

2026 IL App (1st) 241099-U
No. 1-24-1099
Order filed September 28, 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. 22 CR 13157
	)	
LASHAUN LASHLEY,	)	Honorable
	)	Arthur Wesley Willis,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE ELLIS delivered the judgment of the court.
Justices Fitzgerald Smith and Howse concurred in the judgment.

ORDER

- ¶ 1 *Held:* Affirmed in part, vacated in part. Defendant's aggravated unlawful use of weapon convictions are vacated under one-act, one-crime rule. Defendant's conviction for unlawful use of weapon by felon is affirmed, as his facial constitutional challenge to underlying statute lacks merit.
- ¶ 2 Defendant Lashaun Lashley was found guilty of unlawful use of a weapon by a felon (UUWF) and two counts of aggravated unlawful use of a weapon (AUUW). He was sentenced to three concurrent terms of three years in prison. On appeal, he claims the provisions of the

AUW and UUW statutes under which he was convicted are facially unconstitutional under 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). In the alternative, he argues, and the State concedes, that his AUW convictions should be vacated under the one-act, one-crime rule, as they were based on the same physical act as his UUW conviction. For the following reasons, we vacate defendant’s AUW convictions and affirm his UUW conviction.

¶ 3 After Chicago police officers observed defendant with a firearm, he was arrested and charged with UUW and two counts of AUW. All three counts were predicated on defendant’s possession of the single firearm. Because defendant does not challenge the sufficiency of the evidence to sustain his convictions, the underlying facts leading to his conviction are irrelevant. All we need to know is that the evidence showed, and defendant does not dispute, that at the time he was found in possession of a firearm, defendant had a prior felony conviction and lacked a valid Firearm Owner’s Identification card or concealed-carry license.

¶ 4 The court found defendant guilty of two counts of AUW and one count of UUW. Defendant moved for a new trial, among other reasons, because the one-act, one-crime rule required entry of judgment on only one of the three charges. The court denied the motion and sentenced defendant to three concurrent prison terms of three years.

¶ 5 On appeal, defendant claims the UUW and AUW statutes are facially unconstitutional and, in the alternative, the AUW convictions should be vacated under the one-act, one-crime rule, as they were based on the same physical act as his UUW conviction.

¶ 6 Because defendant’s constitutional challenge to the AUW statute would be moot if we vacate those sentences, and we have a duty to avoid constitutional issues where possible, we

address the one-act, one-crime issue first. See *People v. Bass*, 2021 IL 125434, ¶¶ 29-30; *People v. Smith*, 2019 IL 123901, ¶ 14 (“the one-act, one-crime rule is not of constitutional dimension”).

¶ 7 The trial court found defendant guilty of both AUUW and UUWF, based on his possession of a single firearm. Defendant argues, and the State concedes, that his convictions for AUUW must be vacated.

¶ 8 Under the one-act, one-crime rule, “a criminal defendant may not be convicted of multiple offenses when those offenses are all based on precisely the same physical act.” *People v. Coats*, 2018 IL 121926, ¶ 11. When, as here, a defendant is convicted of multiple offenses based on possession of the same firearm, only one conviction may stand. *People v. Grant*, 2017 IL App (1st) 142956, ¶ 33. We must vacate the less serious offense. *People v. Artis*, 232 Ill. 2d 156, 170 (2009).

¶ 9 AUUW is the less serious offense; the sentencing range for AUUW is shorter than the range for UUWF. See 720 ILCS 5/24-1.1(e), 24-1.6(d)(3) (West 2022). So we vacate defendant’s AUUW convictions and direct the circuit court clerk to correct the mittimus accordingly.

¶ 10 That leaves defendant’s facial constitutional challenge to the UUWF statute. A facial challenge is “the most difficult challenge to mount.” *People v. Davis*, 2014 IL 115595, ¶ 25. To establish that a statute is facially unconstitutional, defendant must show that no circumstances exist under which the statute would be valid. *People v. Bochenek*, 2021 IL 125889, ¶ 10. Our review of this question of law is *de novo*. *People v. Davis*, 2014 IL 115595, ¶ 26.

¶ 11 The UUWF statute makes it a felony to “knowingly possess on or about [one’s] person or on [one’s] land or in [one’s] own abode or fixed place of business any *** firearm *** if the person has been convicted of a felony under the laws of this State or any other jurisdiction.” 720

ILCS 5/24-1.1(a) (West 2022). The Second Amendment provides: “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.

¶ 12 In *Bruen*, the Court announced a new analytical framework that proceeds in two steps: we first ask whether “the Second Amendment’s plain text covers an individual’s conduct;” if it does, the State “must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 24.

¶ 13 The cases thus far have reached conflicting conclusions about *Bruen*’s threshold inquiry. Some hold that felons are categorically excluded from the Second Amendment’s protections, while others hold that a felon’s possession of a firearm falls within the scope of the amendment and thus warrants an historical inquiry under the second step of the *Bruen* test. Compare *People v. Baker*, 2023 IL App (1st) 220328, ¶ 37 (because felons are not “law abiding citizens,” they are not protected by the Second Amendment, and *Bruen*’s historical-tradition analysis “does not apply” to them), with *Brooks*, 2023 IL App (1st) 200435, ¶¶ 88-89 (“How the defendant’s prior felony might impact his second amendment right to possess a firearm is more properly evaluated under the second step’s historical tradition analysis.”).

¶ 14 We need not decide whether the first step is the more suitable analytical prong, because even if defendant satisfied it—even if he falls within the scope of the Second Amendment’s protection—his argument would fail under *Bruen*’s historical-tradition analysis. That is, laws that prohibit felons from possessing firearms are generally consistent with our historical tradition of firearm regulation. See *Brooks*, 2023 IL App (1st) 200435, ¶¶ 88-89.

¶ 15 We have undertaken the historical analysis required by *Bruen* in several previous cases, and we will not repeat it all here. A case directly on point is *People v. Travis*, 2024 IL App (3d) 230113, ¶¶ 27-33, which rejected facial challenges to the armed habitual criminal (AHC) and unlawful use of a weapon by a felon (UUWF; since renamed UPWF) statutes, on the ground that these firearm prohibitions are consistent with our historical tradition.

¶ 16 Other decisions embracing this analysis include *People v. Stephens*, 2024 IL App (5th) 220828, ¶¶ 34-39 (rejecting facial challenge to UUWF statute under second step of *Bruen*); *Brooks*, 2023 IL App (1st) 200435, ¶¶ 68-101 (rejecting as-applied challenge to AHC statute, finding prohibition on firearm possession by nonviolent felon consistent with historical tradition); *Awkerman v. Illinois State Police*, 2023 IL App (2d) 220434, ¶¶ 49-56 (rejecting as-applied challenge to FOID Act provisions that permit denial of FOID card based on applicant's conviction for felony drug offense); *People v. Cooks*, 2026 IL App (1st) 232112-U, ¶ 67 (rejecting facial challenge to UUWF statute under second step of *Bruen*).

¶ 17 We agree that the historical analysis set forth in these cases satisfies the second step of the *Bruen* test and is thus sufficient to dispose of defendant's facial challenge to the UPWF statute. We respectfully decline his invitation to reconsider these rulings. We thus reject his constitutional challenge and uphold his conviction for UUWF.

¶ 18 We vacate defendant's AUUW convictions and affirm defendant's UUWF conviction.

¶ 19 Affirmed in part; vacated in part.