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2026 IL App (3d) 250051-U

Order filed August 17, 2026

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 18th Judicial Circuit,
	)	Du Page County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-25-0051
v.	)	Circuit No. 21-CF-1888
	)	
TIMOTHY JACKSON,	)	Honorable
	)	Margaret M. O’Connell,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Presiding Justice Hettel and Justice Anderson concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court erred in denying the defendant’s right to self-representation.

¶ 2 The defendant, Timothy Jackson, appeals from his convictions for aggravated unlawful restraint and unlawful possession of a weapon by a felon (UPWF). The defendant argues that the Du Page County circuit court abused its discretion both in denying the defendant his right to self-representation and allowing the State to introduce other-crimes evidence. The defendant further

contends his convictions for UPWF were unconstitutional pursuant to *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022).

¶ 3

I. BACKGROUND

¶ 4

The defendant was charged with, *inter alia*, aggravated unlawful restraint (720 ILCS 5/10-3.1(a) (West 2020)) and two counts of UPWF (*id.* § 24-1.1(a)), stemming from an October 22, 2021, incident at the residence of Shelby Richmond. Counsel was appointed to represent the defendant in December 2021. In January 2022, the defendant informed the court that he had hired private counsel. In February 2022, private counsel entered an appearance, and the public defender was discharged. On June 22, 2022, private counsel withdrew, and the case was continued for the defendant to hire new counsel.

¶ 5

On August 2, 2022, the defendant appeared remotely and indicated that he was no longer seeking to retain private counsel and asserted that “[a]t the moment [he] would like to go *pro se*.” The court expressed its concern that, due to the seriousness of the multiple, consecutive potential sentences that the defendant was facing, representing himself was not “the right decision for [the defendant] to make.” The defendant acknowledged the court’s concern but persisted in his desire to represent himself. The case was continued so the court could admonish the defendant regarding his rights in person.

¶ 6

On August 15, 2022, the defendant informed the court that he still wanted to proceed *pro se*. The court questioned the defendant to determine whether he had “the requisite capacity to make an intelligent and knowing waiver of [his] right to counsel.” The defendant indicated that he had completed high school, had been studying the rules of evidence in the law library at the jail, and understood the potential pitfalls of self-representation. After admonishing the defendant, the

court inquired as to why the defendant wished to represent himself. The defendant replied, “[n]o certain reason at all.” The court then denied the defendant’s request to proceed *pro se*, stating:

“All right. I’m not gonna—You’ve got too much at risk here. I can’t—I cannot in good conscience allow you to waive your right to counsel. The fact that you have a high school education and you have been in the law library a couple of times just isn’t sufficient for you to have the background necessary to be effective in these legal proceedings. You’re looking at a minimum of 30 years in jail, in prison. I just don’t feel as if you’re up to that task.”

The court appointed the public defender to represent the defendant, reiterating that the defendant had “a lot on the line here.” The defendant indicated that he was “fully aware” of that fact. When the court asked the defendant if he was “okay with [its] decision,” he responded that he was not then stated, “I mean, it’s your decision. I mean, I can’t—” before the court began to speak again.

¶ 7 The record reflects that the defendant continued to seek private counsel during the pendency of the case, multiple times reminded the court that it had denied his request to proceed *pro se*, and sought to file motions on his own behalf.

¶ 8 On July 2, 2024, the defense filed a motion *in limine* seeking to prevent the State from introducing evidence that the defendant had struck and injured Richmond with a firearm on the date of the offense. The court denied the motion finding that the evidence was “just part of the description of the events of that day.” The case proceeded to a jury trial on July 24, 2024.

¶ 9 The evidence at trial established that the defendant followed Richmond into her residence, struck her in the head with a firearm, pushed her onto the couch, held a pillow over her face, and threatened to kill her. Witnesses observed Richmond with a bleeding gash to her face and abrasions on her arm. Officers observed red stains on a pillow located at Richmond’s residence. A video

recording of the area showed that the defendant approached the residence with Richmond and left on his own in a Subaru. The defendant was later approached by police while in the Subaru, exited the vehicle, and fled on foot. A firearm was located inside the abandoned Subaru. The parties stipulated that the defendant had a prior felony conviction. The jury found the defendant guilty on all counts.

¶ 10 On August 20, 2024, appointed counsel filed a motion for a new trial which alleged, in pertinent part, that the court erred when it denied the defendant's motion *in limine*. The court denied the motion. The defendant was sentenced to concurrent terms of 8 years' imprisonment for aggravated unlawful restraint, and 10 years' imprisonment for each count of UPWF. The defendant appealed.

¶ 11 II. ANALYSIS

¶ 12 On appeal, the defendant argues that the court erred in denying him the right to represent himself where he unequivocally requested to represent himself prior to trial. As an initial matter, the defendant acknowledges that this issue was not properly preserved where it was not raised in a posttrial motion but contends that it is reviewable under the second prong of the plain error doctrine. See *People v. Albea*, 2017 IL App (2d) 150598, ¶ 28. We note that the State failed to argue forfeiture of this issue on appeal. The rules of forfeiture also apply to the State. *People v. Bridgeforth*, 2017 IL App (1st) 143637, ¶ 46. Where, as here, the State fails to raise a claim of forfeiture, it has forfeited any forfeiture argument. *People v. Bahena*, 2020 IL App (1st) 180197, ¶ 29. Accordingly, we will address the defendant's claims.

¶ 13 A criminal defendant is guaranteed both the right to counsel and to proceed without counsel pursuant to the United States and Illinois Constitutions. U.S. Const., amend. VI; Ill. Const. 1970, art. I, § 8; *People v. Wright*, 2017 IL 119561, ¶ 39. "[T]he right to self-representation is as basic

and fundamental as the right to be represented by counsel.” (Internal quotation marks omitted.) *Wright*, 2017 119561, ¶ 39. For a defendant to invoke the right of self-representation, he must knowingly and intelligently relinquish the right to counsel, and the waiver of counsel must be clear and unequivocal, not ambiguous. *People v. Baez*, 241 Ill. 2d 44, 115-16 (2011). However, this right is not absolute, and a defendant’s request may be denied by the court if the defendant engages in serious and obstructionist misconduct, or if he cannot make a knowing and intelligent waiver of counsel. *People v. Rohlf*s, 368 Ill. App. 3d 540, 545 (2006). A defendant’s lack of legal knowledge and ability is not a valid basis for denying his request for self-representation. *Albea*, 2017 IL App (2d) 150598, ¶ 25. “Although a court may consider a defendant’s decision to represent himself unwise, if his decision is freely, knowingly, and intelligently made, it must be accepted.” *Baez*, 241 Ill. 2d at 116. The court’s denial of a defendant’s request for self-representation is reviewed for an abuse of discretion. *Id.* “An abuse of discretion occurs where the trial court’s decision is arbitrary, fanciful or unreasonable.” *People v. Becker*, 239 Ill. 2d 215, 234 (2010).

¶ 14 On August 2, 2022, the defendant made a clear and unequivocal request to represent himself. He indicated that he had been seeking private counsel but had decided, at that time, to proceed *pro se*. The court expressed reservations about allowing the defendant to represent himself and continued the matter to address the issue with the defendant in person. On August 15, 2022, the defendant renewed his request to represent himself. He responded appropriately to the court’s admonishments, acknowledged the court’s concerns and the seriousness of his charges, and persisted in his desire to represent himself. Nothing about the defendant’s behavior at that time or any time before that date was disrespectful, disruptive, or obstructionist. The court denied the defendant’s request based solely on its concern that the defendant did not have “the background necessary to be effective in these legal proceedings.”

“Although it is important that a defendant who wants to proceed *pro se* be made aware of the potential pitfalls of self-representation so that he can make his election with his eyes wide open, such pitfalls may not be the basis for a court to deny the defendant his right to self-representation.” (Internal quotation marks omitted.) *People v. Woodson*, 2011 IL App (4th) 100223, ¶ 25.

Accordingly, we determine that the court abused its discretion by denying the defendant’s request to represent himself. Thus, the defendant’s convictions are vacated, and the case is remanded for further proceedings, including a new trial. In doing so, we note that the evidence as presented was sufficient to prove the defendant guilty beyond a reasonable doubt such that a retrial does not violate double jeopardy. See *Albea*, 2017 IL App (2d) 150598, ¶ 30.

¶ 15 In coming to this conclusion, we reject the State’s argument that the defendant engaged in obstructionist behavior. While the defendant did make multiple requests to hire private counsel, the record reflects that these attempts were not being made as a delay tactic. From the beginning of the case, the defendant either hired or attempted to hire private counsel. The defendant retained private counsel shortly after his first appearance on the case. Private counsel remained for several months before withdrawing in June 2022. Two months later, the defendant requested to represent himself. Subsequently, the record details the defendant’s requests and efforts to hire counsel. He did not wait until a trial date was imminent to attempt to gain a continuance for private counsel, and his desire for private counsel does not render his request equivocal. See *People v. Rodriguez-Aranda*, 2022 IL App (2d) 200715, ¶ 36 (the defendant’s preference for private counsel did not render his request to represent himself equivocal). The defendant was not profane, insulting, or disruptive. At certain points, the defendant argued with the court extensively regarding his interpretation of legal requirements and his objection to appointed counsel’s representation.

However, the record reflects that the defendant was able to participate in motion hearings and the jury trial without any behavioral issues. What the State finds to be obstructionist behavior instead shows the defendant's attempt to manage the case after his request to proceed *pro se* was denied.

¶ 16 Because we have vacated the defendant's convictions and remanded the matter for further proceedings, we need not address the remaining arguments.

¶ 17 III. CONCLUSION

¶ 18 The judgment of the circuit court of Du Page County is vacated and remanded for further proceedings.

¶ 19 Vacated and remanded.