NOTICE
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2026 IL App (5th) 250512-U

NO. 5-25-0512

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Macon County.
	)	
v.	)	No. 16-CF-1501
	)	
TYREE D. JENKINS,	)	Honorable
	)	Shane Mendenhall,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Justices McHaney and Hackett concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant was prejudiced by the introduction of charging documents from defendant's prior convictions to the jury as propensity evidence, where the charging documents contained extraneous details related to the prior convictions.

¶ 2 Defendant appeals his convictions for aggravated domestic battery and domestic battery with a prior domestic battery following a jury trial in Macon County. Following the Fourth District Appellate Court's remand for a hearing pursuant to *Krankel*, the trial court denied defendant's motion for ineffective assistance of counsel. See *People v. Jenkins*, 2020 IL App (4th) 170611-U.[1] Back before this court, this court remanded for the limited purpose of conducting a proper and timely *Krankel* inquiry into defendant's arguments related to possibly exculpatory video evidence.

[1]Due to redistricting, defendant's appeal is now properly before the Fifth District.

See *People v. Jenkins*, 2025 IL App (5th) 230500-U. This court also vacated defendant's conviction for domestic battery for violating the one-act, one-crime rule. *Id.*

¶ 3 On appeal before us again, defendant argues that the trial court committed reversible error by allowing the State to present the charging documents from defendant's prior convictions to the jury as propensity evidence, when charging documents are not to be considered evidence. Alternatively, defendant argues that this matter should be remanded to the trial court in order to determine whether State's Exhibits 3 and 4 were sent back to the jury because, if they were, defendant argues that his counsel was ineffective for failing to object. Defendant argues that if the record is clear that the jury received the exhibits, then this case should be reversed and remanded for a new trial where counsel was ineffective.

¶ 4 For the following reasons, we reverse and remand for a new trial.

¶ 5 I. BACKGROUND

¶ 6 This case returns to the appellate court following appeal before our colleagues in the Fourth District Appellate Court. See *Jenkins*, 2020 IL App (4th) 170611-U. In October 2016, the State charged defendant with one count each of aggravated domestic battery (count I) (720 ILCS 5/12-3.3(a) (West 2014)), domestic battery with a prior domestic battery conviction alleging bodily harm (count II) (*id.* § 12-3.2(a)(1)), and domestic battery with a prior domestic battery conviction with physical contact of an insulting or provoking nature (count III) (*id.* § 12-3.2(a)(2)). Count II was dismissed before trial.

¶ 7 In January 2017, the trial court conducted a hearing on the State's first motion *in limine* seeking to present evidence of defendant's propensity to commit domestic violence pursuant to section 115-7.4 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-7.4 (West 2016)). The State sought to introduce defendant's prior convictions, which included Macon County case

No. 15-CF-877, a 2015 conviction for unlawful restraint; Macon County case No. 12-CF-219, a 2012 conviction for domestic battery with a prior domestic battery; and, Macon County case No. 08-CF-1018, a 2008 conviction for aggravated battery. During the hearing, defendant objected to the admission of these prior convictions and claimed allowing the introduction of all three incidents into evidence would be unduly prejudicial. The State argued the introduction of the propensity evidence via certified copies of conviction, in lieu of live witness testimony about prior domestic violence incidents, would limit any undue prejudice. After analyzing the propensity factors under section 115-7.4, the court determined any undue prejudice was outweighed by the probative value and granted the State's motion, approving the use of the certified copies of convictions.

¶ 8 Later that same month, the trial court heard arguments on the State's second motion *in limine* requesting to supplement its propensity evidence. Two of the previous convictions (unlawful restraint and aggravated battery) were not identified in the certified copies of conviction as offenses specifically related to domestic violence. The State suggested the court read the charging document for each conviction, which contained language either identifying the domestic relationship between the defendant and the victim (No. 12-CF-219) or identifying the victim as the same person in this case (No. 15-CF-877). The trial court ruled that the State could present evidence of defendant's propensity to commit domestic violence by reading the information contained in the certified copy of the 2015 unlawful restraint and 2012 domestic battery convictions. The court also indicated it had reconsidered its previous ruling allowing the use of the 2008 conviction, concluded it was too remote in time to be admissible as propensity evidence, and declined to permit it.

¶ 9 The court also addressed the State's third *in limine* motion seeking to elicit testimony from a Department of Children and Family Services (DCFS) investigator regarding her reasons for investigating the victim's residence, which led to the charges in this case. Specifically, the State sought to have the investigator testify that she responded to an anonymous call indicating defendant was at the victim's residence because she was aware defendant was not supposed to be at the residence due to a previous domestic violence incident (which formed the basis for Macon County case No. 15-CF-877). Defendant objected, arguing, "The fact that the State is going to be allowed to introduce the prior convictions and naming the defendant I think should be sufficient." The trial court agreed and denied the State's motion, acknowledging that although the DCFS worker could testify about what she observed when she arrived at the victim's residence, "I am not going to allow you to get into that she received anonymous phone calls or that she was concerned about a prior domestic violence incident." The matter ultimately proceeded to a jury trial.

¶ 10 At the close of the State's evidence, the State introduced the certified copies of convictions and charging documents from the 2012 and 2015 convictions as exhibit Nos. 3 and 4. The court read the following to the jury:

> "Okay. Ladies and gentlemen, State has now presented evidence that the defendant was convicted of the following offenses. I'm going to read the information for those offenses: Now come the People of the State of Illinois, by the State's Attorneys of Macon County and inform this Court that on or about February 16, 2012 in the County of Macon, Illinois, Tyree Jenkins did commit the offense of domestic battery in that Mr. Jenkins knowingly made physical contact of an insulting or provoking nature with [H.D.], a family or household member of Mr. Jenkins, in that Mr. Jenkins grabbed [H.D.] by the neck and pushed [H.D.]. Defendant was also convicted of the following offense: Now come the People of the State of Illinois by the State's Attorney of Macon County and inform this Court that on or about July 12, 2015 in the County of Macon, Illinois, Mr. Jenkins did commit the offense of unlawful restraint in that he knowingly and without legal authority detained [B.P.]."

¶ 11 During deliberations, the jury submitted three questions:

> "Number one, what if we can't come to a unanimous decision? Number two, what if we are unanimous on one charge but split on the other? Three, who said in quotes, if I get him in trouble, he will kill me, end quote."

The jury subsequently returned verdicts of guilty for both aggravated domestic battery and domestic battery with a prior domestic battery conviction, and the matter was set for sentencing on June 1, 2017.

¶ 12 In May 2017, defense counsel filed a motion to continue the sentencing based, in part, upon his belief the court should conduct at least a preliminary inquiry under *Krankel* due to defendant's comments at their last meeting in preparation for sentencing. The court continued the matter "for a *Krankel* hearing." Several weeks later, in June 2017, after having received defendant's written claims, the trial court called the matter for what it characterized as a "pre-inquiry under People versus *Krankel*." Following defendant's presentation of his claims, the trial court denied the allegations of ineffective assistance.

¶ 13 In July 2017, the trial court heard defendant's motion for a new trial or for judgment notwithstanding the verdict in advance of sentencing. In his posttrial motion, defendant argued the State failed to prove him guilty beyond a reasonable doubt, the court erred in allowing the reading of the informations as part of the presentation of propensity evidence, and the court erred by allowing the DCFS worker to testify about previous DCFS involvement restricting defendant's contact with the victim. The court denied the motion and the matter proceeded to sentencing.

¶ 14 At the sentencing hearing, the court sentenced defendant to 12 years on the aggravated domestic battery conviction (sentenced under Class X sentencing pursuant to 730 ILCS 5/5-4.5-95(b) (West 2016)) and 3 years for the domestic battery with a prior domestic battery conviction,

to run concurrently. In August 2017, defendant asked the trial court to reconsider its sentence. The trial court denied defendant's motion. Defendant timely appealed.

¶ 15 Before the Fourth District in *Jenkins*, 2020 IL App (4th) 170611-U, defendant argued that the trial court erred by (1) allowing the State to introduce charging documents of defendant's prior convictions as propensity evidence, (2) failing to appoint replacement counsel on his postplea complaint about trial counsel's performance pursuant to *Krankel*, (3) entering convictions for aggravated battery and domestic battery in violation of the one-act, one-crime rule, and (4) not allowing defendant to rescind a *per se* conflict of interest waiver with his attorney after trial. The Fourth District determined that the trial court erred by failing to appoint separate counsel after conducting a *Krankel* hearing and remanded the matter for the appointment of new counsel to represent defendant on the merits of his posttrial claim that his defense counsel was ineffective. See *id.* ¶ 43.

¶ 16 Following remand, defendant waited for a little over two and a half years before the trial court held a *Krankel* hearing as directed by the Fourth District. Defendant's *Krankel* counsel did not file an amended posttrial motion or any other pleadings. The trial court held a hearing on December 8, 2022, and *Krankel* counsel called trial counsel, Mr. Wheeler, to testify. On December 9, 2022, the trial court issued a written ruling denying defendant's claims.

¶ 17 Defendant again appealed. See *Jenkins*, 2025 IL App (5th) 230500-U. Before this court, defendant argued that (1) the trial court committed reversible error by allowing the State to present the charging instruments from defendant's prior convictions to the jury as propensity evidence, (2) he was denied the effective assistance of *Krankel* counsel, and (3) the trial court erred by entering convictions for both aggravated battery and domestic battery with a prior in violation of the one-act, one-crime rule.

¶ 18 This court declined to find counsel ineffective, but agreed that defendant was entitled to a new *Krankel* hearing, where the attorneys and the trial court failed to conduct an inquiry into defendant's claims related to possibly exculpatory video, in direct violation of the Fourth District's order. See *Jenkins*, 2020 IL App (4th) 170611-U, ¶ 39. We also vacated defendant's conviction for domestic battery for violating the one-act, one-crime rule and modified the judgment accordingly.

¶ 19 On June 13, 2025, the matter proceeded to a second *Krankel* hearing. Appointed counsel informed the court that the video could not be located, and Wheeler testified that he did not recall seeing the video. Relevant to this appeal, during arguments, the parties addressed the State's use of defendant's prior convictions as propensity evidence. Counsel argued that the court's ruling, which allowed the introduction of the certified copies of convictions, "did not properly consider the similarity of circumstances, similarity of parties, and closeness in time." Counsel argued that the court reading the contents of the information to the jury was "overly prejudicial" and that "the certified copies of conviction, if nothing else, should have sufficed at that point and we should not have been able to go into the content of the Information, again, arguing that allowing this context increased the prejudice to the defendant such that it prejudiced the entire trial against him."

¶ 20 The State responded, arguing that the details read in the charging documents were "minimal, it's enough to explain the offense, because part of the problem is, at least with unlawful restraint, there's no way to know that's domestically related." The State argued that "it was just enough information that the jury understood what the offense was and what the relationship to the victim was," and "the probative value outweighed the prejudicial value." After hearing arguments of the parties, the trial court denied defendant's ineffective assistance of counsel claim.

¶ 21 This timely appeal followed.

¶ 22 II. ANALYSIS

¶ 23 On appeal before us again, defendant first argues that the trial court erred by admitting charging documents from his prior convictions as propensity evidence. Defendant argues that the documents were not admissible evidence, and that their use unfairly prejudiced the jury by introducing extraneous and inflammatory details not necessary to prove the fact of conviction. We agree that defendant was prejudiced by the introduction of the charging documents from his prior convictions. Therefore, we reverse and remand for a new trial.

¶ 24 This court reviews the decision of whether to admit other-crimes evidence for an abuse of discretion. *People v. Donoho*, 204 Ill. 2d 159, 182 (2003). This court may reverse only if the trial court's ruling was unreasonable, arbitrary, or fanciful, or where no reasonable person would adopt the trial court's view. *Id.* at 182. However, "[w]hether certified copies of conviction alone are an acceptable method of introducing other-crimes evidence under section 115-7.4 is a question of law that we review *de novo.*" *People v. Currie*, 2022 IL App (4th) 210598, ¶ 62.

¶ 25 In the case before us, prior to trial, the State sought to introduce propensity evidence about defendant's prior convictions. Defendant was previously convicted of unlawful restraint in 2015-CF-877, domestic battery with a prior in 2012-CF-219, and aggravated battery in 2008-CF-1018. B.P. was the victim in the unlawful restraint case. The State intended to limit prejudice by introducing certified copies of convictions as opposed to presenting testimonial evidence during defendant's trial. Over defense counsel's objection, the trial court granted the State's motion to introduce certified copies of conviction in all three cases.

¶ 26 The State filed a second motion *in limine* asking that the three prior cases be admitted at trial. Defense counsel continued his objection. The trial court granted the motion as to 2012-CF-219, which resulted in a conviction for domestic battery, and 2015-CF-877, which resulted in a

conviction for unlawful restraint. However, the trial court ruled that, upon reconsideration, the 2008 conviction was too far in the past to be relevant to the issues at trial.

¶ 27 According to section 115-7.4(a) of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-7.4(a) (West 2016)): "In a criminal prosecution in which the defendant is accused of an offense of domestic violence as defined in paragraphs (1) and (3) of Section 103 of the Illinois Domestic Violence Act of 1986, or first degree murder or second degree murder when the commission of the offense involves domestic violence, evidence of the defendant's commission of another offense or offenses of domestic violence is admissible, and may be considered for its bearing on any matter to which it is relevant."

¶ 28 Although not dispositive, we find *People v. Currie*, 2022 IL App (4th) 210598, instructive. "[I]n a case in which the issue is the admissibility of a certified copy of conviction—such as the one before us—no such credibility determinations need to be made or are even appropriate. The conviction is incontrovertible proof that the defendant committed the crime. Accordingly, the jury does not need any 'context' to somehow further describe the domestic violence offense of which the defendant was convicted." *Id.* ¶ 83. Indeed, "presenting additional 'context' surrounding the convictions *increases* the risk of prejudice to a defendant." *Id.* ¶ 84. "The admission of a certified copy of conviction alone both (1) reduces that risk of prejudice and (2) serves the legislative purpose of addressing 'the difficulties of proof unique to the prosecution of domestic violence crimes by strengthening the evidence in such cases and promoting the prosecution of such cases.' " *Id.* (quoting *People v. Dabbs*, 396 Ill. App. 3d 622, 627 (2009), *aff'd*, 239 Ill. 2d 277 (2010)). We find *Currie* particularly relevant to this case because here, the State argued that context was needed to clarify the domestic relationship underlying the prior convictions. However, in *Currie*, the Fourth District rejected this justification. Rather, similar to what the Fourth District cautioned

against in *Currie*, here, the trial court permitted details that were unnecessary to establish the fact of conviction and carried a substantial risk of prejudice.

¶ 29 In weighing the probative value against the undue prejudice, the trial court may consider the proximity in time to the charged offense, the degree of factual similarity to the charged offense, or other relevant facts and circumstances. 725 ILCS 5/115-7.3(c)(1)-(3) (West 2020). "This is a balancing test with probative value on one side and prejudicial impact on the other side." *People v. Smith*, 2019 IL App (4th) 160641, ¶ 68. "Whether the probative value of other-crimes evidence is outweighed by its prejudicial impact is a determination left to the trial court's discretion, and we will not disturb that decision absent a clear abuse of discretion." *People v. Spyres*, 359 Ill. App. 3d 1108, 1114 (2005).

¶ 30 In the case before us, the prejudicial impact of the evidence outweighed its probative value. The charging documents included details that were not necessary to prove the fact of conviction or the domestic relationship. The State's reasoning for introducing the documents could have been accomplished by a stipulation or a limited redaction. Instead, the jury was exposed to prejudicial allegations. This risk of prejudice was heightened where the prior acts involved the same victim as the current case, and the details went beyond what was necessary for the limited purpose of propensity.

¶ 31 In the prior charge for unlawful restraint, B.P. was the purported victim. Similarly, in the case before the jury, B.P. was also the purported victim. Moreover, in the prior charge for domestic battery, the language included details such as being "grabbed by the neck." This was unnecessary to the charges in the case before us, and improperly prejudicial. Because the details included descriptions of neck-grabbing and other emotionally charged allegations, the danger that the jury

would rely on these accusations to infer defendant's general bad character was substantial and unavoidable.

¶ 32 We cannot say such error was harmless, where the evidence at the trial was closely balanced. There were conflicting accounts of the events that transpired, and the jury ultimately made credibility determinations. The jury questions evidence this. During deliberations, the jury asked three questions. Relevant to this claim, the first two questions were: "Number one, what if we can't come to a unanimous decision? Number two, what if we are unanimous on one charge but split on the other?" These questions demonstrate the jury's difficulty in reaching a consensus, which confirms that defendant may have been prejudiced by the superfluous information presented in the prior charging instruments. As such, the improper admission of prejudicial details may have tipped the scales against the defendant.

¶ 33 Therefore, we find that the trial court abused its discretion by allowing the State to present prejudicial details from the charging documents to the jury as propensity evidence. Thus, the evidence was substantially prejudicial where it demonstrated that defendant was a bad person with a propensity to commit crimes. We therefore reverse the judgment of the trial court and remand for a new trial. On retrial, the State may introduce certified copies of conviction to establish propensity. However, they may not introduce charging documents or extraneous details unless appropriately redacted, consistent with the statutory and case law requirements.

¶ 34 Because we find this issue dispositive, we need not consider defendant's remaining argument on appeal that this matter should be remanded to the trial court in order to determine whether State's Exhibits 3 and 4 were sent back to the jury.

¶ 35 III. CONCLUSION

¶ 36 Accordingly, the judgment of the circuit court of Macon County is reversed and remanded for a new trial.

¶ 37 Reversed and remanded.