

No. 132785

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 1-24-1265.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit
	)	Court of Cook County, Illinois , No.
-vs-	)	20 CR 05282.
	)	
CALVIN DOSS,	)	Honorable
	)	Stanley J. Sacks,
	)	Judge Presiding.
Defendant-Appellant.	)	

CORRECTED BRIEF AND ARGUMENT FOR DEFENDANT-APPELLANT

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TABLE OF CONTENTS AND POINTS AND AUTHORITIES

	Page
Nature of the Case.....	1
Issue Presented for Review.....	1
Illinois Rules of Evidence Involved.....	2
Statement of Facts	3
Argument	13
This Court should reverse the appellate court’s judgment and remand Calvin Doss’s case for a new trial as verbal threats of violence are admissible under <i>People v. Lynch</i>, 104 Ill. 2d 194 (1984), and the Illinois Rules of Evidence.....	
<i>People v. Lynch</i> , 104 Ill. 2d 194 (1984)	13, 14
<i>People v. Doss</i> , 2025 IL App (1st) 241265-U	13
A. Standard of Review	14
<i>People v. Caffey</i> , 205 Ill. 2d 52 (2001)	14
<i>People v. Morgan</i> , 197 Ill. 2d 404 (2001).....	14
<i>People v. Aguilar</i> , 265 Ill. App. 3d 105 (3d Dist. 1994).....	14
<i>People v. Heintz</i> , 2026 IL 131340	14
B. Verbal threats are admissible under <i>Lynch</i>.....	14
<i>People v. Lynch</i> , 104 Ill. 2d 194 (1984)	14, 15, 16
<i>Neathery v. People</i> , 227 Ill. 110 (1907)	15
<i>People v. Doss</i> , 2025 IL App (1st) 241265-U	15, 16
<i>Lac du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin</i> , 599 U.S. 382 (2023).....	16

C. The codification of the second prong of *Lynch* in the Illinois Rules of Evidence did not alter *Lynch*'s holding. 17

People v. Doss, 2025 IL App (1st) 241265-U 17, 19

Ill. R. Evid. 405(b)(2) 17

People v. Lynch, 104 Ill. 2d 194 (1984) 18, 19, 20

Black's Law Dictionary 249 (12th ed. 2024) 18

Illinois Rules of Evidence Committee Commentary. 18, 19

Ill. R. Evid. 101. 19

People v. Adams, 25 Ill. 2d 568 (1962) 20

People v. Whitters, 146 Ill. 2d 437 (1992) 20

People v. Ganci, 57 Ill. App. 3d 234 (1st Dist. 1978). 20

Ill. R. Evid. 401. 20

720 ILCS 5/7-1 20

720 ILCS 5/9-2(a)(2). 20

D. Illinois courts have consistently held that verbal threats of violence are admissible under *Lynch*. 21

People v. Doss, 2025 IL App (1st) 241265-U 21

People v. Robinson, 163 Ill. App. 3d 754 (1st Dist. 1987). 21, 22

People v. Florey, 153 Ill. App. 3d 530 (1st Dist. 1987) 21

People v. Booker, 274 Ill. App. 3d 168 (1st Dist. 1995). 22

People v. Hanson, 138 Ill. App. 3d 530 (5th Dist. 1985). 22

People v. Yeoman, 2016 IL App (3d) 140324. 23

People v. Cruzado, 299 Ill. App. 3d 131(1st Dist. 1998) 23

People v. Costillo, 240 Ill. App. 3d 72 (1st Dist. 1992) 23

E. This Court should reject the appellate court’s holding in <i>Doss</i>, as it severely limits a defendant’s ability to support a self-defense claim.	23
<i>People v. Lynch</i> , 104 Ill. 2d 194 (1984)	23
U.S. Const. V	23
U.S. Const. VI.	23
U.S. Const. XIV	23
Ill. Const. 1970, art. I, § 2	23
Ill. Const. 1970, art. I, § 8	23
<i>Holmes v. South Carolina</i> , 547 U.S. 319 (2006)	23
<i>People v. White</i> , 2017 IL App (1st) 142358	23
<i>Taylor v. Illinois</i> , 484 U.S. 400 (1988).	23
<i>People v. Pecoraro</i> , 175 Ill. 2d 294 (1997)	24
<i>People v. Lettrich</i> , 413 Ill. 172 (1952)	24
720 ILCS 5/9-1(a)	24
720 ILCS 5/7-1(a)	24
<i>People v. Jeffries</i> , 164 Ill. 2d 104 (1995)	24
<i>People v. Lee</i> , 213 Ill. 2d 218 (2004)	24
720 ILCS 5/9-2(a)	25
<i>People v. Hooker</i> , 249 Ill. App. 3d 394 (1st Dist. 1993).	25
<i>People v. Estes</i> , 127 Ill. App. 3d 642 (3rd Dist. 1984)	25
F. The trial court erroneously barred the defense from presenting evidence that the decedent previously threatened to kill Doss and harm another individual, where Doss’s defense turned on whether the jury believed that he feared for his life. 26	26
<i>People v. Lynch</i> , 104 Ill. 2d 194 (1984)	26, 28, 29, 30

<i>People v. Doss</i> , 2025 IL App (1st) 241265-U	27
<i>People v. Whitters</i> , 146 Ill. 2d 437 (1992)	28
<i>People v. Martinez</i> , 2021 IL App (1st) 182553	29
Ill. R. Evid. 403.	29
<i>People v. Robinson</i> , 163 Ill. App. 3d 754 (1st Dist. 1987).	29
<i>People v. Martinez</i> , 2019 IL App (2d) 170793	30
<i>People v. Hanson</i> , 138 Ill. App. 3d 530 (5th Dist. 1985).	30
Conclusion	32
Appendix to the Brief.	A-1

NATURE OF THE CASE

Calvin Doss was convicted of first degree murder after a jury trial and was sentenced to 50 years in prison.

This is a direct appeal from the judgment of the court below. No issue is raised challenging the charging instrument.

ISSUE PRESENTED FOR REVIEW

Whether an alleged victim's prior threat of violence, such as a threat to kill the defendant, is admissible under *People v. Lynch*, 104 Ill. 2d 194 (1984).

ILLINOIS RULES OF EVIDENCE INVOLVED

Rule 101. SCOPE

(eff. Jan. 1, 2011; comment amended Jan. 6, 2025)

These rules govern proceedings in the courts of Illinois to the extent and with the exceptions stated in Rule 1101. A statutory rule of evidence is effective unless in conflict with a rule or a decision of the Illinois Supreme Court.

Comment

Rule 101 provides that a statutory rule of evidence is effective unless in conflict with an Illinois Supreme Court rule or decision. There is no current statutory rule of evidence that is in conflict with a rule contained in the Illinois Rules of Evidence.

Rule 405. METHODS OF PROVING CHARACTER

(eff. Jan. 1, 2011)

(a) Reputation or Opinion. In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation, or by testimony in the form of an opinion.

(b) Specific Instances of Conduct.

(1) In cases in which character or a trait of character of a person is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct; and

(2) In criminal homicide or battery cases when the accused raises the theory of self-defense and there is conflicting evidence as to whether the alleged victim was the aggressor, proof may also be made of specific instances of the alleged victim's prior violent conduct.

Comment

Specific instances of a person's conduct as proof of a person's character or trait of character are not generally admissible as proof that the person acted in conformity therewith. Specific instances of a person's conduct are admissible, however, under Rule 405(b)(1), as proof of a person's character or a trait of character only in those limited cases (such as negligent entrustment, negligent hiring, and certain defamation actions), when a person's character or a trait of character is an essential element of a charge, claim, or defense. Specific instances of conduct are also admissible under Rule 405(b)(2) in criminal homicide or battery cases when the accused raises the theory of self-defense and there is conflicting evidence as to whether the alleged victim was the aggressor.

STATEMENT OF FACTS

The State charged Calvin Doss with first degree murder based on the allegation that he shot and killed his partner, Vanessa Thomas, on April 5, 2020. (C. 21-27; R. 503-04). Following a jury trial, at which Doss testified and asserted that he shot Thomas in self-defense, Doss was convicted of first degree murder. (C. 134-35). The court subsequently sentenced Doss, who had four children, no felony criminal history, and was employed at the time of the offense, to 50 years in prison. (C. 169; R. 717-19, 723).

Lynch Motion

Prior to trial, Doss moved to admit evidence of three prior incidents to demonstrate Thomas's aggressive and violent character under *People v. Lynch*, 104 Ill.2d 194 (1984). (C. 100-11) (hereinafter "*Lynch* motion"). First, LaEasha Johnson would testify that between the late evening of April 4, 2020, and early morning of April 5, 2020, Doss called her and asked her to bring McDonald's to Doss's father's house. (C. 100). Johnson had a romantic relationship with Doss, and Thomas was aware of this. (C. 100). Johnson's friend picked Johnson up and took her to Doss's father's house. (C. 100). When they arrived, Thomas was there in her car. (C. 100). As Doss approached the cars, Thomas exited her car and went toward Johnson. (C. 100-01). Thomas opened Johnson's passenger-side door and hit Johnson with her fist multiple times while repeatedly saying, "I'm going to kill you." (C. 101). Doss pulled Thomas away from the car, and Johnson left. (C. 101).

Second, Doss would testify that on June 2, 2019, Thomas stabbed him in the arm during an argument. (C. 101). Doss ran to the bathroom and Thomas

followed, saying she was going to kill him. (C. 101). An ambulance took Doss to Stroger Hospital, where he got 26 stitches. (C. 101). Loretta Kent, Doss's mother, saw Doss at the hospital and took photos. (C. 101).

Third, Cherish Hollings would testify regarding a series of incidents with Thomas that occurred less than a year before the charged offense. (C. 110-11). Hollings and Thomas both worked for Aries Transport at O'Hare Airport. (C. 110). Hollings, who worked as a dispatcher, would testify that Thomas called dispatch approximately 30 times asking to speak with Hollings. (C. 110). Thomas accused Hollings of having sex with Doss and threatened to go to Hollings' work location and "kick her ass." (C. 110). Because Thomas and Hollings both worked for Aries Transport, Thomas had access to Hollings' work location. (C. 110). When Hollings eventually spoke with Thomas on the phone, Thomas told Hollings that she was contemplating killing Doss because she believed Doss was sleeping with Hollings and mentioned she had previously stabbed Doss. (C. 110). After Hollings convinced Thomas that she was not in a relationship with Doss, the threats stopped. (C. 111).

At the hearing on the *Lynch* motion, the State argued, *inter alia*, that the court should bar Hollings' testimony because Thomas stopped calling Hollings once she understood that Doss and Hollings were not in a relationship. (R. 121). The court ultimately granted the *Lynch* motion in part, allowing the defense to present evidence regarding the first two incidents. (R. 123-27). However, the court barred evidence regarding the incidents with Hollings, finding that it was too prejudicial. (R. 126-27). The court explained that while Thomas's statement that she was going "kick [Hollings] ass," was "[n]ot very lady like," it only constituted a "veiled" threat, if a threat at all. (R. 126). The judge did not discuss the prongs

of *Lynch* or the fact that Thomas told Hollings that she was contemplating killing Doss due to the suspected affair.

Jury Trial

Calvin Doss testified that he met Thomas in 2019 and that they were in a romantic relationship. (R. 503). At some point, Doss began living with Thomas and her two sons, and in October 2019, they moved into a new apartment. (R. 503-04). Soon after, in November 2019, they had a child together. (R. 504-05). Doss was a manager at Aries Shuttles at O'Hare Airport and had worked there for four years, supporting himself, his child, Thomas, and Thomas's children. (R. 514). Doss also testified about his previous romantic relationship with LaEasha Johnson. (R. 505). Doss met Johnson in 2015, and they broke up in February 2019. (R. 505). After they broke up, Doss continued to have an on-and-off romantic relationship with Johnson. (R. 505-06).

On June 1, 2019, when Doss was living with Thomas, Doss got home early in the morning after a night of drinking and being out with another woman. (R. 506-07). Doss and Thomas got into an argument, and Thomas stabbed Doss in the arm with a butcher knife. (R. 507-08). Doss went into the bathroom and wrapped his arm in a towel. (R. 509). Thomas chased after Doss, kicking the door and trying to get into the bathroom. (R. 509). Thomas's son started crying and she went to him. (R. 510). Doss, who had lost a lot of blood, went to the back porch and fainted. (R. 510). Doss was taken to the hospital and received 26 stitches. (R. 510-11). Doss identified photos of him at the hospital and his wound. (R. 511-12; Def. Ex. 1-2). He also showed the jury the four-inch scar on his forearm. (R. 512). Doss admitted that he did not tell hospital personnel that Thomas stabbed him. (R. 512). Instead, he told them that he was robbed in an alley because he did not want Thomas to

go to jail. (R. 513). After the stabbing incident, Doss continued to live with Thomas and they had a baby together. (R. 513).

On April 4, 2020, the night before the charged offense, Doss went to his father's house to play poker. (R. 514-15). Doss's father had since passed away. (R. 514). Doss was drunk and called Thomas for a ride. (R. 515). Doss also called Johnson and asked her to bring him food. (R. 516). Thomas and Johnson, who was with a friend, arrived at the same time. (R. 517-18). When Doss got in Thomas's car, she told him that her car was making a noise and that they needed to use his car instead. (R. 518). When they were walking toward Doss's car, Thomas saw Johnson. (R. 519). Thomas proceeded to open Johnson's car door and punch her. (R. 520). Doss ran up and stopped Thomas, grabbing her. (R. 521). Another man named Junior¹, who is now deceased, helped Johnson and her friend back in the car. (R. 521). Doss brought Thomas back to his car and told her to calm down. (R. 522). Thomas was mad and started swinging at Doss. (R. 522). Johnson tried to get out of the car to fight back but Junior stopped her. (R. 522). Thomas and Johnson both left the scene, and Doss drove himself home. (R. 522-23).

When Doss arrived home, Thomas was already there. (R. 523). He saw Thomas cleaning and loading a gun near the kitchen counter. (R. 524, 541). Doss explained that neither he nor Thomas kept a gun in their home. (R. 524). Doss asked Thomas if she was going to shoot him. (R. 524). Doss then grabbed Thomas by the hair, took the gun, and told Thomas to leave. (R. 524-25). Doss explained that he took the gun, which he eventually put in his waistband, because he did not want Thomas to shoot him. (R. 528-29). When Thomas refused to leave, Doss started packing

¹ Another witness referred to Junior as "JR." For consistency, Doss will refer to this individual as Junior in this brief.

his belongings in a “tote,” a large plastic bin. (R. 525).

When Doss was outside, moving the bin and a TV, Thomas started throwing his shoes in the yard. (R. 526-28). As Doss picked up his shoes and headed back inside to try to stop Thomas from throwing his things, the gun fell out of his pants and into the bin with his belongings. (R. 528-30, 544). Thomas grabbed the gun and hit Doss in the mouth, knocking his teeth out. (R. 530, 545). Fearing Thomas would hurt him, Doss wrestled the gun away from her. (R. 530-31). He was three steps below Thomas when he fired the gun and did not know that she had been hit. (R. 530, 547). After the first shot, Doss moved down to the lower level. (R. 531). Thomas continued to come at him, so he pushed her off and shot again. (R. 531-32). Thomas was one step below Doss when he fired the second time. (R. 551). Doss explained that he fired the gun out of fear for his life. (R. 532). Even after the second shot, Thomas continued to follow him, walking down the stairs and around to the gangway, eventually collapsing. (R. 532, 552).

Doss saw Thomas on the ground and said, “Baby, get up.” (R. 553). That is when he knew she was dead. (R. 552). He panicked and thought about killing himself. (R. 532). Instead, Doss went back upstairs, dropped the gun, and left. (R. 533). He called his father and sister, Chaira. (R. 533). The next day, on April 6, 2020, he surrendered at the police station. (R. 533-34).

LaEasha Johnson testified that she had known Doss since high school and that they began a romantic relationship in October 2016. (R. 557-58). They lived together for a year and a half and separated in January 2019, after she learned that Doss was messing around with someone else. (R. 559). After they broke up, they continued to see each other, even though she knew Doss was living Thomas and building a family with her. (R. 560, 573).

On the evening of April 4, 2020, Doss called Johnson and asked her to bring him food at his father's house. (R. 560-62). Johnson and her friend went to McDonald's and then to drop the food off. (R. 563). After they parked the car, a black sedan pulled up and parked. (R. 564-66). Doss and Thomas were in the middle of the street walking toward her car. (R. 566). Doss sent Johnson a text message telling her to stay in the car. (R. 567). Before Johnson could do anything, Thomas opened Johnson's car door and attacked her. (R. 567-68). Thomas punched Johnson in the head three or four times. (R. 568-69). While Thomas was hitting her, Thomas said: "Bitch, I'm going to kill you. You stupid hoe. You think this is a joke. I'm going to kill you." (R. 568-70). Johnson fought back because she thought Thomas was trying to kill her. (R. 570). Doss and Junior broke up the fight, and Johnson left with her friend. (R. 570-72). After the fight, Johnson's ear was very sore and throbbed for a week. (R. 578). She did not see a doctor or call the police. (R. 578, 581). Johnson testified that she had spoken to Doss since this incident but that they did not talk about her testimony. (R. 582).

Loretta Kent, Doss's mother, also testified for the defense, identifying a photo Doss sent her of himself in the hospital on June 1, 2019, and a photo that she took of Doss's wound while visiting him in the emergency room. (R. 586-88, Def. Ex. 1 and 2).

Chaira Doss, Doss's sister, testified that she went to Doss's and Thomas's apartment on April 5, 2020, around 3:00 or 4:00 a.m., and found Thomas on the ground. (R. 592-93, 597). Chaira checked to see if Thomas had a pulse, but she did not. (R. 597). Chaira called 911 and waited for the ambulance and police to arrive before leaving. (R. 598).

The parties stipulated to the medical examiner's testimony. The medical

examiner observed a gunshot wound on the top of Thomas's head, an entry wound on Thomas's right breast, an exit wound on the right back, and abrasions on her right arm and shin. (R. 450-54). Blood was taken for a toxicology analysis, and the results showed a blood alcohol concentration of .037. (R. 453). The medical examiner concluded that the cause of death was multiple gunshot wounds. (R. 453-54).

The police did not find a gun at the scene but later recovered the gun used in the shooting at Thomas's mother's house. (R. 406, 431, 486, 489-50). Thomas's mother, Dionna Applewhite, testified that she went to Thomas's apartment after the shooting and brought home a bin of clothes for Thomas's children. (R. 402). The next day, she found a gun in the bin and called the police. (R. 403). The parties stipulated that an expert would testify that this gun matched the empty firearm casing and fired bullet recovered by the police. (R. 455-57). The parties also stipulated that the expert who analyzed the DNA swab from the handle and trigger of the gun determined that it contained a mixture of DNA profiles originating from three unknown, unrelated people and that his analysis provided limited support for the proposition that Doss was a contributor to the DNA mixture. (R. 458-61).

Detective Salvatore Aloisio testified that he viewed videos from Thomas's cell phone. (R. 483). Portions of the cell phone videos edited by the State were admitted and published to the jury. (R. 474, 483-85; St. Ex. 103²). The video showed Doss and Thomas inside their apartment having an argument about Doss spending

² The cell phone video footage is on three separate files: 0004 VTS_01_1 2024-12-06, 0006 VTS_02_1 2024-12-06, and 0008 VTS_03_1 2024-12-06. In order to differentiate between these videos, when referencing specific portions of the cell phone video clips, Doss will cite to the file name—e.g. St. Ex. 103 - 0004 VTS_01_1 2024-12-06.

time with Johnson. (St. Ex. 103 - 0004 VTS_01_1 2024-12-06). Doss appeared to have a gun, which he placed in the kitchen sink and ran the tap. (St. Ex. 103 - 0004 VTS_01_1 2024-12-06). Thomas told Doss to be careful, warning him that a bullet was in the chamber. (St. Ex. 103 - 0004 VTS_01_1 2024-12-06). She also told Doss that he was cleaning the gun incorrectly and that he needed a cloth and Vaseline to get prints off. (St. Ex. 103 - 0004 VTS_01_1 2024-12-06). Doss asked why he needed to do that, and Thomas laughed. (St. Ex. 103 - 0004 VTS_01_1 2024-12-06). In the second video clip, Doss walked around the apartment packing. (St. Ex. 103 - 0006 VTS_02_1 2024-12-06). Thomas and Doss continued to verbally argue. (St. Ex. 103 - 0006 VTS_02_1 2024-12-06). In the third video clip, Doss carried a large TV and a blue bin out of the second-floor apartment and placed them on the front exterior stairs. (St. Ex. 103 - 0008 VTS_03_1 2024-12-06). Once outside, Doss told Thomas that she could lock the front door. (St. Ex. 103 - 0008 VTS_03_1 2024-12-06). Thomas told Doss that she was going to wait until he got everything and threw some of his belongings down the outside stairs, stating that Doss had thrown her shoes first. (St. Ex. 103 - 0008 VTS_03_1 2024-12-06). Doss denied throwing her shoes. (St. Ex. 103 - 0008 VTS_03_1 2024-12-06). After a brief argument about the shoes, Thomas closed the door and the video ends. (St. Ex. 103 - 0008 VTS_03_1 2024-12-06).

Harvey Davis, Thomas's son, testified about an incident that occurred on March 14, 2020. Davis, then 10 years old, was in the car with his mom, cousin, brother, and Doss, who was driving. (R. 440-41). They were on their way home from a birthday party when Thomas, who had been drinking, repeatedly asked Doss to stop so she could use the bathroom. (R. 441, 447-78). Doss refused, and Thomas urinated a little on the car seat. (R. 441-422). While at a red light, Doss

told Thomas to get out of the car and lightly shoved her out of the car. (R. 443). Thomas walked across the street to a Wendy's and waited outside. (R. 443). Doss eventually pulled into the Wendy's and got out of the car. (R. 443). He wanted Thomas to get back in the car. (R. 449). Davis saw Doss pull Thomas's shirt and hair and shove her toward the car. (R. 444). Davis's cousin started talking to Doss while Thomas was yelling at Doss. (R. 445). Then a man who was in the drive-thru lane approached Doss with a metal pipe, and Doss left with his nephew. (R. 445-46). Thomas, Davis, and Davis's cousin went into the Wendy's and someone called the police. (R. 446). Thomas did not go to the hospital. (R. 449).

During closing arguments, the State argued that there was no evidence that Thomas acted aggressively or that she was a threat to Doss. (R. 635-46; 659-75). The State also contended that the shooting could not have occurred as Doss testified, claiming that Thomas could not have been shot in top of the head while moving. (R. 670-71). Defense counsel, on the other hand, argued that Doss acted in self-defense and that he acted reasonably under the circumstances, emphasizing Thomas's violent history and the fact that Doss was trying avoid conflict by packing his belongings and leaving the apartment. (C. 646-59).

The court instructed the jury on first degree murder and second degree murder, but ultimately, the jury found Doss guilty of first degree murder. (R. 627; C.I. 4-35).

Post-Trial Proceedings

The court denied Doss's motion for new trial, which alleged, *inter alia*, that the court erred by partially denying Doss's *Lynch* motion. (C. 162-63; R. 706-09). The court subsequently sentenced Doss to 50 years in prison. (R. 723; C. 169).

Appellate Court Proceedings

On appeal, Doss maintained that the trial court erred by partially denying his *Lynch* motion and barring Hollings from testifying about threats Thomas made when she suspected Doss was having an affair with Hollings. Doss argued that contrary to the trial court's conclusion, Thomas's statements to Hollings, threatening to "kick [Hollings] ass" and contemplating killing Doss due to the suspected affair, constituted *Lynch* evidence, and that this evidence was more probative than prejudicial as it was relevant to both *Lynch* purposes. Thomas's prior violent and aggressive conduct affected Doss's perceptions of and reactions to Thomas's behavior at the time of the shooting and supported Doss's account that Thomas was the initial aggressor.

While the appellate court found that the trial court's ruling on this evidentiary issue was "inarticulate" and "did not address the prongs of *Lynch*[" the court affirmed, holding for the first time that a verbal threat that is devoid of physical violence does not constitute *Lynch* evidence. *People v. Doss*, 2025 IL App (1st) 241265-U, ¶¶ 45-48.

This Court granted leave to appeal on March 25, 2026.

ARGUMENT

This Court should reverse the appellate court’s judgment and remand Calvin Doss’s case for a new trial as verbal threats of violence are admissible under *People v. Lynch*, 104 Ill. 2d 194 (1984), and the Illinois Rules of Evidence.

The only disputed issue at Calvin Doss’s trial was whether Doss shot Vanessa Thomas in self-defense. As a result, pursuant to *People v. Lynch*, 104 Ill. 2d 194 (1984), the defense moved to introduce evidence of Thomas’s violent and aggressive character to help prove that she was the initial aggressor and that Doss feared for his life. (C. 100-11). While the trial court granted Doss’s motion in part, the court barred the defense from introducing evidence that less than a year before the charged offense, Thomas had threatened to kill Doss and harm another individual. (C. 110-11; R.125-26). The appellate court subsequently affirmed the trial court’s decision to exclude this evidence, holding for the first time, that a verbal threat that is devoid of physical violence does not constitute *Lynch* evidence. *People v. Doss*, 2025 IL App (1st) 241265-U, ¶ 48. In reaching this conclusion, the appellate court took into consideration the language in *Lynch* and its later codification in the Illinois Rules of Evidence. *Id.*, ¶¶ 46-48.

The appellate court’s holding in *Doss* upends this Court’s precedent by limiting *Lynch* evidence in a way that has never been done before and by depriving defendants of evidence that can be critical to establishing that they acted self-defense. Therefore, this Court should reverse the appellate court’s judgment as: (1) this Court explicitly stated in *Lynch* that “a victim’s threats against the defendant are admissible”; (2) the codification of the second prong of *Lynch* in the Illinois Rules of Evidence did not alter *Lynch*’s holding; (3) the lower courts have consistently found that verbal threats of violence are admissible under *Lynch*; and (4) the

appellate court's holding in *Doss*, which announced a new definition of *Lynch* evidence, severely limits a defendant's ability to support a self-defense claim. *Lynch*, 104 Ill. 2d at 201.

A. Standard of Review

Reviewing courts generally review evidentiary rulings under an abuse of discretion standard. *People v. Caffey*, 205 Ill. 2d 52, 89 (2001); *People v. Morgan*, 197 Ill. 2d 404, 455 (2001). However, *de novo* review applies in cases where the evidentiary ruling “involves a legal issue and did not require the trial court to use its discretion regarding fact-finding or assessing the credibility of witnesses.” *People v. Aguilar*, 265 Ill. App. 3d 105, 109 (3d Dist. 1994); *see also Caffey*, 205 Ill. 2d at 89 (in cases where “a trial court’s exercise of discretion has been frustrated by an erroneous rule of law[,]” its ruling will be reviewed *de novo*). Thus, this Court should apply *de novo* review, as the question of whether a verbal threat of violence is admissible under *Lynch* and the Illinois Rules of Evidence is purely a question of law. *See People v. Heintz*, 2026 IL 131340, ¶ 27 (applying *de novo* review when deciding if the alleged victim’s violent conduct after the charged offenses was admissible under Rule 405(b)(2)). However, even if this Court applies the abuse of discretion standard, *Doss* is entitled to relief.

B. Verbal threats are admissible under *Lynch*.

This Court held in *Lynch* that when a defendant raises self-defense, evidence of the alleged victim’s violent and aggressive character may be offered for the following purposes: (1) to show the defendant’s knowledge of the victim’s violent tendencies affected the defendant’s perceptions of and reactions to the victim’s behavior, and (2) to support the defendant’s version of the facts where there are conflicting accounts of what happened. *Lynch*, 104 Ill. 2d at 199-200. When the

defendant offers evidence for the first *Lynch* purpose, evidence is relevant only if the defendant had knowledge of the victim's prior violent and aggressive conduct. *Id.* at 200. On the other hand, when evidence is offered for the second *Lynch* purpose, the defendant's knowledge is irrelevant. *Id.* The *Lynch* court explained that its holding was "consistent with the related rule that a victim's **threats** against the defendant are admissible even if they were not communicated to the defendant." *Id.* at 201 (emphasis added) (citing *Neathery v. People*, 227 Ill. 110, 116-117 (1907)).

Nevertheless, in Doss's case, the appellate court affirmed the trial court's decision to exclude evidence that the decedent previously threatened to kill Doss and harm another individual, holding that a verbal threat that is devoid of physical violence is inadmissible under *Lynch* because such conduct is not both "aggressive and violent[.]" *Doss*, 2025 IL App (1st) 241265-U, ¶ 46-48 (emphasis in original) (citing *Lynch*, 104 Ill. 2d at 200). The appellate court determined that the *Lynch* court's decision to use "and" rather than "or" was integral to interpreting *Lynch* because a person can be violent without being aggressive and a person can be aggressive without being violent. *Id.* ("A person who is aware he has a short fuse and therefore has learned to avoid confrontation might be violent without being aggressive. A person who is quick to make threats but avoids physical confrontation can be aggressive without being violent.").

This Court should reject the First District's holding as it conflicts with *Lynch*. First, this Court explicitly stated in *Lynch* that "a victim's threats against the defendant are admissible . . ." *Lynch*, 104 Ill.2d at 201 (finding that *Lynch*'s case was "closely analogous to a threat case"). Second, the First District's holding in *Doss*—that verbal threats, devoid of physical violence, are inadmissible under *Lynch*—is inconsistent with this Court's reasoning in *Lynch*. The *Lynch* court

found there was no meaningful distinction between a person’s prior threat of violence and a prior act of violence, as they both lead to the inference that the person is likely to act violently. *Id.* (“There is little distinction between an inference that someone who has made a threat is likely to do as he threatened and an inference that someone chosen to play a role because he is violent or frightening will behave accordingly.”) *Id.* Third, given the *Lynch* court’s statements about the admissibility of verbal threats, the Court’s use of the word “and” rather than “or” does not support the First’s District’s conclusion that a victim’s prior conduct must be *both* aggressive and violent to be admissible under *Lynch*. Indeed, the appellate court below even acknowledged that “plying apart the meanings derived from ‘and’ and ‘or’ is less often integral in interpreting caselaw than it is when interpreting statutory language[.]” *Doss*, 2025 IL App (1st) 241265-U, ¶ 46; *see also Lac du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin*, 599 U.S. 382, 413 (2023) (explaining the linguistic concept of “hendiadys”—two terms separated by a conjunction may work together as a single, shared idea, as opposed to separate meanings). This is especially true in deciding if a verbal threat can constitute evidence of “aggressive and violent character” because this Court plainly stated in *Lynch* that an alleged victim’s threat against the defendant is admissible, and did not make the admissibility of a threat contingent on it being accompanied by a physical act of violence. *See Lynch*, 104 Ill.2d at 201. Thus, the appellate court’s reliance on the *Lynch* court’s use of the word “and” rather than “or” in its holding is misplaced.

Under the appellate court’s rule, a defendant could introduce evidence that an alleged victim previously slapped another individual but would be prohibited from introducing evidence that the alleged victim previously threatened to kill

the defendant, even if the threat occurred the day before the charged incident. These results cannot be reconciled with this Court’s plain language and reasoning in *Lynch*. Therefore, this Court should reject the appellate court’s new definition of *Lynch* evidence and reaffirm that an alleged victim’s prior verbal threat of violence is admissible in self-defense cases.

C. The codification of the second prong of *Lynch* in the Illinois Rules of Evidence did not alter *Lynch*’s holding.

The appellate court found it significant that when the Special Supreme Court Committee on Illinois Evidence (hereinafter “Committee”) codified the second prong of *Lynch* in Illinois Rule of Evidence 405(b)(2), it omitted the word “aggressive” and only referred to “violent conduct.” *Doss*, 2025 IL App (1st) 241265-U, ¶ 47. Although the first prong of *Lynch* is not included in Rule 405, the *Doss* court determined that “[i]t is arguable that the ambit of Rule 405(b)(2) covers both prongs of *Lynch*[.]” *Id.*, ¶ 48. As a result, the court held that under either prong of *Lynch*, a verbal threat that is devoid of physical violence is inadmissible. *Id.* However, this Court should reject the appellate court’s conclusion that the enactment of Rule 405(b)(2) narrowed *Lynch*’s holding because: (1) the plain language of Rule 405(b)(2) is consistent with *Lynch* and does not bar verbal threats, and (2) the Illinois Rules of Evidence were created to codify *existing* law, not to eliminate or modify this Court’s precedent.

First, Rule 405(b)(2) is consistent with *Lynch*’s holding. Rule 405(b)(2) provides that when the accused raises the theory of self-defense in homicide and battery cases and there are conflicting accounts as to whether the alleged victim was the initial aggressor, “proof may also be made of specific instances of the alleged victim’s prior violent conduct.” Ill. R. Evid. 405(b)(2). In *Lynch*, this Court held that when

the theory of self-defense is raised and conflicting accounts of the incident are presented, “the victim’s aggressive and violent character is relevant to show who was the aggressor, and the defendant may show it by appropriate evidence, regardless of when he learned of it.” *Lynch*, 104 Ill.2d at 200. While the language in *Lynch* (“aggressive and violent character”) differs slightly from the language in the rule (“violent conduct”), the rule does not state that a verbal threat cannot constitute violent conduct. Indeed, a person’s conduct is not limited to one’s actions but includes a person’s words. See *Black’s Law Dictionary* 249 (12th ed. 2024) (defining “conduct” as “[p]ersonal behavior, whether by action or inaction, verbal or nonverbal; the manner in which a person behaves; collectively, a person’s deeds”). Thus, under the plain language of the rule, a verbal threat of violence can constitute “violent conduct.”

Second, the fact that the second prong of *Lynch* was codified in Rule 405(b)(2) did not change this Court’s holding in *Lynch* or case law applying *Lynch*. In promulgating the Illinois Rules of Evidence, the Committee was tasked with codifying *existing* evidentiary law, which was dispersed in case law, statutes, and Supreme Court Rules, not to enact new rules or modify existing law. See Illinois Rules of Evidence Committee Commentary.³ The Committee explained that with the exception of two clearly marked recommendations, it “incorporated into the Illinois Rules of Evidence the current law of evidence in Illinois whenever the Illinois Supreme Court or the Illinois Appellate Court had clearly spoken on a principle of evidentiary law within the last 50 or so years.” *Id.* at (1). Additionally,

³ Available at: <https://www.illinoiscourts.gov/courts/supreme-court/courts-supreme-court-illinois-rules-of-evidence/> (last accessed June 4, 2026).

the rules provide that “[a] statutory rule of evidence is effective unless in conflict with a rule or a decision of the Illinois Supreme Court” (Ill. R. Evid. 101), and made clear that Illinois legislature can still “act in the future with respect to the law of evidence as long as the particular legislative enactment is not in conflict with an Illinois Supreme Court rule or an Illinois Supreme Court decision.” Illinois Rules of Evidence Committee Commentary at (2). Therefore, contrary to the appellate court’s reasoning below, the codification of the second prong of *Lynch* in Rule 405(b)(2) did not alter *Lynch*’s holding.

Even if this Court finds that Rule 405(b)(2) limits second-prong *Lynch* material to physical acts of violence, it should still reject the appellate court’s conclusion that verbal threats are also inadmissible under the first prong of *Lynch*. Under the first prong, the defense may admit evidence of the alleged “victim’s violent and aggressive character” to show that “the defendant’s knowledge of the victim’s violent tendencies necessarily affects his perceptions of and reactions to the victim’s behavior.” *Lynch*, 104 Ill.2d at 199-200. The appellate court reasoned in *Doss* that the “codification of the second prong should inform our interpretation of identical language contained in the first prong.” *Doss*, 2025 IL App (1st) 241265-U, ¶ 48. But that reasoning fails. The second prong was the new rule announced in *Lynch*—the first prong, by contrast, predates *Lynch* entirely. Because the first prong existed long before *Lynch* was decided, the legislature’s codification of the second prong cannot be used to narrow the meaning of the first.

The issue in *Lynch* was whether the trial court properly excluded evidence of the alleged victim’s prior battery convictions that defendant was unaware of at the time of the offense. *Lynch*, 104 Ill.2d at 197. Accordingly, the Court held for the first time “that when the theory of self-defense is raised, the victim’s

aggressive and violent character is relevant to show who was the aggressor, and the defendant may show it by appropriate evidence, regardless of when he learned of it.” *Id.* at 200. And while the issue in *Lynch* concerned evidence about the alleged victim that the defendant was unaware of, the *Lynch* court reaffirmed long-standing precedent that evidence that the defendant was aware of alleged victim’s violent tendencies and prior threats is admissible in self-defense cases, as it affects a defendant’s perception and reaction to danger. *Id.* 199-201 (commonly referred to as the first prong of *Lynch*). In *People v. Adams*, this Court recognized that it had “repeatedly held that evidence as to the violent disposition of the decedent and prior **threats** or misconduct by the decedent directed towards the defendant is admissible” in self-defense cases. 25 Ill. 2d 568, 572 (1962) (emphasis added).

Then, in *People v. Whitters*, this Court explained that “[p]erception of danger is always material and relevant to defendant’s belief that the use of deadly force is justified.” 146 Ill. 2d 437, 444 (1992); *People v. Ganci*, 57 Ill. App. 3d 234, 241 (1st Dist. 1978) (“Where the accused claims self-defense, and threats of the victim were known to the accused, these threats are admissible to prove the accused’s apprehension of danger and its reasonableness.”). Indeed, evidence that the alleged victim previously threatened to kill or harm the defendant is relevant in self-defense cases because it has a tendency to make the defendant’s subjective belief in the need to use force more probable. *See* Ill. R. Evi. 401 (defining “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence”); 720 ILCS 5/7-1 (defining self-defense); 720 ILCS 5/9-2(a)(2) (defining second-degree murder). Thus, the codification of the second prong of *Lynch* in the rules of evidence has no bearing on the first prong

and this Court's long-standing precedent that evidence of defendant's perception of danger, including prior threats directed at the defendant, is admissible in self-defense cases.

In short, the history of the common-law rule reaffirmed and promulgated in *Lynch* and the purpose and language of Rule 405(b)(2) demonstrate that, contrary to the appellate court's ruling in this case, threats of violence continue to be admissible evidence in battery and homicide cases where self-defense is raised.

D. Illinois courts have consistently held that verbal threats of violence are admissible under *Lynch*.

Not only does the appellate court's holding in *Doss* conflict with the plain language of *Lynch* and the applicable Illinois Rules of Evidence, the appellate court narrowed this Court's holding in *Lynch* in an unprecedented way. The *Doss* court acknowledged that it was charting new territory and that no appellate court had ever held that *Lynch* evidence was limited to physical acts of violence. *People v. Doss*, 2025 IL App (1st) 241265-U, ¶ 46. The court believed that *Doss*'s case provided "an opportunity to clarify what has been implied in other caselaw but has not . . . been an explicit holding up to this point." *Id.* Yet the court did not cite to any cases where this interpretation of *Lynch* was implied. In fact, Illinois appellate courts have repeatedly recognized that a victim's prior verbal threats against the defendant, whether communicated directly to the defendant or someone else, are admissible under *Lynch*. See *People v. Robinson*, 163 Ill. App. 3d 754, 774 (1st Dist. 1987) ("When the theory of self-defense is raised, . . . a victim's **threats** against a defendant are admissible even if they were not communicated to the defendant") (emphasis added); *People v. Florey*, 153 Ill. App. 3d 530, 539-40 (1st Dist. 1987) ("Where a defendant claims that he killed an individual in self-defense

. . . evidence of specific violent acts and **threats**, may be admissible as proof of the victim’s violent and turbulent character”) (emphasis added).

Consistent with this well-established rule, a trial court’s exclusion of an alleged victim’s prior threat to the defendant can be reversible error. *See People v. Booker*, 274 Ill. App. 3d 168, 172 (1st Dist. 1995) (court erroneously prohibited the defendant from testifying that a friend overheard the decedent say that if the defendant testified against the decedent’s friends, the defendant would be “dealt with”); *People v. Robinson*, 163 Ill. App. 3d 754, 774 (1st Dist. 1987) (holding the defendant “should have been permitted to introduce his proffered evidence of prior threats and violence by the victim against him”); *People v. Hanson*, 138 Ill. App. 3d 530, 536-38 (5th Dist. 1985) (trial court should have allowed evidence that the alleged victim had previously threatened multiple people while armed with a knife, as it was relevant to both the defendant’s state of mind and to show who was the aggressor).

While some appellate courts have held that prior arrests and convictions for unlawful gun possession and offenses involving yelling are inadmissible under the second prong of *Lynch* because they are not probative of a person’s propensity for violence, those cases are inapplicable to verbal threats of violence. *See People v. Yeoman*, 2016 IL App (3d) 140324, ¶ 30 (court properly excluded evidence of a prior driving incident where the victim yelled at another driver but did not threaten violence); *People v. Cruzado*, 299 Ill. App. 3d 131, 137 (1st Dist. 1998) (affirming the trial court’s decision to exclude evidence of the victim’s prior arrest for unlawful gun possession because “possession of a firearm does not show a propensity for violence.”); *People v. Costillo*, 240 Ill. App. 3d 72, 81 (1st Dist. 1992) (court did not err in barring evidence of the victim’s unlawful possession of a firearm

arrest as there was no evidence that he brandished or used the gun). In these cases, the appellate court explained that prior instances of yelling and gun possession were inadmissible under *Lynch* because such conduct did not involve an act or threat of violence.

Therefore, the appellate court's holding in *Doss* conflicts with decades of case law interpreting *Lynch*, as courts have consistently held that a verbal threat of violence, such a threat to kill or harm another individual, is admissible to show the alleged victim's propensity for violence.

E. This Court should reject the appellate court's holding in *Doss*, as it severely limits a defendant's ability to support a self-defense claim.

Evidence of an alleged victim's prior acts and threats of violence help a trier of fact determine which version of the incident is more credible and provide necessary context when deciding if the defendant acted in self-defense. *See Lynch*, 104 Ill.2d at 199-200. But the appellate court's unprecedented holding in *Doss*, that a verbal threat, even a threat to kill the defendant, is inadmissible under *Lynch*, severely restricts a defendant's ability to support a self-defense claim. Therefore, this Court should reverse the appellate court's judgment and affirm that verbal threats of violence are admissible under *Lynch*.

Criminal defendants are constitutionally guaranteed a meaningful opportunity to present a complete defense. U.S. Const., amends. V, VI, XIV; Ill. Const. 1970, art. I, §§ 2, 8; *Holmes v. South Carolina*, 547 U.S. 319, 324 (2006); *People v. White*, 2017 IL App (1st) 142358, ¶ 30. "Few rights are more fundamental than that of an accused to present witnesses in his own defense." *Taylor v. Illinois*, 484 U.S. 400, 408 (1988). While a judge may restrict the defendant's presentation of evidence to prevent him from injecting irrelevant or unreliable evidence into the case, defense

evidence must be allowed when justice requires. *See People v. Pecoraro*, 175 Ill. 2d 294, 306 (1997); *People v. Lettrich*, 413 Ill. 172, 178 (1952).

Surely, when a defendant raises self-defense theory at trial for first degree murder, the defense should be permitted to admit evidence that the decedent previously threatened to kill the defendant to refute the State's contention that the defendant committed the killing "without lawful justification." 720 ILCS 5/9-1(a). One of the recognized justifications to first degree murder is the affirmative defense of self-defense. *See* 720 ILCS 5/7-1(a). Section 7-1(a) of the Criminal Code of 2012 provides:

"A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony." *Id.*

Thus, in order to establish that the defendant's use of force was justified, the defense must present some evidence that (1) force was threatened, (2) the person threatened was not the aggressor, (3) the danger of harm was imminent, (4) the threatened force was unlawful, (5) that the defendant actually and subjectively believed a danger requiring the force existed, (6) and that those beliefs were objectively reasonable. *People v. Jeffries*, 164 Ill. 2d 104, 128 (1995). Once the defendant presents some evidence tending to prove self-defense, "the State has the burden of proving beyond a reasonable doubt that the defendant did not act in self-defense, in addition to proving the elements of the charged offense." *People v. Lee*, 213 Ill. 2d 218, 224 (2004); *see also Jeffries*, 164 Ill. 2d at 127.

Second degree murder has the same elements as first degree murder but

requires additional proof of a mitigating factor, such as, that at the time of the killing, the defendant believed the circumstances justified the use of force but that the defendant's belief was unreasonable. 720 ILCS 5/9-2(a) (the defendant must prove the mitigating factor by the preponderance of the evidence). The only difference between justified use of force (perfect self-defense) and second degree (imperfect self-defense) is the nature of the defendant's belief, namely, whether the use of force was reasonable or unreasonable. *See People v. Hooker*, 249 Ill. App. 3d 394, 403 (1st Dist. 1993). For the purposes of imperfect self-defense, a jury must determine what the defendant subjectively believed. *People v. Estes*, 127 Ill. App. 3d 642, 651 (3rd Dist. 1984).

Thus, when a defendant raises a self-defense theory at trial, either the affirmative defense or second degree, imperfect self-defense, the defense must present some evidence of the defendant's subjective belief, reasonable or not, that the use of deadly force was necessary to prevent death or great bodily harm. In light of the defendant's burden in self-defense cases, barring evidence of the alleged victim's prior threats of violence, such as a prior threat to kill the defendant, would severely limit defendants' ability to support self-defense claims.

In sum, given the plain language of *Lynch*, the applicable rules of evidence, long-standing precedent that evidence an alleged victim's prior threats of violence are admissible when self-defense is raised, and defendant's burden in self-defense cases, this Court should reverse the appellate court's erroneous judgment and make clear that verbal threats, devoid of physical violence, can be admitted under *Lynch*.

F. The trial court erroneously barred the defense from presenting evidence that the decedent previously threatened to kill Doss and harm another individual, where Doss's defense turned on whether the jury believed that he feared for his life.

In Doss's case, the only disputed issue at trial was whether Doss shot Vanessa Thomas in self-defense. As a result, pursuant to *People v. Lynch*, 104 Ill. 2d 194 (1984), the defense moved to introduce evidence of Thomas's violent and aggressive character to help prove that she was the initial aggressor. (C. 100-11). While the court granted Doss's motion in part, the court barred evidence regarding a series of incidents involving Cherish Hollings and Thomas that occurred less than a year before the charged offense. (C. 110-11). Defense counsel proffered that Hollings would testify that Thomas called Hollings at her workplace multiple times asking to speak with her and accusing Hollings of engaging in sexual intercourse with Doss and threatening to "kick her ass." (C. 110). When Hollings spoke with Thomas on the phone, Thomas told Hollings she was contemplating killing Doss because of the affair and confessed that she had previously stabbed Doss. (C. 110). This Court should reverse the trial court's judgment and remand for a new trial as the trial court's erroneous ruling, prohibiting Doss from presenting evidence regarding Thomas's prior threats of violence, deprived Doss of fair trial and his right to present a complete defense.

At the hearing on Doss's *Lynch* motion, the State argued that the evidence concerning the incidents with Hollings should not be admitted because Thomas stopped the harassment once she determined that Hollings and Doss were not in a relationship. (R. 121). Despite the clear threat to Doss's life, the trial court barred Hollings from testifying, finding that the proposed evidence was not a threat and too prejudicial. (R. 126-27). The court did not address the prongs of *Lynch*,

instead explaining that while Thomas saying she was going to “kick [Hollings’] ass” was “[n]ot very lady like,” it was not admissible under *Lynch* because it was merely a “veiled” threat, if a threat at all. (R. 126).

On appeal, Doss argued that the trial court wrongly concluded that Hollings’ testimony did not constitute *Lynch* evidence because there was nothing veiled about Thomas’s threat to Hollings. Additionally, the trial court did not address other portions of Hollings’ proposed testimony, including Thomas’s statements about contemplating killing Doss because she thought he was sleeping with Hollings and that she had stabbed Doss. (C. 110). Notably, on appeal, the State did not defend the trial court’s reasoning or argue that evidence of Thomas’s prior threat to kill Doss and harm Hollings did not constitute *Lynch* evidence. Instead, the State argued that Hollings’ testimony was inadmissible because there was no evidence that Doss knew about the interaction between Thomas and Hollings, as required for the first *Lynch* purpose, and that there were not conflicting accounts of what happened at trial, as required for the second *Lynch* purpose. The appellate court similarly did not defend the trial court’s reasoning, finding that the trial court’s ruling was “inarticulate.” *Doss*, 2025 IL App (1st) 241265-U, ¶ 45. The appellate court’s basis for affirming the trial court’s *Lynch* ruling was not that Thomas’s statement about “kick[ing Hollings’] ass” did not constitute a threat, but that the threat was not admissible under *Lynch* because a verbal threat, devoid of physical violence, is not violent conduct. *Id.*, ¶¶ 45-48.

Because an alleged victim’s prior threat to harm the defendant or another individual is admissible under Illinois law (*see supra* subsections A-E), this Court should find that the trial court erred in excluding this evidence. First, the trial court wrongly concluded that Thomas’s statement that she was going to “kick

[Hollings'] ass" was not *Lynch* evidence because the statement only constituted a "veiled" threat, if a threat at all. (R. 126). But, there was nothing veiled about Thomas's threat. Thomas did not tell Hollings to "watch her back" or say "you will regret this"—which could be interpreted as veiled threats as they only suggest something unpleasant or violent might happen. Rather, Thomas directly threatened to harm Hollings at her workplace when she said she was going to "kick her ass." (C. 110). Second, the trial court erred in finding that Hollings proposed testimony was more prejudicial than probative. Contrary to the court's conclusion, Hollings' testimony was highly probative of both *Lynch* purposes: to show that Thomas's prior violent and aggressive conduct affected Doss's perceptions of and reactions to Thomas's behavior at the time of the shooting, and to support the defendant's account that Thomas was the initial aggressor. *See Lynch*, 104 Ill.2d at 199-200.

Under the first *Lynch* purpose—Doss's reaction based on his perception of Thomas's violent behavior—the evidence showed that just hours before Thomas's death, Doss saw Thomas get into a physical fight with LaEasha Johnson, who was in an on-and-off romantic relationship with Doss. (R. 505-06, 557-60). Thus, evidence that Thomas had previously contemplated killing Doss when she suspected that Doss was unfaithful was certainly relevant to show that he subjectively believed that his life was at risk that night. *See People v. Whitters*, 146 Ill. 2d 437, 444 (1992) (the perception of danger is always material and relevant to the defendant's belief that the deadly use of force is justified and it is the defendant's perception of danger, not the actual peril, which is dispositive).

Even if Doss was unaware of the incidents involving Hollings at the time of the shooting, which is unlikely given that Doss and Hollings were coworkers, under the second *Lynch* purpose, this evidence still should have been admitted

to support Doss's version of the facts as conflicting accounts of what happened were offered at trial. *Lynch*, 104 Ill.2d at 199-200; *see also People v. Martinez*, 2021 IL App (1st) 182553, ¶ 44 (finding that the defendant's trial testimony could serve as a conflicting account of what happened when compared to the State's version of the incident). Even though Doss was the only witness who could testify as to what actually happened, the State argued that its evidence contradicted Doss's account. At trial, Doss testified he fired the gun because he was scared of being harmed and feared for his life. (R. 532). Hollings testimony would have supported Doss's testimony as it demonstrated that (1) Thomas had contemplated killing Doss in the past, (2) Thomas became aggressive and violent when under suspicion that Doss was romantically involved with other women, and (3) Thomas previously stabbed Doss, which the State disputed at trial. On the other hand, the State argued at trial that no evidence showed Thomas posed a threat to Doss, claiming that, in the cell phone video, Thomas was not acting aggressively toward him and that Doss did not appear to fear for his life. (R. 645-46). The State also alleged that the shooting could not have occurred as Doss testified due to the location of one of the bullet wounds and the lack of blood on the outside stairs. (R. 670-71). These conflicting accounts presented to the jury made Doss's awareness of the Hollings incident irrelevant. Therefore, the trial court should have permitted Hollings to testify as the parties presented conflicting accounts of the incident at trial.

Moreover, contrary to the judge's conclusion, the probative value of this evidence substantially outweighed by any risk of prejudice. *See* Ill. R. Evid. 403. With respect *Lynch* evidence, "the defendant should be given substantial latitude" (*Robinson*, 163 Ill. App. 3d at 773), and "the danger of prejudice to the defendant

lies in refusing to admit such evidence while its high degree of relevance and reliability remains constant.” (*Lynch*, 104 Ill. 2d at 201-02). While the *Lynch* court did not consider prejudice to the State in deciding the admissibility of the alleged victim’s aggressive and violent character, to the extent that prejudice to the State should be considered, here, the probative value of the excluded evidence substantially outweighed any risk of prejudice.

As discussed above, to succeed on self-defense theory, Doss had to establish that he believed that he needed to use deadly force to prevent imminent death or great bodily harm. *See supra* subsection E. Thus, evidence showing that less than a year before the charged offense, Thomas threatened to kill Doss when under the suspicion that he was having an affair, as was the case on the day of the shooting, was highly probative to his self-defense claim. *C.f. People v. Martinez*, 2019 IL App (2d) 170793, ¶ 80 (finding that the probative value of alleged victim’s prior conviction for aggravated battery was substantially outweighed by the danger of unfair prejudice as the conviction was from 55 years ago). Additionally, while the trial court granted the defense’s *Lynch* motion in part, allowing some evidence of Thomas’s aggressive and violent character, the trial court barred the only evidence that Thomas had previously threatened to kill Doss. *See People v. Hanson*, 138 Ill. App. 3d 530, 538 (5th Dist. 1985) (trial court erroneously excluded *Lynch* evidence of the alleged victim’s prior threats as the evidence was relevant to the defendant’s self-defense theory and not cumulative of other evidence presented at trial). Thus, the trial court erred in excluding this evidence because it was highly relevant to Doss’s defense at trial and there was little, if any, risk of undue prejudice to the State as the prior threat to Doss’s life was neither cumulative nor remote in time.

Therefore, the trial court's ruling barring Hollings's testimony was erroneous and deprived Doss of his constitutional right to present a complete defense and to a fair trial. As a result, this Court should reverse Doss's conviction and remand for a new trial.

CONCLUSION

For the foregoing reasons, Calvin Doss, Defendant-Appellant, respectfully requests that this Court reverse the judgments entered below and remand for a new trial.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342, is 32 pages.

/s/ Cristina Law Merriman
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APPENDIX TO THE BRIEF**Calvin Doss No. 132785**

Index to the Record	A-1
Appellate Court Decision	A-4
Notice of Appeal	A-26

INDEX TO THE RECORD

<u>Common Law Record ("C")</u>	<u>Page</u>
Case Summary	6
Indictment	21
Memorandum of Orders ("Half Sheet")	35
Defendant's Motion for Discovery (July 16, 2020)	44
Motion to Admit Proof of Other Crimes (February 3, 2023)	88
Motion to Present Evidence of Aggressive Violent Character of Deceased, Pursuant to <i>People V. Lynch</i>	100
Supplement Motion Pursuant to <i>People V. Lynch</i> (May 10, 2023)	110
Defendant's Answer to Discovery (March 11, 2024)	134
State's Answer to Discovery (March 21, 2024)	141
State's Motion in Limine (March 21, 2024)	147
Motion for New Trial (April 22, 2024)	162
Sentencing Order (May 8, 2024)	169
Notice of Appeal (June 7, 2024)	171
Circuit Court Appoints Office of the State Appellate Defender to Represent Defendant on Appeal (June 14, 2024)	172
 <u>Impounded Common Law Record ("C.I.")</u>	
Jury Instructions	4
Jury Verdict Form Signed (March 22, 2024)	35
Jury Note	36
Presentence Investigation Report (May 7, 2024)	37
Letters in Aggravation	43-44
Letters in Mitigation	45
Trial Exhibit List	47

Report of Proceedings ("R")

	<u>Direct</u>	<u>Cross</u>	<u>Redir.</u>	<u>Recr.</u>
March 19, 2024				
Jury Trial				197
Jury Selection				
March 20, 2024				
Opening Statements				
Mr. Kleist - State				384
Mr. Morask - Defense				389
State Witnesses				
Dionna Applewhite	396	407		
Ashley Hein	411	423		
Eric Gonzalez	427	436		
Harvey Davis	438	447		
Detective Paul Pulkownik	465			
Det. Salvatore Aloisio	474	487		
March 21, 2024				
Motion for Directed Verdict - Denied				496
State Rests				502
Defense Witnesses				
Calvins Doss	503	538		
Laeasha Johnson	557	572		
Loretta Kent	585	590		
Chaira Doss	591	599		
Defense Rests				601

	<u>Direct</u>	<u>Cross</u>	<u>Redir.</u>	<u>Recr.</u>
March 22, 2024				
Verdict of Guilt				627
Closing Arguments				
Mr. Jaramillo - State				635
Mr. Morask				646
Rebuttal				
Mr. Kleist				659
May 28, 2024				
Motion for New Trial - Denied				709
Sentencing Hearing				
Argument in Aggravation				715
Argument in Mitigation				717
Imposition of Sentence				723

2025 IL App (1st) 241265-U

No. 1-24-1265

Order filed December 30, 2025

SECOND DIVISION

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF
ILLINOIS,

Plaintiff-Appellee,

v.

CALVIN DOSS,

Defendant-Appellant.

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Appeal from the Circuit Court
of Cook County

No. 20 CR 05282

Honorable
Stanley J. Sacks,
Judge Presiding.

JUSTICE D.B. WALKER delivered the judgment of the court.
Justices McBride and Ellis concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court's evidentiary orders were not erroneous. The evidence presented was sufficient to defeat defendant's self-defense claim and does not require that defendant's conviction be reduced to second degree murder.

¶ 2 On April 5, 2020, Defendant Calvin Doss (Defendant) shot and killed Vanessa Thomas, who was his girlfriend and the mother of his child. Defendant turned himself in to the police but claimed that he shot Thomas in self-defense. Defendant was found guilty of first-degree murder and sentenced to 50 years' incarceration. On appeal, he argues that (1) the court erred

No. 1-24-1265

by allowing some of the State’s proposed evidence to be admitted, (2) the court erred by denying defendant’s request to admit certain other evidence, and (3) that the evidence presented by the State was insufficient to disprove any of the required elements of his self-defense claim beyond a reasonable doubt.

¶ 3

I. BACKGROUND

¶ 4

On either April 6 or 7, 2020,¹ defendant turned himself in to police, stating that he was responsible for the shooting death of Thomas. Defendant was charged with six counts of first-degree murder.

¶ 5

A. Proof of Other Crimes

¶ 6

On February 3, 2023, the State moved to admit evidence of five prior acts of domestic violence committed by defendant. The motion described the incidents as follows:

“[1.] The People seek to introduce evidence that on March 14, 2020, the defendant and the victim along with two minor children were in the parking lot of a fast-food restaurant in Chicago. An argument ensued between the victim and the defendant and the defendant struck the victim in the head. The two minor children came to the defense of their mother and the defendant threw them to the ground and struck them as well. An unrelated bystander saw the incident and came to the defense of the victim and the minor children and the defendant fled the scene. The matter was reported [to the Chicago Police Department]. * * *

[2.] The People also seek to introduce evidence that on December 23, 2013, the defendant was in a dating relationship with Michaela Blaye. They both were at an

¹ The parties reference different dates in their briefs, but which date is correct is immaterial to the case and our analysis.

No. 1-24-1265

apartment * * *, along with Michaela Blaye's brother. The defendant and Michaela got into a verbal argument and then defendant began striking Michaela Blaye about the body. Michaela Blaye's brother came to the defense of his sister and the defendant then struck him. The matter was reported [to the Chicago Police Department]. * * *

[3.] The People also seek to introduce evidence that on August 29, 2012, the defendant was with Michaela Blaye. *** The defendant saw a phone number on *** Michaela Blaye's phone. The defendant then struck Michaela Blaye in the eye and took her property. This incident was reported [to the Chicago Police Department]. * * *

[4.] The People also seek to introduce evidence that on July 11, 2010, the defendant was with Michaela Blaye. Michaela Blaye told the defendant that they were no longer in a relationship. The defendant responded by punching Michaela Blaye in the eye. Officers were called and observed injuries on Michaela Blaye's face and eye. This matter was reported [to the Chicago Police Department]. * * *

[5.] The people also seek to introduce evidence that on November 27, 2007, the defendant was with his girlfriend, Sigourney Sanders. Signourney Sanders was seven months pregnant with the defendant's child at the time. While in their bedroom, defendant got on top of Signourney Sanders and placed a blanket over her head, limiting her breathing. This matter was reported [to the Chicago Police Department]. *

* *”

¶ 7 On September 18, 2023, the court denied the State's motion with regard to incidents 3, 4, and 5. The court granted the motion as to the incident with Thomas a few weeks before the offense and as to the incident with Michaela Blaye in 2013, reasoning that those two incidents

No. 1-24-1265

were recent enough to show propensity to commit domestic violence. The State ultimately only introduced evidence regarding the March 14, 2020 incident involving Thomas.

¶ 8

B. Evidence of Aggressive and Violent Character of the Victim

¶ 9

On May 4, 2023, defendant moved to introduce evidence of Thomas' aggressive and violent character under *People v. Lynch*, 104 Ill. 2d 194 (1984). In that motion, defendant described two instances of such behavior:

"1. The defendant had called [LaEasha Johnson on the morning of the murder] to request she purchase McDonald's and bring it to his father's home * * *. Ms. Johnson had a continuing romantic/close friendship with [defendant], of which the deceased, Vanessa Thomas, was aware. Ms. Johnson's friend, Ivy², picked Ms. Johnson up at her home and took her to [defendant's] father's home. Ivy pulled up next to a car across from the one Ms. Thomas occupied. As [defendant] approached the vehicles, the evidence will show that Ms. Thomas exited the vehicle, approached Ms. Johnson's vehicle, opened the passenger door, where Ms. Johnson was sitting, and struck Ms. Johnson repeatedly with her fist. Ms. Thomas also repeatedly said, "I'm going to kill you." [Defendant] pulled Ms. Thomas out of and away from the vehicle. Ivy and Ms. Johnson then left.

2. On approximately June 2, 2019, the defendant was not living with Ms. Thomas, but they were dating. [Defendant] was at Ms. Thomas' residence near Washington and Austin in Chicago, when the two got in an argument. Ms. Thomas retrieved a kitchen knife from the kitchen and stabbed [defendant] in the arm. [Defendant] ran to the bathroom, with Ms. Thomas trailing him saying she was going to kill him. An

² This individual is referred to as Ivory elsewhere in the record, including in LaEasha Johnson's testimony.

No. 1-24-1265

ambulance took the defendant to Cook County Stroger Hospital, where he received 26 stitches. * * * Ms. Loretta Kent, the defendant's mother, saw the defendant at the hospital * * *.

¶ 10 On May 12, 2023, defendant filed a supplemental motion seeking to introduce the following third instance of Thomas' alleged aggressive and violent behavior:

“Cherish Hollings – would testify that the deceased worked for Aries Transport, located at O'Hare Airport, as a dispatcher. She knew Ms. Thomas, the deceased.

In the period of time within one year of Ms. Thomas' death, Ms. Thomas would call dispatch and accuse Ms. Hollings of having engaged in sexual intercourse with the defendant, Calvin Doss. Ms. Thomas threatened to come to Ms. Hollings work location and “kick her ass”. Ms. Thomas also stated that because she had been an employee of Aries Transport, she would have access to Ms. Hollings['] work location.

Ms. Thomas called back approximately 30 more times asking to speak to Ms. Hollings. Ms. Hollings eventually spoke telephonically to Ms. Thomas, and Ms. Thomas stated that she was contemplating killing [defendant] because he was sleeping with Ms. Hollings. Ms. Thomas then told Ms. Hollings she had previously stabbed [defendant].

Ms. Hollings convinced Ms. Thomas that she had not had a relationship with [defendant] and the threats then ended.”

¶ 11 At the same September 18, 2023 hearing in which the court addressed the other crimes evidence, it also addressed the *Lynch* evidence. The court denied defendant's motion with regard to the alleged statements to Hollings, finding that threatening to “[k]ick her ass” was “a veiled, if at all, threat.” The court did not address Thomas' alleged statement to Hollings that

No. 1-24-1265

she should kill defendant. The court allowed the other two pieces of *Lynch* evidence on the condition that the defense could elicit testimony from someone with personal knowledge of the events.

¶ 12

C. Trial

¶ 13

The State's first witness was Dionna Applegate (Applegate), Thomas' mother. Applegate testified that after Thomas' death, she went to Thomas' apartment to retrieve clothing for Thomas' children. In a tote containing clothing, she found a handgun. She "put it up away before the kids could get ahold of it." The handgun was later retrieved by evidence technician Eric Gonzalez, who testified that it was empty of any rounds when it was recovered. The parties stipulated that an expert would testify, if called, that the handgun Applegate found matched the empty casing found at the crime scene and the bullet found inside Thomas, "to the exclusion of all [other weapons]." The parties stipulated to DNA evidence that established, to an extreme degree of likelihood, that the handle and trigger bore the DNA of Thomas, defendant, and an unknown third person.

¶ 14

The parties also stipulated as to the condition of Thomas' body: Thomas was 5'1" tall and weighed 174 pounds. She had a gunshot entry wound at the crown of her head, the bullet from which lodged in the soft tissue of her neck. The bullet had proceeded straight downward from the top of her head, with no left or right deviation. Thomas also had a gunshot wound to her right breast, the bullet from which exited through her back. That bullet traveled front to back, slightly left to right, and slightly upward relative to Thomas' body.

¶ 15

Evidence technician Ashley Hein testified that two live rounds, a shell casing, and Thomas' phone were found near Thomas' body.

No. 1-24-1265

¶ 16 Detective Salvatore Aloisio (Aloisio) testified that he recovered Thomas' cellphone at the scene and was able to access it by getting the pin number from one of Thomas' family members. On the phone, Aloisio discovered three videos taken between 4:21 a.m. and 4:29 a.m. Officer Paul Pulownik later recovered the videos from the cellphone. Those videos were played in court during trial.

¶ 17 The first video had the file name IMG_0036.MOV and the recording began at 4:21:30 a.m. At the start of the video, defendant approaches Thomas with a black handgun held sideways in his hand and not pointed at Thomas. He repeatedly demands that Thomas leave the apartment and seems to push lightly at Thomas or the phone she is using to record the video. Thomas and defendant move to opposite sides of the combination living room/kitchen while Thomas chides defendant for being caught with another woman and defendant insists that he's a good person and that his love is for Thomas, not for the other woman. While the two argue, defendant places the handgun in the sink and turns on the water. Thomas informs him that "that's not how you clean prints off a gun." Thomas advises defendant to be careful, as there's a round in the chamber. Defendant retorts that Thomas "never locked and loaded it," and Thomas responds by stating "you just did." Thomas states that she's taking the video to send to the police later. She also tells defendant that she "learned her lesson last time" before stating "I'm not putting my hands on no—" at which point the video cuts off.

¶ 18 The second video had the file name IMG_0037.MOV and the recording began at 4:25:47 a.m. In that video, defendant can be seen packing things in a large, lidless blue plastic tote while he and Thomas continue to argue. Thomas informs defendant that she does not want any of his things and that someone else will provide her with a television. Thomas accuses defendant of having asked other men to come over and fight her after a previous disagreement

No. 1-24-1265

between the two of them. Thomas accuses him of letting one of those men “run up on her” while she was holding her child, and further accuses him of later hanging out with that same man as if nothing were wrong.

¶ 19 The third video had the file name IMG_0038.MOV and the recording began at 4:28:52 a.m. At the start of that video, defendant is attempting to move a large flatscreen tv down the interior stairs of the apartment while Thomas tells him that he’s breaking his own television, to which he responds by displaying his middle finger at Thomas. Thomas, who was filming from directly above defendant, circles around the banister to stand at the top of the stairs, where she tells him that he’ll “regret all of this tomorrow.” Thomas turns on a light on the stairway and a black handgun can be seen at the bottom of the stairs. Once defendant reaches the bottom, he picks up the handgun and stows it in his waistband. Defendant climbs the stairs again, and Thomas responds by once again walking away to maintain distance. From across the room, tells defendant, “I’m not doing anything. I’m just waiting for you to get your stuff.” Defendant asks if he can come get his things the next day, and Thomas tells him no, that his things need to go now. Defendant drags the blue plastic tote of his belongings down the stairs and out the door to the exterior.

¶ 20 The video continues with Thomas standing at the top of the interior stairs, telling defendant that even though he was damaging her property by throwing her expensive shoes outside, she was “being the bigger person” and not damaging any of his property. A small crash can be heard outside, followed by defendant exclaiming, “Oh, sh**!” Thomas proceeds down the stairs to the door between her apartment and outside, where she encounters defendant again and the following exchange occurs:

“DEFENDANT: I’m good, you don’t have to do nothing.

No. 1-24-1265

THOMAS: Alright, leave.

DEFENDANT: Alright, fu** you.

THOMAS: Alright, bye-bye.

THOMAS: You okay?

DEFENDANT: Yeah, I'm good."

Thomas offers to stand and watch defendant while he takes his things, then continues filming from the top of the exterior stairs. With defendant standing at ground level and Thomas at the top of the stairs, the two argue about whether or not defendant threw her shoes. Thomas then steps inside, closes the door to the exterior, and the video ends.

¶ 21 Harvey Davis (Davis), one of Thomas' children, testified that he was 14 years old, but was 10 years old on the night of March 14, 2020. On that night, Davis was in the back of a car driven by defendant. Thomas was in the passenger seat and in the back with Davis were his cousin, his brother, and defendant's nephew. The occupants of the car had all attended a birthday party and were on the way home. Thomas repeatedly asked defendant to stop so that she could go to the bathroom. Eventually, Thomas urinated a small amount in her seat and defendant became angry with her. Defendant drove a bit further and, upon stopping at a red light, told Thomas to get out and "lightly shoved her out the car." Thomas crossed the street to a fast-food restaurant's parking lot.

¶ 22 Davis testified that defendant kept driving but soon made a U-turn and drove to the parking lot where Thomas remained. Defendant exited the car and Davis saw him "shoving [Thomas] towards the car and, like, pulling her hair." Davis and his cousin exited the car. Defendant grabbed Thomas by the shirt, pushed her toward the car, and pulled her by the hair toward the car. Davis told him to stop touching Thomas and defendant responded by telling him to shut

No. 1-24-1265

up. Davis' cousin approached defendant and spoke with him, but Davis did not hear the content of that exchange because he was distracted with concern for his mother's wellbeing. While defendant and Davis' cousin were speaking, a man emerged from a car in the drive-thru lane of the restaurant carrying a metal pipe and demanding that defendant stop putting his hands on Thomas. Defendant got back in the car with his nephew and left. Thomas went into the restaurant with the other children and the police were called.

¶ 23

After the State rested, defendant took the stand to testify in his own defense. He first recounted that he was stabbed by Thomas on June 1, 2019. He arrived home in the early morning, after spending the night out drinking with another woman. He got into an argument with Thomas, who "just picked up a butcher knife and stabbed [defendant]." Defendant fled to the bathroom and hid inside while Thomas attempted to gain entry. Eventually, defendant heard Thomas leave to see to their crying child, at which point defendant fled the home. Defendant lost consciousness on the porch due to blood loss and the next thing he could remember was Thomas standing over him, telling him that she should leave him there to die. Defendant was taken to the hospital and received 26 stitches. Defendant testified that, because he did not want to get Thomas in trouble, he told the doctors at the hospital that he had been robbed in an alleyway.

¶ 24

Defendant testified that earlier in the night during which Thomas would eventually be shot, he went to his father's house for a weekly poker game. Defendant was so drunk that he called Thomas to pick him up when the event concluded in the early hours of the morning. Defendant also called Johnson, asking her to bring him some food. The two women arrived at approximately the same time. Thomas told defendant that her car was making a strange noise, so they should take his car home instead. As they were switching cars, Thomas saw Johnson

No. 1-24-1265

in Johnson's vehicle and ran over to attack her. Thomas punched Johnson multiple times before defendant grabbed her and "walked her back to [his] truck." Defendant's friend, JR, whose arrival on the scene is not otherwise mentioned, held Johnson back from going after Thomas. Thomas left the scene alone. Johnson left with her friend and JR. After a little time to calm down, defendant got in his own vehicle and went home.

¶ 25 Defendant confirmed the accuracy of the videos recovered from Thomas' cellphone. He stated that she did not normally keep a gun in the home, but when he came in and began packing his stuff, he found her at the counter cleaning and loading a gun. Defendant testified that he asked her if she was going to shoot him, grabbed her by the hair, and took the handgun from her. Defendant confirmed that the handgun seen in Thomas' videos is the same handgun that was recovered by police.

¶ 26 Defendant testified that he was at the bottom of the outside stairs gathering his things while Thomas was inside. Thomas opened the door and began throwing defendant's shoes out the door. While she was throwing his shoes, the handgun fell out of defendant's waistband. Defendant put the gun back into his pants because he did not want Thomas to get her hands on the weapon and shoot him. The gun then fell out of his pants again, and into the tote. Thomas reached for the gun and "came up with it," hitting him in the mouth with it and knocking out some of his teeth. Defendant clarified that at this point he was on the stairs, and she was at the top of the stairs. Defendant wrestled the gun away from her and shot while she was still attempting to get the gun from him. He said he did not know he had hit her, but he was scared that she would kill him if she got the gun. After firing, defendant moved down the stairs and Thomas chased after him. Defendant ended up at the platform where the stairs turned, with Thomas now below him, though how she got ahead of him on the stairs is not explained.

No. 1-24-1265

Defendant testified that Thomas was “still coming at [him], so [he] pushed her off and shot again.” He repeated that he was afraid and stated that he was in fear for his life. Defendant ran off some distance and Thomas then collapsed.

¶ 27 Defendant stated that he was going to kill himself, so he cocked the slide of the gun back and a live round was expelled. He went back upstairs “for some reason” and “just dropped the gun” and left. He could not recall where he left the gun. He called his sister and his father. He turned himself in on April 6, 2020. Defendant confirmed on cross-examination that he was 6’2” and weighed around 220-30 pounds at the time. He repeated much of the same story on cross-examination. He confirmed that when she came after him after the first shot, she did not have anything in her hands. He described her as being face-to-face with him when he pushed her and fired the second shot. She was “maybe a step down” from him when he fired the second time. Defendant fled down a gangway along the side of the building and Thomas followed, but collapsed, dead. Defendant tried to rouse her and, when he was unable to, called family members. He went back up to the apartment, dropped the gun, and left without taking the tote or television.

¶ 28 LaEasha Johnson (Johnson) testified that, in the early morning hours of April 5, 2020, she accidentally initiated a Facetime call with defendant when she had intended to call her friend Ivory, with whom she planned to go out that night. Although she canceled the call, defendant called back and suggested she come to see him. Shortly thereafter, he called back and asked that she bring him food. Johnson left home in the passenger seat of her car, driven by Ivory. Johnson picked up food and went to defendant’s location. Shortly after Johnson arrived, another vehicle parked nearby. Johnson saw defendant and Thomas get out of that vehicle and begin walking toward where Johnson was parked. Johnson received a text from defendant

No. 1-24-1265

advising her to stay in her vehicle because Thomas was present. The rest of the encounter with Thomas was as previously described: Thomas saw and attacked Johnson and was pulled away. Johnson related that while attacking her, Thomas said, “Bitch, I’m about to kill you” and “I’m about to get you and I’m going to slap the shit out you, hoe.” Johnson retrieved a golf club from her vehicle and began to approach Thomas’ car, but JR stopped her before she could reach the vehicle. Johnson returned to the vehicle, JR joined her in the vehicle, and Ivory drove the three of them away.

¶ 29 Loretta Kent, defendant’s mother, testified that she received a call on June 1, 2019, that her son was in the hospital. Kent recounted defendant telling her the same story about Thomas stabbing him that he told during his testimony. On cross-examination, she confirmed that everything she knew about the stabbing incident, she had learned from her son.

¶ 30 Chaira Doss, defendant’s sister, testified that she went to defendant’s apartment around 3-4 a.m. on April 5, 2020. She saw a TV on the outside stairs and a blue tote at the bottom of the stairs. She went inside the apartment but found no one inside. After returning outside and looking over the railing, she saw Thomas’ body and called 911. She waited at the scene until police arrived but did not remain at the scene to speak with the police.

¶ 31 The parties rested and, after deliberation, the jury found defendant guilty of first-degree murder. On May 28, 2024, defendant received a sentence of 50 years’ incarceration. This timely appeal was filed June 7, 2024.

¶ 32 II. ANALYSIS

¶ 33 Defendant contends that the circuit court erred both in allowing the State to introduce evidence of the prior domestic violence incident involving defendant, as well as in preventing defendant from introducing evidence of Thomas thinking about killing him, as shown in her

No. 1-24-1265

comments to Hollings while threatening her. Additionally, defendant argues that the evidence presented by the State was insufficient to overcome his affirmative defense of self-defense. In the alternative, defendant requests that, at a minimum, we reduce his conviction to second degree murder because no reasonable trier of fact could conclude that defendant did not possess a genuine fear for his life, even if it was not a reasonable fear.

¶ 34 A. Evidence of Prior Domestic Violence

¶ 35 The State sought to admit evidence, under section 115-7.4 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-7.4 (West 2022)), of five incidents of domestic violence perpetrated by defendant. The State ultimately introduced evidence of only one of those crimes, the March 14, 2020 incident, during which defendant allegedly pushed, pulled, and hit Thomas after she urinated in his car. As such, we need concern ourselves only with the admissibility of that evidence.

¶ 36 When a defendant is charged with first or second degree murder and the offense involves domestic violence, section 115-7.4 allows the State to introduce “evidence of the defendant’s commission of another offense or offenses of domestic violence,” so long as the probative value outweighs the risk of undue prejudice to the defendant. *Id.* The statute states:

“In weighing the probative value of the evidence against undue prejudice to the defendant, the court may consider:

- (1) the proximity in time to the charged or predicate offense;
- (2) the degree of factual similarity to the charged or predicate offense; or
- (3) other relevant facts and circumstances.” 725 ILCS 5/115-7.4(b) (West 2022).

¶ 37 “The admissibility of other-crimes evidence is within the sound discretion of the trial court, and its decision on the matter will not be disturbed absent a clear abuse of that discretion.”

No. 1-24-1265

People v. Dabbs, 239 Ill. 2d 277, 284 (2010). “An abuse of discretion occurs only where the trial court’s decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it.” *People v. Sloan*, 2024 IL 129676, ¶ 15.

¶ 38 Defendant argues that the incident was not factually similar because (1) defendant was not intoxicated, (2) defendant was not arguing with Thomas about their relationship when the violence occurred, (3) others were present, (4) no gun was used, and (5) no serious injuries were reported. We find this argument wholly unconvincing. The evidence was not presented specifically to demonstrate that defendant is predisposed to committing gun violence while intoxicated and arguing about his relationship in an isolated location. It is being offered to show that there is a history of domestic violence in this case. Without this evidence, the jury would be deprived of crucial context and would be considering the rest of the evidence with no awareness that defendant had committed violence against the victim three weeks before killing her. Defendant’s analysis makes no mention of the key factual similarities, namely that the incident concerned the same victim, Thomas, and defendant’s anger directed at her for consequences that resulted from his own actions. Given that the incident occurred three weeks before the offense in question, these factual dissimilarities are not enough to render evidence of the incident inadmissible unless its admission would lead to grave prejudice.

¶ 39 Defendant’s only contention that the evidence was prejudicial is that other crimes evidence is inherently prejudicial and may have led the jury to find defendant guilty despite what defendant calls strong evidence of self-defense. Defendant cites *People v. Lindgren* for the assertion that “[t]he erroneous admission of evidence of other crimes carries a high risk of prejudice and ordinarily calls for reversal.” *People v. Lindgren*, 79 Ill. 2d 129, 140 (1980). However, in *Lindgren*, the State was arguing that the defendant had gone on to commit an

No. 1-24-1265

arson after the subject murder and introduced extensive evidence regarding that arson. *Id.* at 137. The State's theory in that case was that the arson evidenced a consciousness of guilt and showed that he was in the area around the time the murder was committed. *Id.* There is a great deal of difference between a different crime committed after the offense, as in *Lindgren*, and a similar offense committed three weeks before the relevant offense. That is especially true in this case, given that it involves a specific, narrow statutory carve-out for domestic violence cases, whereas *Lindgren* concerned no such thing.

¶ 40 Defendant's reasoning is not compatible with section 115-7.4(b). Defendant calls the admission wrongful because it is prejudicial but asserts that all such evidence is inherently prejudicial. If our legislature were of the opinion that any evidence of previous domestic violence is so inherently prejudicial that it would tempt a jury to try defendants for the content of their character rather than the evidence presented to them, the carve-out for domestic violence evidence would not exist. The evidence the State presented concerned violence against the same victim on a date quite close to the offense in question. We are therefore not convinced that the decision to admit the evidence was so arbitrary, fanciful, or unreasonable that no reasonable person would make the same decision the court reached in this case. We find that the court did not abuse its discretion by admitting this evidence.

¶ 41 B. Evidence of Victim's Violent Behavior

¶ 42 Defendant contends that the circuit court erred when it denied defendant's *Lynch* motion to introduce evidence of Thomas' violent and aggressive tendencies to support defendant's self-defense claim. *People v. Lynch*, 104 Ill. 2d 194 (1984). While the circuit court allowed defendant to present evidence that Thomas attacked Johnson and evidence that Thomas previously stabbed defendant in the arm, it denied defendant's request to introduce evidence

No. 1-24-1265

that Thomas called Hollings, defendant's coworker and threatened her repeatedly because Thomas believed Hollings was in a sexual relationship with defendant. The evidence included proposed testimony from Hollings that Thomas said that she should kill defendant for cheating on her with Hollings.

¶ 43

Under *Lynch*:

"A victim's aggressive and violent character may tend to support a theory of self-defense in two ways. First, the defendant's knowledge of the victim's violent tendencies necessarily affects his perceptions and reactions to the victim's behavior. The same deadly force that would be unreasonable in an altercation with a presumably peaceful citizen may be reasonable in response to similar behavior by a man of known violent and aggressive tendencies. One can only consider facts one knows, however, and evidence of the victim's character is irrelevant to this theory of self-defense unless the defendant knew of the victim's violent nature, which is not the case here.

Second, evidence of the victim's propensity for violence tends to support the defendant's version of the facts where there are conflicting accounts of what happened. In this situation, whether defendant knew of this evidence at the time of the event is irrelevant. * * *

We hold that when the theory of self-defense is raised, the victim's aggressive and violent character is relevant to show who was the aggressor, and the defendant may show it by appropriate evidence, regardless of when he learned of it." *Lynch*, 104 Ill. 2d at 199-200.

¶ 44

Rulings on the admissibility of evidence, including in the context of *Lynch* "will not be reversed absent a clear abuse of discretion." *People v. Morgan*, 197 Ill. 2d 404, 455 (2001).

No. 1-24-1265

¶ 45 The circuit court did not address the prongs of *Lynch* in this case. It did not concern itself with whether defendant was aware of the Hollings incidents, as required for the first prong, or whether there were conflicting witness accounts of the shooting, as required for the second prong. Instead, the court found that Thomas’ alleged threat to “kick Hollings’ ass” was a “veiled, if at all, threat.” The circuit court’s phrasing was inarticulate, but we are concerned with the court’s decision, not its reasoning. *People v. Reed*, 361 Ill. App. 3d 995, 1000 (2005).

¶ 46 We find a precise eye on the language of *Lynch* is key to this case and provides an opportunity to clarify what has been implied in other caselaw but has not, to our knowledge, been an explicit holding up to this point. For evidence to be admissible under *Lynch*, it must be evidence of “aggressive *and* violent” character. *Lynch*, 104 Ill. 2d at 200. While plying apart the meanings derived from “and” and “or” is less often integral in interpreting caselaw than it is when interpreting statutory language, it follows logically that the difference is integral here. A person who is aware he has a short fuse and therefore has learned to avoid confrontation might be violent without being aggressive. A person who is quick to make threats but avoids physical confrontation can be aggressive without being violent.

¶ 47 Since the introduction of the Illinois Rules of Evidence, our court has acknowledged that the second prong of *Lynch* has been codified in Rule 405(b)(2), which reads: “In criminal homicide or battery cases when the accused raises the theory of self-defense and there is conflicting evidence as to whether the alleged victim was the aggressor, proof may be made of specific instances of the alleged victim’s prior violent conduct.” Ill. R. Evid. 405(b)(2) (eff. Jan. 1, 2011); see also *People v. Chavez*, 2025 IL App (1st) 221601, ¶ 148, *People v. Degrave*, 2023 IL App (1st) 192479, ¶ 56-60, *People v. Martinez*, 2021 IL App (1st) 182553, ¶ 35, *People v. Martinez*, 2019 IL App (2d) 170793, ¶ 73, *People v. Yeoman*, 2016 IL App (3d)

No. 1-24-1265

140324, ¶ 28. We find it notable that the codification of the second prong of *Lynch* disposed of the word aggressive and refers purely to violent conduct.

¶ 48 It is arguable that the ambit of Rule 405(b)(2) covers *both* prongs of *Lynch*, except in those cases where the only question before the jury is whether the degree of force used by the defendant was warranted. Although the rule makes no explicit mention of evidence offered to show the mental state of the accused, it allows evidence of prior violent conduct without limiting the purposes for which it is offered. We believe that our supreme court’s codification of the second prong should inform our interpretation of identical language contained in the first prong. To be admitted under the first prong of *Lynch*, the conduct informing the defendant’s behavior must have been violent. In this case, the alleged threats against Hollings involved mere threat, devoid of violence. Accordingly, the circuit court did not abuse its discretion when it denied defendant’s motion to introduce the Hollings evidence.

¶ 49 C. Sufficiency of the Evidence Regarding Self-Defense

¶ 50 Defendant also argues that the State failed to prove beyond a reasonable doubt that he did not act in self-defense.

¶ 51 “Self-defense is an affirmative defense, and once a defendant raises it, the State has the burden of proving beyond a reasonable doubt that the defendant did not act in self-defense, in addition to proving the elements of the charged offense.” *People v. Lee*, 213 Ill. 2d 218, 224 (2004). “The elements of self-defense are: (1) that unlawful force was threatened against a person; (2) that the person threatened was not the aggressor; (3) that the danger of harm was imminent; (4) that the use of force was necessary; (5) that the person threatened actually and subjectively believed a danger existed that required the use of force applied; and (6) the beliefs of the person threatened were objectively reasonable.” *Id.* at 225. It is the purview of the jury

No. 1-24-1265

to assess credibility, weigh testimony, draw inferences from the evidence, and resolve conflicts or inconsistencies in the evidence. *Id.* When reviewing the sufficiency of the State's evidence attempting to disprove a defendant's self-defense claim, the standard of review is "whether, after considering the evidence in the light most favorable to the State, any rational trier of fact could have found, beyond a reasonable doubt, that defendant did not act in self-defense." *Id.*

¶ 52

It is not difficult, when viewing the evidence in such a light, to see how a rational trier of fact might conclude that defendant's self-defense claim was disproven beyond a reasonable doubt. If the trier of fact simply did not find defendant's testimony credible, there is no other eyewitness account of the shooting and the trier of fact is left with a man who has admitted to shooting the victim and who has no justification for doing so. A trier of fact could decide not to credit defendant's story because no evidence was presented to corroborate defendant's claim that Thomas knocked some of his teeth out, because defendant's testimony that he "grabbed [Thomas] by the hair and took the gun from her" suggests she was no danger to him once he had the gun, given their size difference, or because Thomas' past history of violence in moments of anger did not align with the videos she recorded, in which she exhibited calm behavior, an interest in maintaining distance, and even concern for defendant's wellbeing when she heard a crash. As such, there was room enough for a reasonable trier of fact to make credibility determinations and draw inferences that would lead one to conclude beyond a reasonable doubt that defendant did not act in self-defense. Accordingly, the evidence was sufficient to disprove defendant's self-defense claim.

No. 1-24-1265

¶ 53

D. Second Degree Murder

¶ 54

Defendant's final argument is that, should we find that the evidence was sufficient to overcome his self-defense claim, this court should nonetheless reduce his conviction to second degree murder rather than first degree murder. The second degree murder statute dictates:

“(a) A person commits the offense of second degree murder when he or she commits the offense of first degree murder as defined in paragraph (1) or (2) of subsection (a) of Section 9-1 of this Code and either of the following mitigating factors are present:

(1) at the time of the killing he or she is acting under a sudden and intense passion resulting from serious provocation by the individual killed or another whom the offender endeavors to kill, but he or she negligently or accidentally causes the death of the individual killed; or

(2) at the time of the killing he or she believes the circumstances to be such that, if they existed, would justify or exonerate the killing under the principles stated in Article 7 of this Code, but his or her belief is unreasonable.”

¶ 55

Defendant does not dispute that the elements of first degree murder have been established. This circumstance resembles an inverted sufficiency of the evidence claim, in which defendant asserts that sufficient evidence was presented to prove a mitigating factor that qualifies him for the reduction to second degree murder. “In this context, we consider whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found [by a preponderance of the evidence] that the mitigating factors were not present.” *People v. Blackwell*, 171 Ill. 2d 338, 357-58 (1996).

¶ 56

Defendant asserts that “no rational trier of fact could have concluded that [defendant] did not subjectively fear great bodily harm.” It is unclear how defendant comes to this conclusion,

No. 1-24-1265

as his support for that argument is a list of self-serving conclusory interpretations of the evidence: for instance, that “the cell phone video demonstrated that [defendant] was trying to avoid further conflict by leaving the apartment.” A trier of fact could reasonably conclude that the cell phone video also showed Thomas to be keeping distance from defendant while defendant was intoxicated and angry.

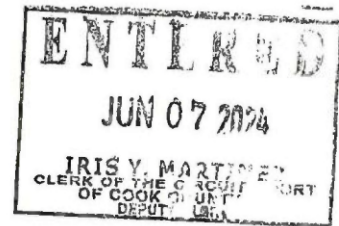
¶ 57 Defendant presents nine sentences of factual statements that, in aggregate, he asserts establish his subjective belief that he was justified in shooting Thomas. He argues that they establish as much so strongly that no reasonable trier of fact could find that he did *not* believe the killing justified when he pulled the trigger. Of those nine, six are supported *only* by defendant’s own testimony, which a reasonable trier of fact could decide not to credit. Two rely on specific interpretations of the video evidence, which a reasonable trier of fact could interpret differently. The last is simply a conclusory statement that “[i]t defies logic that [defendant] would shoot Thomas, his girlfriend and mother of his child, absent a need to defend himself.” Is defendant’s version of events, in which Thomas attempts to shoot him, her boyfriend and father of her child, any less defiant of logic? We are uncertain how, with an understanding of the trier of fact’s role in determining credibility, in weighing evidence, and in drawing inferences based on the evidence, defendant can come to the conclusion that this is a legally sound argument. It is not. We decline to modify defendant’s conviction.

¶ 58 III. CONCLUSION

¶ 59 For the foregoing reasons, we affirm defendant’s conviction.

¶ 60 Affirmed.

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
 Plaintiff,)
) v. No. 20CR05282(01)
))
 CALVIN DOSS,)
 Defendant.)

NOTICE OF APPEAL

An appeal is taken from the order of judgment described below:

1. Court to which appeal is taken: First District Appellate Court
2. Names of appellant and address to which notices shall be sent:
 Name: Calvin Doss, I.D. No. 2020-0408022
 Address: P.O. 089002
 Chicago, Illinois 60608
3. Name and Address of appellant's attorney on Trial and Sentencing:
 Name: Dean C. Morask
 416 Higgins Rd., Suite B
 Park Ridge, Illinois 60068
 Tel: (312) 360-0723
4. If appellant is indigent, does he want an attorney appointed? Yes-**Appoint State Appellate Defender**
5. Date of Judgment or Order: May 28, 2024.
6. Offense of which convicted: Murder
7. Sentence: 50 Years IDOC

Appellant, Attorney for Appellant or
 Clerk of Circuit Court

DATED: _____

FILED
 2024 JUN -7 AM 8:58
 IRIS Y. MARTINEZ
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY

No. 132785

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 1-24-1265.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit
	)	Court of Cook County, Illinois , No.
-vs-	)	20 CR 05282.
	)	
CALVIN DOSS,	)	Honorable
	)	Stanley J. Sacks,
	)	Judge Presiding.
Defendant-Appellant.	)	

NOTICE AND PROOF OF SERVICE

Mr. Kwame Raoul, Attorney General, 115 S. LaSalle St., Chicago, IL 60603,
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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On June 23, 2026, the Corrected Brief and Argument was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Corrected Brief and Argument to the Clerk of the above Court.

/s/Christopher Moy-Lopez

LEGAL SECRETARY

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