NOTICE
Decision filed 08/27/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 241276-U

NO. 5-24-1276

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).

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| THE PEOPLE OF THE STATE OF ILLINOIS, | ) | Appeal from the |
| | ) | Circuit Court of |
| Plaintiff-Appellee, | ) | Champaign County. |
| | ) | |
| v. | ) | No. 21-CF-1033 |
| | ) | |
| DAVID E. SCHEURICH, | ) | Honorable |
| | ) | Adam M. Dill, |
| Defendant-Appellant. | ) | Judge, presiding. |

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

**ORDER**

¶ 1 *Held*: The circuit court did not err when it denied defendant's motion for additional sentencing credit.

¶ 2 Defendant, David E. Scheurich, appeals from the Champaign County circuit court's denial of his petition for order *nunc pro tunc*. On appeal, defendant argues that the circuit court erred when it denied his motion for additional sentence credit pursuant to section 3-6-3(a)(4.2)(A) of the Unified Code of Corrections (Code) (730 ILCS 5/3-6-3(a)(4.2)(A) (West 2022)). Specifically, defendant contends that the plain language of the statute, as well as normal rules of statutory construction, show that its application to programs and work by "any prisoner" includes pre-trial detainees like defendant. He also argues that he should have been allowed to present additional claims for sentencing credit on remand. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On August 26, 2021, the State charged defendant by information with aggravated driving under the combined influence of alcohol and drugs. 625 ILCS 5/11-501(a)(5) (West 2020). Count II charged defendant with driving while license revoked. *Id.* § 6-303(a).

¶ 5 On November 7, 2022, the parties proceeded to a guilty plea hearing on defendant's pending charges in case Nos. 19-CF-777, 21-CF-1033, and 22-CF-1128. Defendant pled guilty to one count of aggravated driving under the influence in case No. 21-CF-1033. As part of the plea agreement, the State dismissed count II and dismissed the charges in case No. 22-CF-1128. There was no agreement on sentencing.

¶ 6 On January 26, 2023, the circuit court sentenced defendant to six years in prison followed by one year of mandatory supervised release. At the sentencing hearing, the presentence reports were amended to reflect 79 days of presentence custody credit in case No. 19-CF-777. Pursuant to the sentencing order, defendant received zero days of presentence custody credit in the instant case (case No. 21-CF-1033).

¶ 7 On February 6, 2023, defendant filed a *pro se* motion for an order *nunc pro tunc* seeking 18 months of sentence credit for his participation in moral recognition therapy and a "floor work sheet program" while in presentence custody. On March 7, 2023, the circuit court denied the motion without holding a hearing. In a docket entry, the court explained that "the completed programs cited in the motion do not qualify for additional jail credit pursuant to the applicable Illinois Law." Defendant appealed.

¶ 8 This court remanded, finding that the circuit court erred by denying defendant's petition seeking additional sentencing credit without holding a hearing. See *People v. Scheurich*, 2024 IL App (5th) 230357-U. A separate panel of this court remanded to the circuit court to consider

whether defendant was entitled to sentencing credit for time spent in moral recognition therapy and work as an "evening floor man" pursuant to section 5-4.5-100 of the Code (730 ILCS 5/5-4.5-100 (West 2022)). See *Scheurich*, 2024 IL App (5th) 230357-U, ¶ 25.

¶ 9 On September 24, 2024, defendant, proceeding *pro se*, appeared before the circuit court following this court's remand. At the hearing, defendant stated: "I wrote three *nunc pro tuncs*, and I thought we were running 1033 and 777 together and those other two *nunc pro tuncs* got filed underneath 777." The circuit court indicated that it would not consider any other credit claims, noting that the appellate court directed him to set "this case for hearing" and "[t]hat's it." By agreement of the parties, the matter was continued in order for defendant to retain counsel.

¶ 10 On November 17, 2024, the State responded to defendant's petition. In its response, the State argued that the programming defendant engaged in did not qualify for credit under section 3-6-3(a)(4) of the Code (730 ILCS 5/3-6-3(a)(4) (2022)). Defense counsel responded, conceding that defendant's participation in moral recognition therapy and his employment as a floor worker did not entitle him to additional day-for-day credit under section 3-6-3(a)(4)(A) of the Code (*id*. § 3-6-3(a)(4)(A)). Rather, counsel argued that defendant should receive half-day credit under section 3-6-3(a)(4.2) of the Code (*id*. § 3-6-3(a)(4.2)) for "any prisoner engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities under paragraph (4)" can receive 0.5 days of credit for every day of participation. Defense counsel acknowledged that the Third District held that this section did not apply to activities completed while a defendant was in pre-trial custody in *People v. Williamson*, 2024 IL App (3d) 220501 (2024).

¶ 11 On November 25, 2024, the matter proceeded to a hearing on defendant's petition for order *nunc pro tunc* county jail good behavior allowance and credit for completing programs that defendant filed in February of 2023. At the hearing, defendant was represented by counsel.

¶ 12 The State called Caren Cohen-Heath, the supervisor of defendant's case managers at Rosecrance Health Network. Rosecrance offered substance abuse classes, mental health treatment, and counseling classes. Cohen oversaw the moral recognition therapy program, which was a 12-step cognitive-behavioral program. Individuals in jail are able to participate in the program prior to their sentencing. Cohen testified that defendant participated in the moral recognition therapy program, however, he did not complete the program. Defendant failed to complete all of the steps of the program.

¶ 13 Defense counsel argued that defendant participated in the program on January 12, 2023, January 26, 2023, and February 2, 2023. He also participated in the floor inmate worker's program at the Champaign County jail from December 29, 2022, to February 2, 2023. Counsel argued that under section 3-6-3(a)(4.2) of the Code, defendant was entitled to half-day credit. Counsel argued that defendant should receive 16 days' worth of credit.

¶ 14 The State responded, arguing that defendant's requested sentence credit was only available to individuals in the department of corrections. The State argued that the credit did not apply to pre-sentencing. Rather, the State looked to "subsection (a) (4) (A)" which sets out the requirements for presentencing pretrial credit.

¶ 15 The State also argued that defendant failed to complete the moral recognition therapy program. The State also argued that there was no evidence presented that the moral recognition therapy program was a "full-time program" or whether it was a qualifying program under the

statute. Turning to the work assignment, the State argued that defendant would be entitled to postsentencing credit, but not presentencing credit.

¶ 16 The circuit court found *Williamson* controlling. See *Williamson*, 2024 IL App (3d) 220501. The court determined that the "language of the statute is very clear as to what applies during pretrial or even presentencing detention as in this case what would result in additional jail credit or sentencing credit for a defendant sentenced to the department of corrections." The court concluded that after hearing evidence, the court "simply cannot find that either one of those things would fit into the definition of that very specific statute as applied to [defendant]'s situation." The court noted that the moral recognition therapy program was not 60 days or longer, and defendant did not successfully complete it. Therefore, the court denied defendant's petition for credit as to the moral recognition therapy program.

¶ 17 Turning to the work program, the circuit court noted that the statute did not contemplate "working on the floor" "within the meaning of the statute." The court mused that had defendant been sentenced to the department of corrections, he may be entitled to credit. However, because defendant had not yet been sentenced, the court concluded that his work "simply wouldn't fit to within the meaning of the statute in order for him to receive additional credit." Therefore, the court denied defendant's motion related to the "evening floor man work."

¶ 18 On December 3, 2024, defendant filed a notice of appeal. He amended his notice on December 16, 2024.

¶ 19 II. ANALYSIS

¶ 20 On appeal, defendant argues that the circuit court erred when it denied his motion for additional sentence credit under section 3-6- 3(a)(4.2) of the Code. Specifically, defendant contends that the plain language of the statute, as well as normal rules of statutory construction,

show that its application to programs and work by "any prisoner" includes pre-trial detainees like defendant. He also contends that he should have been allowed to present additional claims for sentencing credit on remand. For the reasons that follow, we affirm.

¶ 21 First, we consider defendant's claim that the circuit court erred by denying defendant's motion for additional sentence credit under section 3-6- 3(a)(4.2) of the Code. Defendant argues that the plain language of the statute, as well as normal rules of statutory construction, show that its application to programs and work by "any prisoner" includes pre-trial detainees like defendant. Section 3-6-3(a)(4.2), provides as follows:

> "(4.2)(A) The rules and regulations shall also provide that any prisoner engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities under paragraph (4), shall receive up to 0.5 days of sentence credit for each day in which the prisoner is engaged in activities described in this paragraph. (B) The rules and regulations shall provide for the award of sentence credit under this paragraph (4.2) for qualifying days of engagement in eligible activities occurring prior to July 1, 2021 (the effective date of Public Act 101-652)." 730 ILCS 5/3-6-3(a)(4.2) (West 2024).

¶ 22 The circuit court denied defendant's request, relying on *People v. Williamson*, 2024 IL App (3d) 220501, ¶ 26. In *Williamson*, our colleagues in the Third District determined that activities completed while an individual was in pre-trial custody do not qualify for credit under section 4.2. *Id.* Defendant argues that "the holding in *Williamson* contradicts the plain language of the statue [*sic*] and goes against standard rules of statutory construction," and asks this court to "decline to follow it."

¶ 23 In *Williamson*, the defendant worked as a kitchen tender for 242 days while in custody prior to sentencing, for which he requested 121 days of sentence credit pursuant to section 3-6-

3(a)(4.2). *Williamson*, 2024 IL App (3d) 220501, ¶¶ 4, 21. The trial court denied his request, finding that section 3-6-3(a)(4.2) applied only to individuals who were serving time in IDOC. *Id.* ¶ 21. On appeal, the defendant argued that his presentence work qualified for sentence credit under the plain language of section 3-6-3(a)(4.2). *Id.* ¶ 22.

¶ 24 The *Williamson* court affirmed, holding that section 3-6-3(a)(4.2) did not entitle the defendant to sentence credit for work performed during pretrial custody. *Id.* ¶ 26. The court compared section 3-6-3(a)(4.2) to sections 3-6-3(a)(4)(A) and (a)(4.1), which, unlike section 3-6-3(a)(4.2), explicitly mentioned sentence credit for individuals held in pretrial custody. *Id.* ¶ 25. The court continued that "[h]ad the legislature intended for [section 3-6-3(a)(4.2)] to apply to inmates in pretrial custody, it would have expressly stated that intention as it did in the other sections." *Id.* ¶ 26. Thus, viewing the statute in its entirety, the court found that the legislature did not intend for section 3-6-3(a)(4.2) to apply to individuals held in pretrial custody. *Id.*

¶ 25 However, recently, in *People v. Duddleston*, 2026 IL App (2d) 250365, the Second District expressly disagreed with *Williamson*. At the time of this decision, the mandate in *Duddleston* has not yet issued. As such, we decline to follow *Duddleston*.

¶ 26 As explained by our colleagues in the Fourth District:

> "Other sections of the Unified Code distinguish between those in the custody of DOC and those in pretrial detention at, say, a county jail. Defendant's argument would require us to abandon the legislature's distinction between the two types of incarceration as utilized. But, more importantly, defendant's interpretation of section 3-6-3(a)(4.2)(A) would quite literally have us undo and disregard our entire preceding analysis of section 3-6-3(a)(4)(A). Issues requiring statutory analysis necessitate [e]ach word, clause, and sentence of a statute must be given a reasonable meaning, if possible, and should not be

> rendered superfluous. [Citation.] If the legislature had intended for section 3-6-3(a)(4.2)(A) to apply to all forms of incarceration and explicitly to those not eligible for additional sentencing credit under section 3-6-3(a)(4)(A), then all of section 3-6-3(a)(4)(A) is superfluous and meaningless." (Internal quotation marks omitted.) *People v. Woods*, 2025 IL App (4th) 241136-U, ¶ 33.

For these reasons, we align with the established precedent set forth in *Williamson*, as adopted by the First and Fourth Districts, and find that the circuit court did not err when it denied defendant's motion for sentencing credit.

¶ 27 Next, we consider defendant's argument that the circuit court "erroneously refused" to allow defendant to "raise additional claims for sentence credit." Defendant relies on Illinois Supreme Court Rule 472 (eff. Feb. 1, 2024), arguing that he is allowed to raise a claim for additional sentence credit at any time. The State argues that in our prior decision, only case No. 21-CF-1033 was at issue before the circuit court, not case No. 19-CF-777. In our prior order, we remanded case No. 21-CF-1033 for further hearing. This court made no ruling as to case No. 19-CF-777. The State notes that defendant could, at any time, file a motion for a hearing in case No. 19-CF-777 pursuant to Rule 472.

¶ 28 In the case before us, defendant pled guilty to one count of aggravated driving under the influence in case No. 21-CF-1033. On the same date, defendant also pled guilty to one count of aggravated DUI in case No. 19-CF-777. The circuit court ordered the sentences on the two cases to be served consecutively. In *Scheurich*, 2024 IL App (5th) 230357-U, this court considered only defendant's conviction and sentence in case No. 21-CF-1033. Following remand, we again only consider the conviction and sentence in case No. 21-CF-1033.

¶ 29 The circuit court aptly noted the appropriate matter before the court when defendant stated: "I wrote three *nunc pro tuncs*, and I thought we were running 1033 and 777 together and those other two *nunc pro tuncs* got filed underneath 777." The circuit court indicated that it would not consider any other credit claims, noting that the appellate court directed him to set "this case for hearing" and "[t]hat's it."

¶ 30 "[W] when a reviewing court issues a mandate, the trial court is vested with jurisdiction to take only such action as conforms to the mandate." *People v. Luna*, 2025 IL App (2d) 240382, ¶ 26. In the case before us, this court ordered the circuit court to consider sentence credit in case No. 21-CF-1033. The circuit court properly held a hearing, considered evidence and argument of the parties, and denied defendant's request in case No. 21-CF-1033.

¶ 31 III. CONCLUSION

¶ 32 For the foregoing reasons, the judgment of the circuit court of Champaign County is affirmed.

¶ 33 Affirmed.