



(Docket No. 131187)
THE PEOPLE OF THE STATE OF ILLINOIS, Appellee,
v. GREGORY DOBBINS, Appellant.
Opinion filed January 23, 2026.

Chief Justice Neville delivered the judgment of the court, with opinion.

In *Dobbins*, the supreme court addressed whether an action for a certificate of innocence survives the death of the petitioner. Dobbins successfully had his conviction for possession of a controlled substance vacated, as it was based on fabricated evidence from a Chicago police sergeant and coconspirators. He filed a petition for a certificate of innocence but passed away unexpectedly two weeks before his hearing. His widow sought to be substituted as the petitioner for a certificate of innocence. The circuit and appellate courts found the certificate of innocence action to be a statutory right that does not survive the petitioner's death. The supreme court affirmed.

The court first declined to direct the circuit court to enter a *nunc pro tunc* (now for then) order granting Dobbins a certificate, as there was no action for it to relate back to. Nothing in the record indicated the certainty that Dobbins would receive a certificate at the time of his death, so a *nunc pro tunc* order could not appropriately direct the circuit court to do so now. On similar grounds, the court likewise declined to exercise supervisory authority under the exception in *Tunnell v. Edwardsville Intelligencer, Inc.* Turning finally to the question of whether Dobbins's action for a certificate survived under the Survival Act, the court concluded it did not. The petition for a certificate of innocence is a condition precedent to (a requirement to pursue) an action to recover damages, and not an action to recover damages in its own right. As a result, it was merely a personal right belonging to Dobbins before he died.