3) the same cause of action is involved. *People v. Nichols*, 2021 IL App (2d) 190659, ¶ 16.

¶ 20 There is also authority indicating that collateral estoppel prevents a party from relitigating in a successive postconviction petition an issue that was adjudicated in an earlier postconviction proceeding. See *People v. Tenner*, 206 Ill. 2d 381, 396 (2002). Collateral estoppel applies where (1) a court rendered a final judgment in a prior case, (2) the party against whom estoppel is asserted was either a party in that prior case or in privity with a party, and (3) the issue presented is identical to one decided in the prior case. *Tenner*, 206 Ill. 2d at 396.

¶ 21 Regardless of whether we view this appeal through the lens of the doctrine of *res judicata* or the doctrine of collateral estoppel, defendant plainly wants to relitigate matters we resolved against him in 2023, which is impermissible. He does not identify any concrete basis for doing so. For example, he does not expressly argue that our 2023 decision was wrong, let alone direct our attention to recent authority establishing such error. Rather, defendant asks us to consider his arguments in the interest of fundamental fairness. However, fundamental fairness justifies a successive postconviction petition only if a defendant either satisfies the cause-and-prejudice test or pleads a viable actual innocence claim. *People v. Taliani*, 2021 IL 125891, ¶¶ 54-55. Invoking fundamental fairness gets defendant nowhere, as he does not present an actual

innocence claim and we already held in 2023 that he lacked “cause” to present the same sentencing claim he wants to present now.

¶ 22 In his proposed May 2025 successive postconviction petition, defendant provided very little information beyond what we considered in the 2023 appeal. The only additional detail he mentioned was that prison lockdowns and lack of access to an updated law library impacted his ability to conduct legal research between April 2009 and August 2010. Defendant does not explain what prevented him from making those allegations the first time he invoked the cause-and-prejudice test. See *Davis*, 2014 IL 115595, ¶ 55 (“A defendant is not permitted to develop the evidentiary basis for a claim in a piecemeal fashion in successive postconviction petitions, as [the] defendant has attempted to do here.”); *People v. Palmer*, 352 Ill. App. 3d 877, 884 (2004) (“A defendant cannot avoid *res judicata* by adding additional allegations that are encompassed by a previously adjudicated issue.”). Furthermore, these additional details are closely related to what this court already knew and considered in defendant’s 2023 appeal. See *Quickle*, 2023 IL App (4th) 220844-U, ¶ 41 (addressing defendant’s contentions that he lacked legal training and may not have learned about the *Smith* decision until 2014). Simply put, defendant has identified no valid reason for us to revisit our conclusion in his 2023 appeal that he should have presented his *Smith* claim in the initial postconviction proceedings. Accordingly, we affirm the trial court’s order denying defendant’s May 2025 motion for leave to file a successive postconviction petition.

¶ 23 We note that in his latest proposed successive petition, defendant also claimed that some of the attorneys who represented him over the years had conflicts of interest and/or provided him with ineffective or unreasonable assistance. He does not reiterate those points on appeal, and the reason seems obvious. The Act allows an imprisoned person to raise claims based on constitutional violations that occurred “in the proceedings which resulted in his or her conviction,”

not deficiencies in prior postconviction proceedings. 725 ILCS 5/122-1(a)(1) (West 2024). Thus, none of defendant's complaints relating to the postconviction representation he received are cognizable claims under the Act. To the extent defendant alleged ineffective assistance of his counsel on direct appeal for failing to challenge the general murder verdict based on legal authority existing before *Smith* was decided, defendant could have raised that claim in his initial postconviction proceedings.

¶ 24 It is apparent that defendant is convinced that the rule and reasoning outlined in *Smith* ought to apply retroactively. His commitment to presenting his position is certainly understandable, as he believes he is entitled to significant sentencing relief. But he has raised this claim five times without success, and he has reached a point where he is merely attempting to relitigate settled issues without a legally sound reason for doing so. In *People v. Crenshaw*, 2026 IL App (4th) 250803, ¶¶ 37-56, we identified various sanctions that trial courts and the appellate court may impose when an incarcerated individual repeatedly files frivolous pleadings. We will not sanction defendant in connection with the present appeal. Nor will we fault the Office of the State Appellate Defender for presenting something of a last-ditch argument on defendant's behalf in good faith and with full disclosure of the procedural history attendant to defendant's claim. However, defendant is put on notice that it would be frivolous for him to file additional *pro se* pleadings attempting to relitigate settled issues. If defendant chooses to pursue that path, sanctions may very well be justified.

¶ 25 III. CONCLUSION

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

¶ 27 Affirmed.