

2026 IL App (1st) 251384-U

No. 1-25-1384

Order filed October 19, 2026

First 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,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 18 CR 12881
	)	
RONALD SANDERS,	)	Honorable
	)	Ursula Walowski,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Justices Howse and Cobbs concurred in the judgment.

ORDER

- ¶ 1 *Held:* Trial court's denial of petition for relief affirmed where defendant's constitutional challenge to his conviction for aggravated unlawful use of a weapon fails.
- ¶ 2 Defendant Ronald Sanders appeals from the denial of his *pro se* petition for relief from judgment filed pursuant to section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2024)). On appeal, he argues that the provision of the aggravated unlawful use of a weapon (AUUW) statute under which he was convicted is unconstitutional because it violates the

second amendment of the United States Constitution and the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). We affirm.

¶ 3 On November 28, 2018, defendant pled guilty to AUUW predicated on him possessing a firearm without a valid Firearm Owner’s Identification (FOID) card or a concealed carry license (CCL). See 720 ILCS 5/24-1.6(a)(1), (3)(A-5), (3)(C) (West 2018). Evidence reflected that on August 16, 2018, an officer observed defendant possessing a firearm while riding a bicycle. Defendant admitted that he did not have a valid FOID card and CCL. Defendant was sentenced to two years’ probation. Defendant did not appeal.

¶ 4 On May 28, 2025, defendant filed a *pro se* petition pursuant to the Code alleging that his conviction should be vacated, as the AUUW statute under which he was convicted was unconstitutional under the second amendment, fourteenth amendment, and the supremacy clause of Article VI of the United States Constitution. On June 2, 2025, a hearing on the petition was held where the circuit court initially stated that it would continue the case for 30 days to allow the State an opportunity to respond. After a short recess, however, defendant argued that the statute under which he was convicted was unconstitutional and the State responded that his conviction was “post-*Aguilar*.” The court then denied that petition, finding that the statute under which defendant was convicted was “never found unconstitutional.”

¶ 5 Also on June 2, 2025, defendant filed an “Amended Motion to Reconsider Denial of a Petition for Relief from Judgment,” alleging that the court mischaracterized his argument as an *Aguilar* issue and failed to rule on his constitutional arguments. The next day, defendant filed a supplemental motion expounding on his claims and also claiming that the court denied him the right to be heard at the June 2, 2025, hearing.

¶ 6 On June 5, 2025, the court continued the case for ruling and to allow the State a chance to respond to defendant's claims. Days later, defendant filed a supplemental brief in support of his petition alleging, in addition to his other claims, that the AUUW statute under which he was convicted was unconstitutional under *Bruen*.

¶ 7 On July 10, 2025, a hearing on the petition was held where the court allowed defendant to "make [his] argument." Defendant argued that the AUUW statute under which he was convicted violated the second amendment of the United States Constitution because it "criminaliz[ed] the right to bear arms." Defendant stated that he wanted to differentiate his claim from that addressed in *People v. Thompson*, 2025 IL 129965, and stated that he was not arguing that the licensing scheme of the AUUW statute was unconstitutional. In response, the State argued that defendant's conduct in possessing a firearm without a FOID card or CCL was not protected under the second amendment, and *Thompson* found that the statute under which defendant was convicted was not unconstitutional. The circuit court denied the petition, finding that the statute was not unconstitutional under *Bruen* and *Thompson*.

¶ 8 On appeal, defendant first argues that he was denied due process when the circuit court denied the petition at the June 2 hearing prior to the 30-day timeframe for the State's response and without addressing defendant's arguments, refused to allow defendant to read his pleading into the record and denied him the meaningful opportunity to be heard, reframed his argument as a "licensing issue," and denied his petition without addressing the second amendment, fourteenth amendment, and supremacy clause arguments.

¶ 9 To start, the State was given an opportunity to respond at the June 2 hearing. Moreover, upon a filing of a motion for reconsideration, the circuit court reconsidered defendant's claims and

ultimately denied relief at the July 10 hearing, where the State also responded to defendant's claims. Moreover, at the July 10 hearing, the court gave defendant ample opportunity to make his argument, which defendant did in depth. Thus, these claims are meritless.

¶ 10 Furthermore, while defendant claims he is not arguing that the licensing scheme of the AUUW statute under which he was convicted is unconstitutional, but rather only the mere “criminalization” of the possession of a firearm, the specific statute under which he was convicted, section 24-1.6(a)(1), (3)(A-5), (3)(C), provides that “[a] person commits the offense of aggravated unlawful use of a weapon when he or she knowingly carries on or about his or her person *** any pistol, revolver, *** or other firearm” without a “currently valid license under the Firearm Concealed Carry Act” and “a currently valid [FOID] Card.” 720 ILCS 5/24-1.6(a)(1), (3)(A-5), (3)(C) (West 2018). As such, in arguing that this provision of the statute is unconstitutional, defendant is challenging the licensing scheme. Therefore, it was not error for the circuit court to frame his argument as a licensing issue.

¶ 11 Lastly, defendant makes an attempt to parse out his arguments as a second amendment, fourteenth amendment, and supremacy clause issue, individually, and claims that the circuit court erred in not addressing each. However, at its essence, defendant argues that the provision of the AUUW statute under which he was convicted is unconstitutional under the Second Amendment and *Bruen*.

¶ 12 A presumption exists that all statutes are constitutional, and a defendant carries a “heavy burden” in rebutting that presumption by “clearly establish[ing] that [the statute] violates the constitution.” (Internal quotation marks omitted.) *People v. Rizzo*, 2016 IL 118599, ¶ 23. Courts have a duty to uphold the constitutionality of a statute whenever possible, “resolving any doubts

in favor of the statute’s validity.” *Id.* A facial challenge requires a showing that “the statute is unconstitutional under any set of facts, *i.e.*, the specific facts related to the challenging party are irrelevant.” *Id.* ¶ 24. If a situation exists in which the statute can be validly applied, a facial challenge fails. *Id.* When making an as-applied challenge, a defendant “ ‘has the burden of showing that a constitutional violation arises from the application of the statute to a specific set of facts and circumstances.’ ” *People v. Mobley*, 2023 IL App (1st) 221264, ¶ 18 (quoting *People ex rel. Hartrich v. 2010 Harley-Davidson*, 2018 IL 121636, ¶¶ 11-12. Therefore, for an appellate court to consider an as-applied constitutional challenge, “it is imperative that the record be sufficiently developed in terms of those facts and circumstances.” *People v. Boss*, 2025 IL App (1st) 221855, ¶ 39. We review the constitutionality of a statute *de novo*. *Rizzo*, 2016 IL 118599, ¶ 23. While defendant fails to identify whether he is bringing a facial or as-applied challenge, his claims fail under either theory.

¶ 13 Defendant was convicted of violating section 24-1.6(a)(1), (3)(A-5), (3)(C) of the AUUW statute, which provides that “[a] person commits the offense of aggravated unlawful use of a weapon when he or she knowingly carries on or about his or her person *** any pistol, revolver, *** or other firearm” without a “currently valid license under the Firearm Concealed Carry Act” and “a currently valid [FOID] Card.” 720 ILCS 5/24-1.6(a)(1), (3)(A-5), (3)(C) (West 2018).

¶ 14 The FOID Card Act provides that “no person may acquire or possess any firearm *** within this State without *** a [FOID] card previously issued *** by the Department of State Police.” 430 ILCS 65/2(a)(1) (West 2018). The FOID card application must include evidence that an applicant, among other things, (1) is an Illinois resident; (2) is at least 21 years of age; (3) has not been convicted of a felony; (4) has not been a patient in a mental health facility in the five

years preceding the application or suffers from an intellectual disability; (5) is not subject to an order prohibiting the possession of a firearm; and (6) has not been convicted of battery, assault, aggravated assault, or other similar offense where a firearm was used or convicted of domestic battery, aggravated domestic battery, or a similar offense. *Id.* § 65/4(a)(2).

¶ 15 The Firearm Concealed Carry Act mandates that an individual shall be issued a CCL if (1) he completes an application and provides the information and documents required; (2) is at least 21 years old; (3) has been issued a currently valid FOID card; (4) has not been convicted of an offense involving the threat of force or violence or alcohol or drugs within five years of the application; (5) is not the subject of a pending warrant or prosecution; (6) has not been subject to court-ordered alcohol or drug treatment; (7) has completed firearms training and education; (8) paid the fees; and (9) does not pose a danger to himself or others. 430 ILCS 66/10(a), 25, 30 (West 2018). An individual must possess the CCL “at all times the licensee carries a concealed firearm,” absent certain exceptions. *Id.* § 66/10(g).

¶ 16 The second amendment to the United States Constitution provides that “[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II. This amendment protects an individual’s right to keep and bear arms for self-defense and was made applicable to the states via the Fourteenth Amendment. *Bruen*, 597 U.S. at 17; *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010). Like most rights, “the right secured by the Second Amendment is not unlimited.” *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

¶ 17 In *Bruen*, the United States Supreme Court assessed the constitutionality of a New York law mandating that individuals prove “proper cause exists” for obtaining a license to carry a

firearm outside the home. *Bruen*, 597 U.S. at 12. The Supreme Court articulated a two-part test for assessing the constitutionality of firearms regulations, where a court must first analyze whether “the Second Amendment’s plain text covers an individual’s conduct.” *Id.* at 24. If so, that conduct is presumptively protected. *Id.* The government must then “justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Id.*

¶ 18 Here, defendant argues that the right to publicly carry a firearm is covered under the plain text of the Second Amendment and, moreover, the provision of the AUUW statute under which he was convicted contradicts the historical tradition of firearms regulation.

¶ 19 Defendant acknowledges that our supreme court’s decision in *Thompson*, 2025 IL 129965, held that “*Bruen* itself stands for the proposition that Illinois’s nondiscretionary, ‘shall-issue’ firearm licensing regime does not violate the second amendment * * * [and] the AUUW statute’s ban on unlicensed public carriage, coupled with the requirements to obtain CCLs and FOID cards, is not facially unconstitutional under the second amendment.” *Thompson*, 2025 IL 129965, ¶ 3. He asks this court to disregard *Thompson* as it was wrongly decided as it relied on *Bruen*’s dicta and not its holding.

¶ 20 While defendant’s conduct of publicly carrying a firearm falls within the scope of the Second Amendment protections (*Bruen* at 32; see also *People v. Aguilar*, 2013 IL 112116, ¶ 20), our supreme court held that “the United States Supreme Court’s express endorsement of shall-issue licensure obviates the need for this court to apply the historical-tradition component of the *Bruen* analysis to defendant’s facial challenge to section 24-1.6(a)(1), (a)(3)(A-5) and its enforcement of CCL and FOID card licensure.” *Thompson*, 2025 IL 129965, ¶¶ 44, 53. Despite defendant’s contentions, *Thompson* controls this case and, as such, forecloses the arguments he

now makes on appeal. See *Yakich v. Aulds*, 2019 IL 123667, ¶ 13 (“[Illinois c]ircuit and appellate courts are bound to apply [the Illinois supreme] court’s precedent to the facts of the case before them under the fundamental principle of *stare decisis*.”).

¶ 21 Furthermore, *Thompson* expressly stated that *Bruen*’s footnote, which held that “nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States’ ‘shall-issue’ licensing regimes, under which a general desire for self-defense is sufficient to obtain a [permit]” as those regimes “do not necessarily prevent ‘law-abiding, responsible citizens’ from exercising their Second Amendment right to public carry,” shall not be diminished as *dicta* because “the location, whether in the text or in a footnote, of something which the writer of an opinion thinks should be said, is a matter of style which must be left to the writer.” *Thompson*, 2025 IL 129965, ¶ 40 (quoting *Phillips v. Osborne*, 444 F.2d 778, 782 (9th Cir. 1971)); see also *Bruen* at 38 n.9. Moreover, *Bruen*’s deliberate distinction between shall-issue and may-issue licensing regimes and exclusion of shall-issue licensing regimes from its decision suggests that the footnote is not *dicta* and shall not be disregarded in our analysis. See *People v. Thompson*, 2024 IL App (1st) 221031, ¶ 28.

¶ 22 Defendant has not provided a compelling argument for swaying from *Thompson*’s authority. As such, following *Thompson*, we find that section 24-1.6(a)(1), (3)(A-5), (3)(C) of the AUUW statute is not unconstitutional, and we reject defendant’s challenge. See *People v. Torres*, 2025 IL App (1st) 232253-U, ¶ 18 (holding that *Thompson* controls and rejecting defendant’s argument on appeal); *People v. Wright*, 2025 IL App (1st) 241047-U, ¶ 14 (same).

¶ 23 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 24 Affirmed.