**2026 IL 132703**

# IN THE

# SUPREME COURT

# OF

# THE STATE OF ILLINOIS

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(Docket No. 132703)

THE PEOPLE OF THE STATE OF ILLINOIS, Appellee, v.
JOHN W. FINNEY, Appellant.

*Opinion filed November 19, 2026.*

JUSTICE CUNNINGHAM delivered the judgment of the court, with opinion.

Chief Justice Neville and Justices Overstreet, Holder White, Rochford, O'Brien, and Tailor concurred in the judgment and opinion.

## OPINION

¶ 1 The defendant, John W. Finney, appeals from a detention order denying him pretrial release pursuant to article 110 of the Code of Criminal Procedure of 1963 (725 ILCS 5/art. 110-1 (West 2024)), as amended by legislation commonly known as the Pretrial Fairness Act (Pub. Act 101-652 (eff. Jan. 1, 2023)) . Before this court, Finney challenges the appellate court's affirmance of the trial court's detention

order, arguing only that the appellate court applied the incorrect standard of review. Since filing his opening brief, Finney has been convicted of the charges against him and, accordingly, is no longer in pretrial custody pursuant to the trial court's detention order. For the following reasons, we find that this case is moot and no mootness exception allows us to consider the appeal. We therefore dismiss this appeal as moot and vacate the judgment of the appellate court.

¶ 2 BACKGROUND

¶ 3 On September 2, 2025, Finney was charged with three counts of first degree murder in the shooting death of his wife, Amy Finney. 720 ILCS 5/9-1(a)(1) (West 2024). The State filed a verified petition to deny pretrial release. On September 3, 2025, the Jefferson County circuit court conducted a hearing on the State's petition, in which it considered only proffered evidence. Following the hearing, the trial court found that the State had met its burden for pretrial detention and granted the State's petition to deny pretrial release. See 725 ILCS 5/110-6.1(a) (West 2024).

¶ 4 On September 4, 2025, Finney filed a motion for relief and immediate pretrial release pursuant to Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). On September 10, 2025, the trial court jointly heard Finney's motion for relief and conducted Finney's preliminary hearing.

¶ 5 During the preliminary hearing portion of the joint hearing, Detective Justin Titzer of the Jefferson County Sheriff's Office testified to the details of Finney's offense, confession, and arrest. The trial court then found that the State had met its burden of establishing probable cause that the felony of first degree murder had been committed.

¶ 6 The trial court moved onto the motion for relief portion of the joint hearing, stating: "for those of you who are present here, the Motion for Relief, basically, is a Motion for The Court to Reconsider its decision to detain [Finney]. That's what that is. But they call it a Motion for Relief." The parties then made their arguments on Finney's motion for relief, in which both the State and Finney referred to Detective Titzer's testimony from the preliminary hearing.

¶ 7 Following arguments, the trial court stated: "And this is, in essence, a—a repeat of the original hear—hearing on the [S]tate's Petition to Deny Pretrial Release—except that The Court has heard even more information, now from Detective Titzer, concerning the case itself and the evidence itself." In issuing its ruling, the trial court confirmed that it considered the proffered evidence from the first hearing on the State's petition for pretrial detention, as well as the live testimonial evidence from the preliminary hearing. The trial court denied Finney's motion for relief because it found that Finney posed a flight risk and was a danger to the public and a possible danger to himself and to the person who reported the crime.

¶ 8 Finney appealed the trial court's order denying pretrial release, entered on September 3, 2025, and the trial court's September 10, 2025, denial of his motion for relief. On appeal, Finney argued that the trial court erred in deciding to detain him and, in particular, that the court erred in finding that the State met its burden of proving that Finney posed a real and present threat to the safety of any person or persons or the community and that the State met its burden of showing that Finney was a flight risk. The appellate court noted that Finney waived the issues of whether he was a flight risk and whether the proof was evident or presumption great that he committed a qualifying offense and, therefore, only considered the issue of Finney's danger to a person or the community as a whole and whether any conditions could mitigate the threat of danger. 2025 IL App (5th) 250741-U, ¶ 17.

¶ 9 Regarding the standard of review for its analysis, the appellate court stated:

> "Our standard of review of pretrial release determinations is twofold. Where the parties to a pretrial detention hearing proceed solely by proffer or submission of documentary evidence, this court stands in the same position as the trial court and may conduct its own independent review of the proffered evidence, thus reviewing the record *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54. However, where the trial court is asked to consider the testimony of live witnesses, and make factual findings, such as the State's burden of presenting clear and convincing evidence that conditions of pretrial release would not protect any person or the community, the defendant has a high likelihood of willful flight to avoid prosecution, or the defendant failed to comply with previously ordered conditions of pretrial release, our standard of review is the manifest weight of the evidence. *Id.* *** In light of the live

testimony of Detective Titzer, we review the evidence under the manifest weight standard.

> [Finney's] memorandum asserts that no live testimony was taken in this matter; however, that assertion is inaccurate. Detective Titzer provided live testimony at the preliminary hearing, which was conducted concurrently with the hearing on [Finney's] motion for relief. Moreover, the trial court expressly stated that it relied upon Detective Titzer's testimony in determining that [Finney's] motion for relief should be denied." *Id.* ¶¶ 19-20.

¶ 10 Noting that it had thoroughly reviewed the record on appeal, including the initial detention hearing and the motion for relief hearing, the appellate court concluded that the trial court's decision to detain Finney was not against the manifest weight of the evidence. *Id.* ¶¶ 21-22.

¶ 11 This court granted Finney's petition for leave to appeal. Ill. S. Ct. R. 315(a) (eff. Dec. 7, 2023).

¶ 12 ANALYSIS

¶ 13 Before this court, Finney contends the appellate court erred in affirming the trial court's detention order and, in support, maintains only that the appellate court applied the incorrect standard of review to that order. However, after Finney submitted his opening brief to this court, he was convicted of the charges against him. Accordingly, he is no longer in pretrial custody, which was the basis for his appeal of the trial court's order.

¶ 14 "An appeal is moot if no controversy exists or if events have occurred which foreclose the reviewing court from granting effectual relief to the complaining party." *In re Shelby R.*, 2013 IL 114994, ¶ 15. It is well established that reviewing courts generally will not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided. *Bright v. Yenchko*, 2026 IL 132015, ¶ 24; *People v. Seymore*, 2025 IL 131564, ¶ 32. Finney acknowledges that he can no longer receive relief no matter how this court rules. Therefore, his appeal is moot as a matter of law. He nevertheless asks this court to make an exception to the mootness doctrine. Finney

specifically argues that we should address the underlying standard of review issue under the public interest exception.

¶ 15 Whether a case falls within an established exception to the mootness doctrine is determined on a case-by-case basis, and the party challenging a finding of mootness bears the burden of proving that an exception to the finding applies. *Bright*, 2026 IL 132015, ¶ 26. "The public interest exception to the mootness doctrine permits review of an otherwise moot question when the *magnitude or immediacy of the interests involved* warrants action by the court." (Emphasis added.) *Commonwealth Edison Co. v. Illinois Commerce Comm'n*, 2016 IL 118129, ¶ 12. It has long been settled that the public interest in an issue must be clearly established before an exception will be made to the general rule of dismissing moot cases. *People ex rel. Cairo Turf Club, Inc. v. Taylor*, 2 Ill. 2d 160, 164 (1954). "Indeed, the public interest exception is invoked only on 'rare occasions' when there is an extraordinary degree of public interest and concern." *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 13.

¶ 16 The public interest exception to the mootness doctrine is narrow and requires a clear showing that (1) the question presented is of a substantial public nature, (2) an authoritative determination of the question is desirable for the future guidance of public officers, and (3) the question is likely to recur. *Bright*, 2026 IL 132015, ¶ 27; *Seymore*, 2025 IL 131564, ¶ 33. All three criteria must be clearly established, or the exception may not be invoked. *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 13.

¶ 17 This case fails to satisfy the first criterion of the public interest exception. To satisfy the substantial public nature criterion, it must be clearly established that the issue presented is of substantial breadth or has a significant effect on the public as a whole, not simply on the parties. *Felzak v. Hruby*, 226 Ill. 2d 382, 393 (2007). In other words, the public nature criterion cannot be met when the issue has a limited application to a small group of people. *In re Marriage of Eckersall*, 2015 IL 117922, ¶ 15.

¶ 18 The underlying issue in this case—the proper standard of review when the initial detention hearing involves only proffered evidence but a later motion for relief hearing considers live testimony—is very narrow and applies only to a limited class of people. Indeed, during oral argument before this court, when asked how

often preliminary hearings are heard jointly with a motion for relief hearing, defense counsel expressed uncertainty and named only four other cases in which that fact pattern had occurred. Such a small number of decisions is an indication that the issue presented is not the kind of broad public issue that is required for review under the public interest exception. *In re Rita P.*, 2014 IL 115798, ¶ 36.

¶ 19 Simply put, the degree of deference a reviewing court should give when considering appeals from motions for relief where the trial court considered both proffered evidence and subsequent live testimony in a detention order is not of overarching public concern. That matter is not comparable to issues such as election law or involuntary mental health treatment, both of which are inherently matters of broad public concern. See *Jackson v. Board of Election Commissioners of Chicago*, 2012 IL 111928; *In re Mary Ann P.*, 202 Ill. 2d 393, 402 (2002). We therefore determine that this case does not present any questions of a public nature. Because Finney cannot clearly establish that this matter encompasses a question of a substantial public nature, it does not fall within the public interest exception to the mootness doctrine.

¶ 20 In urging us to invoke the public interest exception, Finney points to a split within the appellate court regarding the proper standard of review when the initial detention hearing involves only proffered evidence but a later motion for relief hearing considers new, live testimony. Specifically, the following two appellate cases recently held that the standard of review is *de novo*: *People v. Coleman*, 2025 IL App (1st) 251472-U, and *People v. Yarbrough*, 2025 IL App (4th) 250915-U. And the following three appellate cases, in addition to the appellate court decision in this matter, recently held that the standard of review is manifest weight of the evidence: *People v. Nabors*, 2025 IL App (5th) 250720-U, *People v. Davis*, 2025 IL App (5th) 250715-U, and *People v. Ganaway*, 2025 IL App (5th) 250706-U.

¶ 21 This split amongst appellate court decisions is certainly relevant to determining whether the second criterion for the public interest exception has been satisfied, which is a desire for an authoritative determination of the question for future guidance. See *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 16 ("In deciding the need for an authoritative determination, this court looks to whether the law is in disarray or conflicting precedent exists."). However, the fact that there is a split of authority is insufficient on its own to warrant application of the public interest

exception. It is well established that the additional criteria of the exception must also be satisfied. *Id.* ¶ 13. And in this case, the additional criteria have not been met. This court does not review cases merely to set precedent or guide future litigation; to do so would virtually eliminate the notion of mootness. *In re Alfred H.H.*, 233 Ill. 2d 345, 357 (2009) (citing *Berlin v. Sarah Bush Lincoln Health Center*, 179 Ill. 2d 1, 8 (1997)); see *In re Adoption of Walgreen*, 186 Ill. 2d 362, 365 (1999) ("[W]hen an opinion on a question of law cannot affect the result as to the parties or controversy in the case before it, a court should not resolve the question merely for the sake of setting a precedent to govern potential future cases.").

¶ 22 *All three criteria* of the public interest exception must be satisfied to invoke the exception. See *Felzak*, 226 Ill. 2d at 393 (public interest exception requires a clear showing of *each* criterion). In this case, the first criterion for the public interest exception has not been established. Consequently, we find that Finney has failed to make a clear showing of the necessary criteria to invoke the public interest exception to the mootness doctrine. See *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 13 ("If any one of the criteria is not established, the [public interest] exception may not be invoked.").

¶ 23 Where an appeal is moot and no mootness exception applies, we vacate the lower court's judgment and dismiss the action. See *Bright*, 2026 IL 132015, ¶ 33 (citing *In re Marriage of Donald B.*, 2014 IL 115463, ¶¶ 35, 38). The appellate court's judgment in this case is thus vacated, and the appeal is dismissed as moot. We express no opinion on the merits of the appellate court judgment.[1]

¶ 24 CONCLUSION

¶ 25 For the foregoing reasons, we dismiss this appeal as moot and vacate the judgment of the appellate court. In entering this disposition, we express no opinion on the merits of the parties' other arguments.

[1]After Finney submitted his opening brief and was convicted, he filed a motion in this court to adjudicate the appeal pursuant to the public interest exception to the mootness doctrine. We entered an order taking the motion with the case. That motion is now denied.

¶ 26 Appeal dismissed.

¶ 27 Appellate court judgment vacated.