

No. 131820
IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 1-22-1604.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit Court of Cook County, Illinois , No. 18 CR 60185.
-vs-	)	
	)	
MATTHEW LUCHINS,	)	Honorable James Michael Obbish,
	)	Judge Presiding.
Defendant-Appellant.	)	

REPLY BRIEF FOR DEFENDANT-APPELLANT

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ARGUMENT

The trial judge erred in denying Matthew Luchins the chance to present a defense of involuntary intoxication, where, although he knowingly consumed portions of a cannabis edible, he did not voluntarily consume the adulterant added to the edible, which caused him to enter into a psychotic state and kill his father.

In his opening brief, Matthew Luchins argued that this Court should find that the trial court erred in denying him the opportunity to present an affirmative defense of involuntary intoxication, where he provided some evidence to support the defense, namely two medical experts who found that Matthew’s psychosis did not stem from the cannabis in the edible that he voluntarily consumed, but from an adulterant that he was unaware was in the edible. (Def. Op. Br. 16-30) The State argues that Matthew is precluded from raising the defense because he “voluntarily ingested an illegal cannabis edible to become intoxicated.” (St. Br. 25-43)

In his opening brief, Matthew set out a possible framework for determining whether a defendant could, as a matter of law, avail himself of an involuntary intoxication defense. (Def. Op. Br. 27). That legal framework is: (1) a defendant knowingly ingests what he believes to be a particular intoxicant; (2) in so doing, he unknowingly ingests a different intoxicant; and (3) it is the different intoxicant that deprives him of the capacity to conform his conduct to the requirements of the law. *People v. Mion*, 2023 COA 110M, ¶ 2 *overruled by People v. Mion*, 2026 CO 5 (2026).

The State misconstrues and misstates the three-prong analysis suggested in Matthew’s opening brief and then asserts that it is contrary to the plain language of 6-3 and “would lead to absurd and unjust results that the General Assembly

did not intend.” (St. Br. 24, 28) However, it is the State’s argument that anyone who voluntarily consumes an illegal substance for “purposes of intoxication” is then responsible for any resulting consequence to their body and brain, even if it is not caused by the substance they believed they were consuming, that cannot be squared with the actual language of the statute.

As the wording of the statute is critical to this Court’s ultimate finding, it bears repetition that the statute reads as follows:

A person who is in an intoxicated or drugged condition is criminally responsible for conduct unless *such condition* is involuntarily produced and deprives him of substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law. 720 ILCS 5/6-3 (2018) (emphasis added).

The statute plainly asserts that an intoxicated or drugged person is not responsible for their criminal conduct if the *condition that leads to the otherwise criminal behavior* is involuntarily produced. 720 ILCS 5/6-3 (2018). The statute does not say that a person who consumes any illegal substance cannot claim involuntary intoxication. It does not define “involuntary” as including only those defendants who did not knowingly consume an illegal drug. The added caveat about “illegal” substances is only something that has been read into the statute by courts, like that in *McMillen*, in order to gate-keep the use of the involuntary intoxication defense. (St. Br. 29-33) *See, People v. Blair*, 215 Ill. 2d 427, 443 (2005) (it is never proper for a court to depart from the plain language by reading into the statute exceptions, limitations, or conditions which conflict with the clearly expressed legislative intent).

If the legislature had intended to bar the affirmative defense from anyone who consumed an illegal substance, they could have said it that plainly: “Any

person who consumes an illegal substance cannot present the affirmative defense of involuntary intoxication.” That they did not, suggests that the legislature recognized that the overarching question of whether “such condition is involuntarily produced” was a question of fact for the jury and the legality of what was consumed is merely one of the many pieces of evidence that the jury must consider to reach their verdict.

The State’s argument, and the finding of the appellate court, relies heavily on *People v. McMillen*, 2011 IL App (1st) 100366, ¶3, an appellate court case that involved a man who knowingly consumed a substantial amount of crack cocaine, who wanted to raise the defense of involuntary intoxication, claiming that he was unaware doing so would adversely react with the four prescription medications that he was taking. (St. Br. 35, 38, 39); *People v. Luchins*, 2025 IL App (1st) 221604-U, ¶¶49-51. The court’s holding that the defendant could not raise the defense because he “voluntarily ingested an illegal drug,” which, again, was a substantial amount of crack cocaine, makes sense in that context. However, *McMillen* does not answer the ultimate question in *this* case, where it did not involve a claim that the illegal drugs were laced or adulterated and dealt with voluntary use of cocaine, rather than cannabis. A key point of the *McMillen* court’s ruling was that he could not present the defense because “excessive cocaine use alone is commonly known to produce adverse side effects.” 2011 IL App (1st) 100366 at ¶28.

Courts ruling on involuntary intoxication claims have not distinguished between cases like *McMillen* that involve the knowing use of cocaine (and other hard drugs) and cases like Matthew’s that involve only the knowing consumption of cannabis. The emphasis on only the “illegal” part of the *McMillen* holding and

not the basis of that holding – that “cocaine use alone is commonly known to produce adverse side effects” – runs counter to the trend of the Illinois legislature from 2016 to the present of adapting to society’s changing attitudes toward cannabis. *See, Luchins*, 2025 IL App (1st) 221604-U, ¶50; (St. Br. 29-34)

The *McMillen* court wanted to formulate a rule that made it impossible for defendants who had knowingly consumed cocaine to be able to claim involuntary intoxication. However, this could have been done by analyzing the facts of the case under the plain meaning of the statute and without reading into the statute a total bar against defendants who “voluntarily ingested an illegal drug.” Under 6-3, *McMillen*’s involuntary intoxication claim would have failed as a matter of law.

McMillen could not raise the involuntary intoxication defense because he did not even have “some evidence” that his “intoxicated or drugged condition” was involuntarily produced. As noted in Matthew’s opening brief, this Court, relying on dictionary definitions, previously held that the phrase “involuntarily produced” means, *inter alia*, “not resulting from a free and unrestrained choice.” (Def. Op. Br. 18); *People v. Hari*, 218 Ill. 2d 275, 291-3 (2006). In *McMillen*’s case, he made the “free and unrestrained choice” to smoke “more than an eight ball” of crack cocaine with the victim on the day of the murder. 2011 IL App (1st) 100366 at ¶3. The defense’s own expert testified that *McMillen*’s behavior on the day of the murder was “triggered by ‘drug initiated paranoia’ caused by cocaine use.” *Id.* at ¶5. That *McMillen* may or may not have also taken his four prescribed medications that day was irrelevant, where cocaine use alone “commonly” results in the adverse effects he experienced that day. *Id.* at ¶28.

Examining the definitions of “voluntary,” although not undertaken by this Court in *Hari*, also provides helpful insight into the plain meaning of the statute at issue here. According to Black’s Law Dictionary, “voluntary” is defined as “done by design or intention.” Voluntary, Black’s Law Dictionary (12th ed. 2024), Merriam-Webster defines “voluntary” as both “proceeding from the will or from one’s one consent [a voluntary action]” and “unconstrained by interference: self-determining [a voluntary participant].” Voluntary. 2026. In Merriam-Webster.com. Retrieved May 14, 2026, from <https://www.merriam-webster.com/dictionary/voluntary>.

Thus, another way to analyze the meaning of 6-3 is to consider whether someone’s intoxicated or drugged condition was produced by design or intention. Looking at the facts of *McMillen*, his resulting condition *was* produced by design or intention, because it was an expected result of smoking “more than an eight-ball” of crack cocaine with another person. However, in this case, when Matthew consumed cannabis hundreds of times in the past, he knew that it caused him to have “a feeling of time slowing down a bit” and “more creative or profound feeling thoughts.” (R. 395) So his condition of having more creative thoughts would be voluntary, i.e. produced by design or intention. To the contrary, his condition of violent psychosis was not produced by design or intention, did not proceed from his consent, and was thus involuntarily produced.

The vast difference between the facts of the *McMillen* case and the present case can also be demonstrated by attempting to analyze McMillen’s involuntary intoxication claim through the proposed three-part-test taken from the Colorado appellate court decision in *Mion*. McMillen would not have even made it past the second factor: “in so doing, he unknowingly ingests a different intoxicant,” because

McMillen was about voluntary consumption of crack cocaine while taking four prescribed medications, not about an adulterated substance. Further, his own doctor's conclusion was that *McMillen*'s condition resulted from consuming cocaine. *See, Luchins*, 2025 IL App (1st) 221604-U, ¶68-69 (Ocasio, J., dissenting)(describing the majority's "misunderstanding of *McMillen*").

While couched in the concept of "assumption of risk," the State's argument that a defendant who consumes an illegal drug cannot raise the defense of involuntary intoxication – no matter the circumstances – stems more from a need to pass judgment on people who take an illegal drug than on the interpretation of the statute. (St. Br. 29-32) That is evident in their reliance on *United States v. Bindley*, 157 F.3d 1235, 1242-43 (10th Cir. 1998), for the proposition that if a defendant "made a conscious choice to use an illegal drug for the purpose of becoming intoxicated" then "the exact drug that caused his intoxication is irrelevant." (St. Br. 29) The *Bindley* Court affirmed the lower court's denial of an involuntary intoxication instruction, where it found culpability on the part of the defendant who smoked a marijuana cigarette, making his conduct "not innocent." That court relied heavily on *People v. Velez*, 175 Cal. App. 3d 785, 795 (1985), a California appellate case that is over 40 years old, which was based on the now-outdated premise that "marijuana is frequently contaminated with PCP or other psychoactive drugs." While such concerns may have been valid in 1983 when the defendant in that case smoked a marijuana cigarette given to him at a social gathering, and in the early 1970s when the studies the *Velez* court relied on were published, that was not the case in 2018. Further, two defense witnesses in *Velez*, one of them a psychologist, provided testimony that actually supported the court's finding

that someone who smoked cannabis in the early 1980s would be aware that it was commonly laced with PCP. 175 Cal. App. 3d at 789, 795. Had Matthew been permitted to present a defense of involuntary intoxication at his trial, experts could have testified that such concerns are no longer valid and that someone who consumes two small pieces of a cannabis edible from a friend, in Illinois in 2018, does not have the same “assumption of risk” that the defendants in *Velez* or *Bindley* had. However, rather than allowing that to occur, the State would rather that judges prevent that from happening altogether to “discourage the public” from engaging in “risky behavior.” (St. Br. 33)

In an attempt to distinguish this case from *People v. Brumfield*, 72 Ill. App. 3d 107 (5th Dist. 1979), cited in Matthew’s opening brief (Def. Op. Br. 16), the State asserts that the *Brumfield* court held a defense of involuntary intoxication “could not be barred based on defendant’s initial offer of proof before any evidence had been presented.” (St. Br. 38-9) But that is exactly the error that occurred in this case. (Def. Op. Br. 16; R. 221-3). As in that case, when the trial court here “judged and disallowed evidence of involuntary intoxication on the basis of the offer of proof, reversible error was committed,” because it interfered with “the accused’s right to present a defense.” 72 Ill. App. 3d at 112-13. The *Brumfield* court did not remand the case so the trial judge could consider whether the defense should be allowed. It remanded for a new trial where the defendant was allowed to present the defense. *Id.* at 112 (finding that defendant had no obligation to prove that he had sufficient evidence to establish that defense prior to trial).

Contrary to the State’s implication, *Brumfield* is not any less relevant because of the fact that *McMillen*, 2011 IL App (1st) 100366, held subsequent to that case

that a defendant is not entitled to raise the defense “where an individual voluntarily ingested an illegal drug.” (St. Br. 39) As noted in Matthew’s opening brief and discussed above, the defendant in *McMillen* knew that he was ingesting cocaine along with prescription medication. 2011 IL App (1st) 100366, ¶3. To the contrary, Matthew – and the defendant in *Brumfield* – knew only that they were consuming cannabis and wanted to present evidence that it was not the cannabis, but something unknowingly added to the cannabis, that resulted in their illegal act. Thus, as the *Brumfield* court found, Matthew should have been permitted to present evidence of the defense of involuntary intoxication, rather than being denied the right to do so based on the pretrial offer of proof.

In their brief, the State never asserts that Luchins’s psychotic condition could not have been caused by an unknown adulterant added to the cannabis edible. They also never argue that Luchins intended to enter into a psychotic state or that he voluntarily consumed cannabis with the intent to experience delusions and hallucinations. Instead, they argue that those facts do not matter in determining whether the affirmative defense was available to him because Matthew had the intent to be intoxicated when he ate the illegal cannabis edible, his resulting condition could have come from the cannabis, and the evidence did not show conclusively that the cannabis edible was altered. (St. Br. 46-8) However, these are issues of fact to be resolved by the trier of fact after a full presentation of evidence from both sides, not questions of law that should prevent Matthew from being permitted to raise the affirmative defense. The State’s attempts to litigate whether the affirmative defense would have been successful at trial are premature and a distraction from the issue at hand.

It bears repeating that Matthew is not asking this Court to find him not

guilty, nor he is not asking this Court to determine whether his actions that day were caused by something other than cannabis. He is only asking that this Court find that he showed “some evidence” in support of the affirmative defense of involuntary intoxication and vacate his conviction and remand for a new trial where he may present evidence to support that defense and have the fact finder determine whether or not involuntary intoxication absolves him of his criminal conduct.

Concerns about whether it will “open the floodgates” for all defendants to claim that their drugs were laced if this Court finds that Matthew should have been able to present the defense of involuntary intoxication in this case, should be assuaged by the fact that merely by allowing an affirmative defense as a matter of law does not remove the requirement that a defendant must show “some evidence” in support of the defense before being allowed to argue it at trial. (St. Br. 40); See *People v. Jeffries*, 164 Ill. 2d 104, 127-8 (1995) (in self-defense cases, a defendant must show “some evidence” of each of six factors before he is allowed to present the defense and have the jury instructed accordingly)

The possible legal framework discussed above and in Matthew’s opening brief, which was adapted from the appellate court in *Mion*, would stem the potential floodgates, because many defendants would be unable to provide even “some evidence” to support each of these factors. *People v. Mion*, 2023 COA 110M, ¶ 2 *overruled by People v. Mion*, 2026 CO 5 (2026), (advocating for a three-part test to determine whether a defendant can raise the affirmative defense of involuntary intoxication). A defendant who cannot show some evidence of each of these factors would be precluded from presenting the defense – not as a matter of law, but because it is not supported by the facts of their case. See, *People v. Williams*, 2025 COA

26 (defendant was correctly denied the opportunity to argue involuntary intoxication after consuming alcohol and cocaine that he claimed was laced with methamphetamine, where, given that his hallucinations started before he took the suspected methamphetamine, there was not “some credible evidence” that his “mental disturbances” were caused by involuntary consumption of methamphetamine). On the contrary, only those defendants, like Matthew, who are able to provide “some evidence” in support of each factor would be permitted to present the defense to the trier of fact and have the judge or jury decide based on all the facts.

In his opening brief, Matthew gave multiple hypothetical scenarios that shows how the “illegal substance” interpretation of the statute creates an unworkable standard because of all the possible issues related to whether a substance is illegal. (Def. Op. Br. 24-6)(presenting various scenarios where a substance may be illegal in some respects, to some users, or in some quantities). The State responds that the examples do not show that their interpretation of the law is unworkable and that in “rare cases” where it becomes difficult for prosecutors to prove whether the substance was illegal, the defendant would be allowed to present the affirmative defense and the trier of fact would determine whether the substance was legal or illegal. (St. Br. 36). Thus, the State has no problem allowing the affirmative defense to move forward and letting the jury resolve some factual questions, but only if it applies to whether a substance is illegal – a requirement that does not even appear in the statute – and not as to the overarching question of whether the intoxicated condition was voluntarily produced.

Throughout the State’s brief, they frequently repeat that it is “undisputed” that Matthew had “the intent to become intoxicated,” when he consumed two small

pieces of a cannabis edible, and that because he wanted to “get high,” he is precluded from raising the affirmative defense of involuntary intoxication. (St. Br. 23, 25, 26) While it *is* undisputed that Matthew had the intent to consume the two small pieces of a cannabis edible, whether he had the “intent to become intoxicated” is not so clear-cut.

Black’s Law Dictionary defines intoxication as a “diminished ability to act with full mental and physical capabilities because of alcohol or drug consumption; drunkenness.” Intoxication. Black’s Law Dictionary (12th ed. 2024). Merriam-Webster defines intoxication as “the condition of having physical or mental control markedly diminished by the effects of alcohol or drugs” and similarly defines “intoxicated” as “affected by alcohol or drugs especially to the point where physical and mental control is markedly diminished; especially: drunk.” Intoxication. 2026. In Merriam-Webster.com. Retrieved May 18, 2026, from <https://www.merriam-webster.com/dictionary/intoxication>. Interestingly, both sources differentiate between someone who consumes alcohol or drugs and one who is intoxicated; e.g. everyone that drinks alcohol will not become “drunk,” just as everyone who consumes cannabis will not become “stoned.” This differentiation is logical based on the terminology that exists colloquially, such as “buzzed” or “high,” to reference this state of having consumed alcohol or marijuana, but not being to the point of having one’s physical or mental control “markedly diminished.”

In case law, references to intoxication is often present in analyses of whether a defendant is “under the influence” of drugs or alcohol in order to determine whether they have violated a statute. 625 ILCS 5/11-501 (a)(1-7)(2026). In Illinois, someone who is found to have driven while having in their system “any amount” of a substance under the Illinois Controlled Substances Act, in the Use of Intoxicating

Compounds Act, or Methamphetamine Control and Community Protection Act, is guilty of DUI. 625 ILCS 5/11-501(a)(6) is by definition “under the influence.”

On the other hand, while impairment or intoxication under the DUI statute can also be proven based on a defendant’s conduct – actions that show impairment or intoxication – the statute provides a threshold for both alcohol and THC, above which a defendant is presumed to be “under the influence.” 625 ILCS 5/11-501(a)(1-5, 7) Unlike other drugs, for cannabis and alcohol, the law is not a zero tolerance statute.

For alcohol, the standard is a blood alcohol content of .08 or higher and for cannabis, the standard is, “that within two hours of driving,” the THC concentration is “5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance.” 625 ILCS 5/11-501(a)(1), (a)(7); 625 ILCS 5/11-501.2(a)(6). Thus, the legislature has made it clear that merely because someone knowingly consumes alcohol or cannabis, even with a goal of becoming “high,” they are not automatically intoxicated or “under the influence.”

Interestingly, this distinction between “other drugs” and alcohol and cannabis is true under today’s statute and it was also true under the statute in effect at the time of the incident in this case in May, 2018. *See*, 625 ILCS 5/11-501(a)(7)(2018). Thus, at the time that Matthew consumed two small portions of an edible, the legislature had already determined that cannabis consumption – like alcohol consumption – did not result in a presumption of being under the influence, while maintaining that consumption of drugs like cocaine and PCP *did* provide such a presumption, such that any amount in a person’s blood or other fluids triggered a violation of the driving statute. Prior to a change in the law in 2016, however,

“any amount” of THC in a person’s system would have created the presumption of impairment. 625 ILCS 5/11-501(a)(6)(2015). This shows the legislature’s increasing understanding of the effects of THC and the need to separate it, along with alcohol, from other drugs, which still have a zero-tolerance policy.

Matthew testified at trial about his prior cannabis consumption – which he estimated at somewhere between 150-200 times in the past – stating that the previous effects were “a feeling of time slowing down a bit” and “more creative or profound feeling thoughts.” (R. 395) Similarly, initially after consuming the second bite of the cannabis edible that night, Matthew stated that he and his friend Josh, who had been consuming his own cannabis via a vape pen, were looking at the silk embroidered tapestries at the event and finding shapes in them that they would not normally have spotted, such as a pizza and a person. (R. 395) He later told Dr. Henry that he felt a “normal cannabis high to him,” including that lights were more intense, music was more magical, and he had clear perceptual changes. (R. 499)

Contrasting that expected result to “intoxication,” which, again, is a “diminished ability to act with full mental and physical capabilities” or “affected by alcohol or drugs especially to the point where physical and mental control is markedly diminished; especially: drunk” suggests that, despite the State’s repeated claims, it is not “undisputed” that Matthew intended to become intoxicated. However, whether or not he intended to become “intoxicated” that night when he voluntarily consumed a cannabis edible, he provided more than “some evidence” that the resulting “intoxicating or drugged condition” that led to his psychosis was not voluntary and he should have been permitted to raise the defense of involuntary intoxication.

The Trial Court's Error is Not Harmless

The State also argues that even if the lower court erred in finding that the defense was not precluded as a matter of law, the error was harmless. (St. Br. 24, 48) Because defendants have a constitutional right to present a defense, the State has the burden of proving that the infringement of this right was harmless beyond a reasonable doubt. *People v. Vesey*, 2026 IL 130919, ¶84. The State cannot do so here.

The State asserts that any error is harmless because defense counsel was allowed to present evidence to mitigate first degree murder to second degree murder, meaning that the judge already heard evidence regarding the cannabis edible possibly containing an adulterant, that evidence “failed to show that the edible contained an adulterant,” and the trial judge noted that “the defense had failed to provide ‘any scientific type of evidence.’”(St. Br. 44) However, whether the record contains sufficient supporting factual evidence to lead to the success of the affirmative defense is not the issue before this Court.

This case is not similar to many affirmative defense cases on appeal, where the appellant argues that, at the end of the trial, the judge should have instructed the jury on an affirmative defense based on the evidence presented at trial. In those cases, it makes sense for the reviewing court to go back through the evidence presented at the trial and determine whether or not the judge’s failure to provide that instruction was harmless; all of the evidence that the trial judge used to make that decision is in the transcript and a reviewing court can determine whether or not the jury may have found – based on the evidence presented – that the affirmative defense applied. *See, e.g. Jeffries*, 164 Ill. 2d at 127-8 (if the defendant shows some evidence of each of the six elements of self-defense, the jury should

be instructed on self-defense); *People v. Taylor*, 2023 IL App (4th) 220381, ¶¶ 42, 59-61 (trial court properly rejected defendant’s request for a self-defense instruction at the end of trial, where in his trial testimony the defendant denied knowingly discharging the firearm)

In this case, however, in granting the State’s motion *in limine* precluding the involuntary intoxication defense, the judge here clearly stated that the affirmative defense could not be considered by the trier of fact, regardless of what the evidence ultimately showed. (R. 222-3) Once the judge stated that he would not consider an involuntary intoxication defense, the necessity of providing “scientific type of evidence” to support involuntary intoxication vanished. Although Matthew testified at trial regarding his state of mind and Dr. Henry testified to some of his findings regarding Matthew’s psychosis in order to mitigate the first degree murder charge, the defense did not present the same evidence or make the same arguments that they would have made if they had been allowed to present the affirmative defense of involuntary intoxication.

There were three months between the ruling on the motion *in limine* granting the State’s request to preclude the defense from arguing the defense of involuntary intoxication and the start of the trial. (C. 242, 261) Presumably, had the judge allowed the defense to be presented, defense counsel would have had ample time to conduct more research, interview more experts, and do any number of things to provide evidence to support the defense. Nothing would have prevented counsel from getting an additional continuance to delay the start of trial while this defense was prepared, if necessary. Thus, any assumption by the State that the evidence presented at Matthew’s trial was the same that would have been presented had the affirmative defense been allowed to go forward is mere speculation.

The State's citation and reliance on *People v. Jackson*, 2020 IL 124112, and *People v. Newton*, 2018 IL 122958, shows that the State's harmless error argument misses the point. (St. Br. 52) While it is true, as the State asserts, that this Court in those cases held that in order to prove a defendant's guilt, the fact finder does not have to "search out all explanations consistent with innocence" and the State does not have to "rule out possible factual scenarios," this case is not about a sufficiency of the evidence claim. It is not before this Court whether the affirmative defense of involuntary intoxication was disproved beyond a reasonable doubt, because the defense was never allowed to be presented. The issue here is whether Matthew should have had the opportunity to present the affirmative defense to the trier of fact, arguing that he was not criminally responsible for his conduct that resulted in the death of his father because his drugged condition that led to psychosis was not voluntarily produced.

In sum, this Court should find that the trial court committed reversible error when it denied Matthew the opportunity to raise the defense of involuntary intoxication. As such, this Court should vacate his conviction for second-degree murder and remand for a new trial for second-degree murder where he is permitted to raise the defense. *See, People v. Fort*, 2017 IL 118966, ¶ 34 (when a defendant is charged with first degree murder but convicted of second degree murder, the State is prohibited by collateral estoppel from later retrying the defendant for first degree murder)

CONCLUSION

For the foregoing reasons, Matthew Luchins, defendant-appellant, respectfully requests that this Court reverse Matthew's conviction and remand for a new trial for second-degree murder where he is permitted to raise the defense of involuntary intoxication.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding pages or words contained in the Rule 341(d) cover, the Rule 341(c) certificate of compliance, and the certificate of service, is 17 pages.

/s/Jessica Wynne Arizo
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No. 131820

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SUPREME COURT OF ILLINOIS

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	)	Honorable
MATTHEW LUCHINS,	)	James Michael Obbish,
	)	Judge Presiding.
Defendant-Appellant.	)	

NOTICE AND PROOF OF SERVICE

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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 May 19, 2026, the Reply Brief 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 Elgin, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Reply Brief to the Clerk of the above Court.

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