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).

2026 IL App (4th) 251301-U

NO. 4-25-1301

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 18, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Schuyler County
MASON T. DOWSON,	)	No. 23CF63
Defendant-Appellant.	)	
	)	Honorable
	)	Mark Vincent,
	)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Justices Lannerd and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding (1) the evidence was sufficient for a jury to reasonably conclude defendant was guilty beyond a reasonable doubt of possessing at least 15 grams of methamphetamine, (2) the trial court did not err when denying his motion to suppress evidence, (3) defendant has forfeited his claim that the lab report contained irrelevant seized items, and (4) defendant could not raise his Illinois Supreme Court Rule 404(e) (eff. Sept. 1, 2023) claim for the first time on appeal. The appellate court also remanded the matter for defendant to file a motion pursuant to Illinois Supreme Court Rule 472(a) (eff. Feb. 1, 2024) to correct his claimed sentencing error.

¶ 2 Defendant, Mason T. Dowson, was convicted by a jury of possessing 15 or more grams of methamphetamine (720 ILCS 646/60(a), (b)(3) (West 2022)). He was subsequently sentenced to seven years' imprisonment. On appeal, he argues (1) the State failed to prove him guilty beyond a reasonable doubt, (2) the trial court erred when denying his motion to suppress evidence, (3) the court abused its discretion when admitting a lab report into evidence, and (4) counsel was ineffective for failing to file a certificate pursuant to Illinois Supreme Court Rule

404(e) (eff. Sept. 1, 2023) for a waiver of court assessments. We disagree and affirm. Additionally, we remand the matter for defendant to file a motion pursuant to Illinois Supreme Court Rule 472(a) (eff. Feb. 1, 2024) to correct his claimed sentencing error.

¶ 3 I. BACKGROUND

¶ 4 In October 2023, defendant was charged by information with possession of methamphetamine for knowingly possessing 15 or more grams of methamphetamine (720 ILCS 646/60(a), (b)(3) (West 2022)). In October 2024, he filed a motion to suppress the physical evidence, contending there had been no probable cause to issue a search warrant of his residence. A hearing on defendant's motion was held in December 2024.

¶ 5 At the hearing, special agent Matthew Harris of the Illinois State Police testified he secured a search warrant of defendant's residence in September 2023 related to a drug investigation. A confidential informant (CI) performed a controlled purchase from Daylon Cooper on August 14, 2023. Defendant was not involved in the controlled purchase. Harris recalled another controlled purchase involving the CI on August 30, 2023, at Cooper's residence. Harris, again, said defendant was not involved with this purchase. A third controlled purchase occurred on September 20, 2023. Harris stated he "had been getting information that Mr. Cooper was getting his methamphetamine from [defendant]." The CI contacted Cooper, who said, "he didn't have [the methamphetamine] at that time." Harris said they observed Cooper travel to defendant's residence and leave. Cooper then "messaged" the CI and "said he was good and he could come by." Harris stated they observed Cooper "the entire time traveling from his residence to [defendant's]." He estimated Cooper lived two or three blocks from defendant. When asked if he was certain someone had surveilled Cooper the entire time from him receiving the methamphetamine until delivering it to the CI, Harris said, "I can't honestly answer that."

Counsel for defendant summarized the complaint for the search warrant as the officers observing "one time when Mr. Cooper went into [defendant's] residence during a time period in which 30 minutes after [the CI] had asked to purchase methamphetamine." Harris agreed. He further agreed the only contact between Cooper and defendant was when Cooper had gone to defendant's residence.

¶ 6 On cross-examination, Harris recalled, prior to filing the complaint for a search warrant, he observed defendant leaving his residence and going to Cooper's residence. Harris did not recall defendant "make any other stops" before returning home. On redirect examination, Harris said, on the day of the controlled purchase, Cooper had traveled to defendant's residence, but agents had observed on "other days where [defendant] and Cooper had traveled to each other's places."

¶ 7 The trial court then asked Harris to clarify that, on September 20, 2023, the CI had contacted Cooper to purchase methamphetamine, to which he agreed. Cooper said, "he did not have that much methamphetamine." Cooper then discontinued communication with the CI. Harris confirmed he had been surveilling defendant's residence, not Cooper. Harris confirmed he observed Cooper get out of a vehicle and enter defendant's residence, where he remained for "approximately 15 minutes." Cooper then left "carrying a black handbag." Harris said the CI stated Cooper "pulled the meth from a black handbag that resembled the one that was seen on September 20." The court confirmed this information was not included in the complaint for a search warrant. Harris could not recall if Cooper was under surveillance when he left defendant's residence because he was with the CI. Harris said it was "approximately five to 10 minutes after [he] left [defendant] that [Cooper] text[ed] the [CI]." Harris said he discussed the black bag under oath when seeking the search warrant.

¶ 8 In January 2025, the trial court entered a written order denying defendant's motion to suppress. The court found as follows: the CI had purchased methamphetamine from Cooper in the past and had attempted to purchase methamphetamine from Cooper on September 2023. Cooper could not provide that much and was observed 30 minutes later entering defendant's residence and, 15 minutes thereafter, leaving the residence with a black handbag. Cooper then contacted the CI to inform him he could sell the methamphetamine. The CI subsequently purchased the methamphetamine. The court additionally found the following information was not provided in the complaint for a search warrant: a phone call to the CI took place 5 to 10 minutes after Cooper left defendant's residence and the black handbag Cooper was observed holding was the same or similar handbag Cooper used to provide the CI the methamphetamine.

¶ 9 The trial court concluded the complaint for a search warrant, coupled with Harris's testimony, was sufficient to support probable cause. The court further noted it found the execution of the search warrant was covered by the good faith exception in the absence of probable cause. The court stated defendant had not shown any of the four exceptions to the good faith exception had applied. The matter proceeded to a jury trial in February 2025.

¶ 10 Prior to jury selection, the parties and the trial court discussed preliminary matters in chambers. Defendant asked the court to note he had invoked his speedy trial rights a year earlier. The court noted many of the prior continuances were made on his behalf and denied finding any violation of his speedy trial rights. The court informed defendant it would instruct the jury it could not hold it against him if he chose not to testify, to which defendant replied, "I think that's important, Judge." The parties discussed previous plea negotiations before proceeding to jury selection.

¶ 11 The record indicates defendant was present for the beginning of jury selection and introduced himself to the venire. During questioning of potential jurors, trial counsel interrupted and said defendant needed to use the restroom; "otherwise he'd have an accident here in the courtroom." The trial court stated "We didn't want to announce it unless we had to. [Defendant] has had the flu, and I was—the Court was advised he may need to leave, and we'll just pause for a moment." The record indicates defendant exited and then reentered the courtroom wherein *voir dire* resumed. Later, the record indicates defendant exited the courtroom again. Trial counsel for defendant stated:

> "Your Honor, as we discussed the possibility of having [defendant] in another room on Zoom observing this on mute, and then he and I can confer with our notes in between going into chambers for selecting jurors.
>
> I've expressed to him he has a right to be in here. He's willing to waive that right as long as he can observe the jurors, be able to take notes and listen to this from another room on Zoom."

¶ 12 The trial court had defendant reenter the courtroom and inquired with him about participating in jury selection remotely. The court explained to defendant he had the right to be present during jury selection. Defendant replied, "As long as I can watch it and take notes, and—that's fine." The court also assured defendant he would have time to discuss potential jurors with his attorney before they were selected. Defendant said, "That's fine. I don't want to give nobody the flu." The court allowed defendant to observe the remainder of *voir dire* remotely.

¶ 13 At trial, Harris testified he was a member of the West Central Illinois Drug Task Force, which was comprised of officers from different counties and agencies who assisted each

other in drug investigations. He stated, on September 20, 2023, he was conducting a controlled drug purchase with a CI. He learned from the Rushville Police Department that Cooper had been getting his methamphetamine from defendant or another individual, Kelsie Ashcraft. Harris said they conducted surveillance on defendant's residence. He stated an agent observed Cooper go to defendant's residence, "go inside the trailer, and then le[ave] carrying a handbag." Harris said, shortly thereafter, the CI received a message from Cooper to come over. The CI purchased drugs from Cooper. Harris recalled Cooper telling the CI "he didn't have the amount [of drugs] that the [CI] had requested at that time." This was prior to Cooper going to defendant's residence. Harris stated he secured a search warrant of defendant's residence on September 25, 2023. Prior to executing the search warrant, Harris said defendant and Ashcraft were detained during a traffic stop at a gas station. Harris recalled interviewing Ashcraft, which led him to serve the search warrant on defendant's residence. Ashcraft permitted officers to enter the residence. Inside the residence, officers seized "two bags containing methamphetamine, a glass smoking device which contained liquid, other smoking devices with residue, [and] a glass vial with residue." Harris said the liquid inside the glass smoking device was transferred into vials and sent for laboratory testing. He said the actual weight of one of the vials was 39.4 grams. The trial court admitted into evidence, over defendant's objection, an exhibit of the lab-tested vial. Harris also recalled field testing a small "baggy containing a crystalized substance." He said the bag field tested positive for methamphetamine and weighed 14.8 grams. The bag was admitted into evidence over defendant's objection.

¶ 14 Harris stated defendant agreed to be interviewed, so long as it was not recorded. Harris said defendant asked him "if [he] found his medicine." Harris asked defendant if by medicine he was referring to methamphetamine, to which defendant said, "[Y]es, that's what I

call it, is my medicine." Harris also said defendant said the methamphetamine did not belong to Ashcraft.

¶ 15 On cross-examination, Harris agreed defendant had told him there were "probably five to six grams" of methamphetamine in his residence. Harris testified defendant stated he would not "snitch on his friends and family" when asked where he had gotten the methamphetamine. Harris conceded defendant's friend, Terry Baker, and his girlfriend, Ashcraft, had been at defendant's residence prior to the search warrant being executed. Harris confirmed all of the controlled purchases involved Cooper, not defendant. Harris conceded there was an unaccounted for 30 minutes between when Cooper spoke with the CI and when he went to defendant's residence. He admitted it was possible Cooper had gone to someone else's residence to secure the methamphetamine for the controlled purchase.

¶ 16 On re-direct-examination, Harris stated none of the evidence taken from Cooper's residence was mixed with evidence taken from defendant's residence. Regarding defendant's statement to him about having only five to six grams of methamphetamine, Harris said, in his experience, suspects lie about the amount to "lower the criminality of *** their pending charges."

¶ 17 Agent Lance Ormond testified he also was part of the task force. He recalled participating in a search of defendant's residence on September 25, 2023. He recounted the same evidence seized from defendant's residence as agent Harris.

¶ 18 Joshua Stern, a forensic scientist with the Illinois State Police, testified he tested evidence seized from defendant's residence. He said lab testing works "better with a solid sample than a liquid one." He confirmed he authored a lab report, which listed numerous items seized by the task force during their investigation of Cooper. The trial court admitted the lab

report into evidence without objection subject to defendant's cross-examination. Stern testified the crystalline substance weighed 13.8 grams, and the liquid weighed 39.4 grams. He said he did not analyze a second liquid container because the evidence tested had already "reached the maximum penalty for the evidence." He stated both the crystalline substance and the liquid contained methamphetamine.

¶ 19 On cross-examination, Stern identified the numerous items listed on the lab report. Defendant objected to the lab report based on relevance, arguing the suspect name on the report was Cooper and it "contain[ed] a number of items that seemingly have nothing to do with [defendant's] case." The trial court overruled the objection, finding Stern had testified the "names and descriptions are up to the submitting agencies."

¶ 20 Sergeant Robert Cody Cook of the Illinois State Police testified he was part of the drug task force and participated in the search of defendant's residence. He identified photographs of the various items seized from defendant's residence. These photographs were admitted into evidence and were consistent with the physical evidence taken from defendant's residence. Much of the physical evidence field tested positive for methamphetamine.

¶ 21 The State rested. Defendant moved for a directed verdict, contending, *inter alia*, the evidence was insufficient to prove his guilt. The trial court denied defendant's motion.

¶ 22 Defendant called Ashcraft to testify on his behalf. She said she was living at defendant's residence on September 25, 2023. She remembered telling agent Harris that he would find methamphetamine in the residence. When shown photographs of the evidence seized from the residence, Ashcraft denied the evidence depicted in two of the State's photographs was consistent with what she had told Harris he would find.

¶ 23 Defendant rested.

¶ 24 During closing arguments, the State contended two of the items seized, including the crystalline substance weighing 13.8 grams and the liquid weighing 39.4 grams, had tested positive for methamphetamine. The State argued the weight exceeded 15 grams. Defendant argued he admitted to only possessing 5 to 6 grams, which was less than the 15 grams he was minimally charged with possessing.

¶ 25 The jury found defendant guilty of possessing methamphetamine (greater than 15 grams but less than 100 grams).

¶ 26 In March 2025, defendant filed a posttrial motion, arguing the evidence was insufficient to prove his guilt beyond a reasonable doubt. The matter proceeded to a combined hearing on defendant's posttrial motion and sentencing in April 2025.

¶ 27 At the hearing, defendant stood on the posttrial motion. The trial court denied the motion. Following the sentencing hearing, the court sentenced defendant to seven years' imprisonment.

¶ 28 On May 23, 2025, trial counsel filed a motion to reconsider sentence. A few days later, new counsel entered his appearance for defendant and filed a new motion to reconsider sentence. New counsel also filed a motion alleging ineffective assistance of counsel, stating trial counsel was ineffective for failing to move to continue the matter on the first day of trial because defendant was too ill to participate. A hearing on defendant's motions occurred in November 2025.

¶ 29 At the hearing, defendant testified he was in a separate room viewing the trial proceedings, "laying fetal position, just listening on the floor because [he] was very sick that day." He believed he had food poisoning. He recalled discussing the jury selection process "[s]omewhat" with his trial counsel. He said he had told trial counsel about two potential jurors

he did not want to be impaneled. He denied having the opportunity to "fully discuss all the jurors" with trial counsel.

¶ 30 The trial court recalled defendant was ill on the first day of trial. The court stated trial counsel moved to continue, but the court denied the request "because [it] didn't think it was enough of a reason, and we had a workaround, and that's what we did." The court said numerous recesses were taken to permit trial counsel to discuss potential jurors with defendant. The court denied defendant's motion alleging ineffective assistance of counsel. The court also denied defendant's motion to reconsider sentence.

¶ 31 This appeal followed.

¶ 32 II. ANALYSIS

¶ 33 On appeal, defendant argues (1) the State failed to prove him guilty of possessing more than 15 grams of methamphetamine beyond a reasonable doubt, (2) the trial court erred when denying his motion to suppress evidence, (3) the court abused its discretion when admitting Stern's lab report, and (4) counsel was ineffective for failing to file a Rule 404 certification for waiver of court assessments. We address each claim in turn.

¶ 34 A. Sufficiency of the Evidence Claim

¶ 35 When examining the sufficiency of the evidence, we must determine "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (Emphasis in original and internal quotation marks omitted.) *People v. Collins*, 106 Ill. 2d 237, 261 (1985). The trier of fact has the responsibility to assess the witnesses' credibility, weigh their testimony, resolve inconsistencies and conflicts in the evidence, and draw reasonable inferences from the evidence. *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006). We will not reverse a criminal

conviction based on insufficient evidence unless the evidence is so unreasonable, improbable, or unsatisfactory that it creates a reasonable doubt of the defendant's guilt. *People v. Murray*, 2019 IL 123289, ¶ 19.

¶ 36 For possession of methamphetamine, the State had to prove defendant knowingly possessed methamphetamine or a substance containing methamphetamine. 720 ILCS 646/60(a) (West 2022). Generally, to prove possession of a controlled substance, such as methamphetamine, the State is required to prove a defendant knew " 'of the presence of the narcotics and [had] immediate and exclusive control over them.' " *People v. Scott*, 2012 IL App (4th) 100304, ¶ 19 (quoting *People v. Morrison*, 178 Ill. App. 3d 76, 90 (1988)).

¶ 37 Defendant argues the evidence at trial established the crystalized methamphetamine weighed 13.8 grams, and the liquid containing methamphetamine weighed 39.4 grams. However, he argues the entire weight of the water containing an unknown specified quantity of methamphetamine should not count toward the total gross weight. Defendant concedes the statute criminalizes the possession of methamphetamine or "a substance containing methamphetamine." 720 ILCS 646/60(a) (West 2022). He also notes our supreme court, in *People v. McCarty*, 223 Ill. 2d 109 (2006), addressed the definition of "substance" and "substance containing methamphetamine" in the manufacturing, delivery, or intent to deliver methamphetamine statute (720 ILCS 570/401 (West 2000)). The *McCarty* court concluded, in the absence of a statutory definition, that a "by-product that contains traces of methamphetamine qualifies as a 'substance containing methamphetamine,' " "despite the State's inability to prove that any of the methamphetamine was usable." *McCarty*, 223 Ill. 2d at 125. The court noted the legislature could have expressly limited the methamphetamine to that which is "usable or consumable or marketable." *Id.*

¶ 38 Defendant contends that, because this case involves merely possession and not manufacturing, delivery, or intent to deliver methamphetamine, the liquid associated with the methamphetamine is not a material from which the methamphetamine was made or owes its characteristics or qualities. He argues the liquid is more akin to drug paraphernalia that is used in the consumption of methamphetamine. He argues *McCarty* is, therefore, not applicable. He also cites *People v. Mayberry*, 63 Ill. 2d 1, 9 (1976), for the proposition that dangerous drugs are often diluted for the purpose of distribution to greater numbers of people, thereby making the criminalization of mixtures and compounds reasonable. From here, defendant argues the liquid containing methamphetamine was not a mixture or compound for the purpose of distribution. Lastly, he cites *People v. Kucharski*, 346 Ill. App. 3d 655 (2004).

¶ 39 In *Kucharski*, the defendant was convicted of possessing more than 200 grams of ecstasy. *Id.* at 657-58. On appeal, he argued the ecstasy removed from his stomach had been adulterated by his bodily fluids, which should have been excluded from the gross weight. *Id.* at 664-65. The appellate court found guidance from *Mayberry* and noted controlled substances in a mixed state are more harmful for the purposes of distribution to greater numbers of people. *Id.* at 666. The court said the defendant had not mixed the ecstasy with his bodily fluids for the purpose of marketing or distribution, but, rather, unintentionally adulterated the ecstasy. *Id.* at 667. The court reasoned "the unintentional adulteration of the ecstasy caused no enhanced danger that is apparent to us. Without some enhanced danger, the rational of *Mayberry* falls away." *Id.* The *Kucharski* court held that "where a controlled substance is unintentionally adulterated, the weight of the adulterating agent must be discounted" and modified the offense to a lesser included offense of possessing between 50 and 200 grams. *Id.* at 668.

¶ 40 *Kucharski* also cited *People v. Butler*, 304 Ill. App. 3d 750 (1999), as

distinguishable. In *Butler*, the defendant was convicted of possessing, with the intent to deliver, cocaine. *Id.* at 752. The defendant was transporting liquid in bottles that field tested positive for cocaine. *Id.* A forensic chemist testified each bottle containing cocaine "weighed 693.5 grams for a total weight of 1,387 grams." *Id.* at 754-55. Further testing showed the liquid was only comprised of 29% cocaine, though "the record [was] unclear whether the percentage refer[ed] to volume or weight." *Id.* at 755. On appeal, the defendant argued it was error to include the weight of the liquid in which the cocaine was diluted. *Id.* at 757. The appellate court construed the plain meaning of the statutory language from the Illinois Controlled Substances Act (720 ILCS 570/401(a)(2)(D) (West 1996)) and noted the statute's language was clear regarding " 'any substance containing cocaine.' " *Butler*, 304 Ill. App. 3d at 758. The court explained the "cocaine-containing liquid in this case certainly falls within the ordinary meaning of the term 'mixture,' which is encompassed within the definition of 'substance.' " *Id.* The court further noted it was not authorized to depart from the plain language of the statute nor read into it "exceptions, limitations, or conditions that the legislature did not express." (Internal quotation marks omitted.) *Id.* at 759. The court said the statute was "silent on the issue of what additional hearings or evidence may be required in order for the court to make a determination as to weight." *Id.*

¶ 41 "The primary objective of statutory construction is to ascertain and give effect to the true intent of the legislature." *People v. Clark*, 2019 IL 122891, ¶ 18. "The most reliable indicator of legislative intent is the language of the statute, given its plain and ordinary meaning." *Id.* ¶ 20. "Issues requiring statutory interpretation are questions of law subject to *de novo* review." *Evans v. Cook County State's Attorney*, 2021 IL 125513, ¶ 27.

¶ 42 In the case at bar, the Methamphetamine Control and Community Protection Act

clearly states it is unlawful to knowingly "possess methamphetamine or a substance containing methamphetamine." 720 ILCS 646/60(a) (West 2022). The statute then provides a gradation of penalties based on the amount, in weight, of methamphetamine or substance containing methamphetamine one is convicted of possessing. In this case, 15 or more grams but less than 100 grams is a Class 1 felony. *Id.* § 60(b)(3). Much like the analysis in *McCarty* or *Butler*, we find no reason to depart from the ordinary, plain meaning of the term "substance containing methamphetamine" to mean anything other than that which it clearly states. "Where the language is clear and unambiguous, we must apply the statute without resort to further aids of statutory construction." *Cothron v. White Castle System, Inc.*, 2023 IL 128004, ¶ 20. "Only if the statutory language is ambiguous may we look to other sources to ascertain the legislature's intent." *Id.* Accordingly, we read the statute to mean exactly what it states: a defendant may be convicted of knowingly possessing methamphetamine or "a substance containing methamphetamine." 720 ILCS 646/60(a) (West 2022).

¶ 43 Defendant asks this court to construe the statute's plain language to read into it conditions, exceptions, or limitations because some of the methamphetamine he was convicted of possessing was diluted in water and for personal consumption, as opposed to manufacturing or delivering. "We may not depart from the plain language of a statute by reading into it 'exceptions, limitations, or conditions that the legislature did not express.' " *People v. Witherspoon*, 2019 IL 123092, ¶ 24 (quoting *People v. Shinaul*, 2017 IL 120162, ¶ 17).

¶ 44 Defendant notes his trial counsel argued an extreme example during closing arguments when he said someone could combine a small bag of methamphetamine in a "10,000-gallon pool of water, suddenly [they are] the biggest meth kingpin north of the border." We agree reviewing courts must construe statutes "to avoid absurd results." *Dawkins v. Fitness*

International, LLC, 2022 IL 127561, ¶ 27 ("When a proffered reading of a statute leads to absurd results or results that the legislature could not have intended, courts are not bound to that construction, and the reading leading to absurdity should be rejected."). It is entirely unclear from the facts of this record what amount of the liquid containing methamphetamine was diluted. The evidence at trial that is not in dispute showed defendant possessed a crystalized methamphetamine weighing 13.8 grams. Thus, the additional methamphetamine-containing liquid needed to only weigh an additional 1.2 grams to meet the statutory threshold for which defendant had been charged. 720 ILCS 646/60(b)(3) (West 2022). The liquid containing methamphetamine weighed 39.4 grams. Unlike *Butler*, there was no evidence suggesting what amount of this liquid, by weight or volume, was methamphetamine. However, only 3% of the liquid by weight would need to have been methamphetamine under the analysis proposed by defendant. We find no reason to think this case offers an absurd result necessitating a rejection of the statute as written. Ultimately, if the legislature had desired this court undertake the analysis defendant proposes, it could have easily expressed so when it proscribed the unlawful possession of any "substance containing methamphetamine." *Id.* § 60(a). Because the legislature did not, we will not do so. Therefore, we find the evidence at trial was not so unreasonable, improbable, or unsatisfactory as to create a reasonable doubt of defendant's guilt.

¶ 45 B. Motion to Suppress Evidence Claim

¶ 46 Next, defendant argues the trial court erred when denying his motion to suppress evidence. He argues the evidence showed Cooper had visited defendant's residence one time for 15 minutes while communicating with the CI. The court concluded this was enough to establish a nexus between Cooper's methamphetamine dealing and defendant's residence to support probable cause to issue a search warrant. He contends law enforcement did not have complete

surveillance on Cooper's activity to rule out anywhere else Cooper may have gone for 30 minutes between the last communication with the CI and visiting defendant's residence or the 5 to 10 minutes after he left the residence. He argues there are endless possible locations where Cooper could have obtained the methamphetamine from prior to entering or leaving his residence. In support, he cites *People v. Manzo*, 2018 IL 122761, to argue the court erred when finding probable cause of illegal contraband at his residence.

¶ 47 A trial court's decision on a motion to suppress evidence presents both factual and legal questions. *Id.* ¶ 25. Findings of fact are afforded deference and will be reversed only when such findings are against the manifest weight of the evidence. *Id.* Where a reviewing court accepts the trial court's factual findings, the suppression order itself is reviewed *de novo*. *Id.*

¶ 48 Whether probable cause exists is determined case-by-case based on the "totality of the circumstances and facts known to the officers and court when the warrant is applied for." (Internal quotation marks omitted.) *Id.* ¶ 29. The "facts and circumstances within the affiant's knowledge at the time the warrant is applied for" must be "sufficient to warrant a person of reasonable caution to believe that the law was violated and evidence of it is on the premises to be searched." (Internal quotation marks omitted.) *Id.* "Whether the necessary probability exists is governed by commonsense considerations that are factual and practical, rather than by technical rules." *Id.* ¶ 30.

¶ 49 In *Manzo*, the complaint for a search warrant noted multiple undercover cocaine purchases from an individual named Casillas, who was the cousin of the defendant's then girlfriend. *Id.* ¶ 4. Two of the undercover purchases occurred "in the vicinity" of the defendant's residence. *Id.* ¶ 5. During one of the purchases, Casillas drove a vehicle registered to the defendant's girlfriend to the defendant's residence. *Id.* ¶ 6. During another purchase, officers

observed Casillas leave the defendant's residence on foot and meet an undercover officer at a nearby grocery store. *Id.* ¶ 8. Officers identified Casillas as "an associate" of the defendant's girlfriend but did not explain what that meant. *Id.* ¶ 9. Based on those facts, officers sought a search warrant, and the appellate court found there was probable cause. *Id.* ¶ 21.

¶ 50 Our supreme court noted "the fact that a dealer leaves his home to complete a drug sale makes it more likely that he possessed drugs at his home." *Id.* ¶ 52. However, the court found the fact that Casillas had been seen leaving the defendant's residence before one undercover purchase and using the defendant's girlfriend's registered vehicle for another purchase failed to establish a sufficient nexus between Casillas's criminal conduct and the defendant's residence. *Id.* ¶ 38-39. The court explained, "There [was] no evidence indicating where Casillas was before arriving at the drug deal in [the] vehicle. In particular, there was no evidence that Casillas drove [the] vehicle directly from [the] defendant's home to meet [the undercover officer]." *Id.* ¶ 40. The court noted the fact that Casillas left the defendant's residence to complete a drug sale established he had drugs on his person when he left the residence, but "it [did] not follow that Casillas obtained those drugs from [the] defendant's home as opposed to any other place." *Id.* ¶ 48. The court explained, "Without more information connecting [the] defendant's home to the drug sale, it is equally possible to infer that Casillas had the drugs on his person when he arrived at [the] defendant's home." *Id.* Moreover, the court stated the complaint only established Casillas was an acquaintance of the occupants of the defendant's residence and did not establish a nexus of illegal contraband to be found there. *Id.* ¶ 51.

¶ 51 We find this case distinguishable from *Manzo*. Here, the evidence showed law enforcement had been investigating Cooper for selling methamphetamine. In fact, two of the controlled purchases were focused solely on Cooper and did not involve defendant. However,

Agent Harris had learned from the Rushville Police Department that Cooper was procuring methamphetamine from either defendant or Ashcraft at his residence. Cooper had been observed carrying a black handbag during one of the transactions. On September 20, 2023, a controlled purchase was performed. The CI reached out to Cooper to purchase methamphetamine. Cooper informed the CI he did not have the amount of methamphetamine requested. Cooper went to defendant's residence 30 minutes later and left 15 minutes later with the black handbag. Cooper then contacted the CI to complete the controlled purchase. Defendant himself had a lengthy criminal history, which included prior convictions for possession and delivery of methamphetamine.

¶ 52 While we understand defendant's assertion of the possibilities regarding Cooper's conduct in procuring methamphetamine, we note that probable cause "is not a high bar." *Kaley v. United States*, 571 U.S. 320, 338 (2014). "The standard for determining whether probable cause exists is the probability of criminal activity, not proof beyond a reasonable doubt." *People v. Barnes*, 2025 IL App (4th) 250014, ¶ 16. Accordingly, the complaint for a search warrant was not required to show proof beyond a reasonable doubt that Cooper had obtained methamphetamine from defendant's residence. The evidence before the trial court was sufficient to create a nexus between Cooper's activity and defendant's residence. The CI contacted Cooper to make a controlled purchase. Cooper said he did not have the quantity of methamphetamine requested and proceeded to defendant's residence with a handbag that had been used in previous drug transactions. After leaving defendant's residence, Cooper then completed the controlled purchase. Agent Harris, along with several other officers, had been observing the parties involved, and based on many years of experience, he believed Cooper had obtained the methamphetamine from defendant's residence. Defendant notes Harris could not confirm with

certainty whether other officers had consistently surveilled Cooper. However, Harris's uncertainty does not mean the other task force agents involved had not been surveilling Cooper when he left his residence or defendant's. Harris provided the names of the other agents involved, but none of them were ever called to testify at the motion to suppress hearing. We conclude the complaint for a search warrant established probable cause. Because we find there was probable cause, we need not address defendant's arguments for whether any good faith exceptions to the exclusionary rule apply.

¶ 53 C. Trial Court Erred When Admitting Lab Report Claim

¶ 54 Next, defendant argues the trial court abused its discretion when it admitted a lab report listing several items having nothing to do with his case and the report's limited probative value was substantially outweighed by the danger of unfair prejudice. He notes the lab report authored by Stern listed Cooper as the suspect and contained relevant evidence, such as the 13.8 grams of crystallized methamphetamine, along with the 39.4 grams of liquid containing methamphetamine. However, he argues the report also had several additional items, including other items of suspected methamphetamine and hydrocodone pills, for example, that had no relevance to his case. He cites *People v. McBride*, 2020 IL App (2d) 170873, in support.

¶ 55 In *McBride*, the defendant was tried and convicted separately for multiple drug and weapons offenses. *Id.* ¶ 1. On appeal, he argued the trial court erred when admitting evidence of a large amount of cash found when searching his home during the weapons offenses trial. *Id.* ¶ 27. The appellate court agreed the cash evidence was not relevant to whether he had possessed weapons unlawfully. *Id.* ¶ 31. The court also found the evidence was unfairly prejudicial, as "in the context of [the] defendant's prior felony drug conviction, the admission of evidence of cash tended to portray [him] as a drug dealer. That portrayal tended to undo the

protection from severing the weapons counts from the drug counts." *Id.* ¶ 32. The court then assessed whether the error was harmless. *Id.* ¶ 38. The court concluded the evidence overwhelmingly demonstrated the defendant's actual and constructive unlawful possession of weapons and found there was no reasonable probability that absent the erroneous admission of the cash evidence, the jury would have acquitted the defendant. *Id.* ¶¶ 40-41.

¶ 56 Defendant concedes his trial counsel did not initially object to Stern's lab report being admitted into evidence but later objected on the ground of relevance. He also notes his posttrial motion raised the issue of the report containing multiple exhibits that were not collected from his residence or related to his case. He contends this issue has arguably been preserved for appellate review. Furthermore, he argues the error was not harmless because the jury could have inferred the additional items in the lab report amounting to "hundreds of grams" of methamphetamine were in some way connected to him. Lastly, he requests this court review the matter for ineffective assistance of counsel if we find the matter was not preserved.

¶ 57 The State contends this issue was forfeited because defendant never contended, either contemporaneous with his objection or in the posttrial motion, that the lab report was unfairly prejudicial. In the alternative, the State contends the error was harmless.

¶ 58 To preserve an issue for review, a defendant is required to object at trial and raise the issue in a written posttrial motion. *People v. Lewis*, 223 Ill. 2d 393, 400 (2006). We agree with the State that defendant failed to raise this issue in his posttrial motion and find he has forfeited the issue. Therefore, we will address whether his trial counsel was ineffective for failing to object to Stern's lab report.

¶ 59 "A claim of ineffective assistance of counsel is evaluated under the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984)." *People v. Henderson*, 2013 IL

114040, ¶ 11. "Under this test, a defendant must demonstrate that counsel's performance fell below an objective standard of reasonableness, and a reasonable probability exists that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* "A defendant's failure to establish either prong of the *Strickland* test precludes a finding of ineffective assistance of counsel." *Id.*

¶ 60 We agree with defendant that numerous items listed in the lab report were not relevant to the specific charges for which he stood trial. It is certainly arguable that, had counsel objected contemporaneously to the report's admission, the extraneous information within the report could have been stricken. Indeed, much of the information defendant contends was irrelevant was elicited by counsel's questions during cross-examination. He does not argue, on appeal, counsel was ineffective for eliciting the extraneous information to the jury. See *BAC Home Loans Servicing, LP v. Mitchell*, 2014 IL 116311, ¶ 23 (stating arguments not raised in an appellant's opening brief are forfeited).

¶ 61 Setting those issues aside, the State notes the lab report was never published to the jury, and nothing in the record suggests the report was given to the jury during its deliberations. We fail to see how defendant was prejudiced from the extraneous information within the lab report where it was never shown or given to the jury. "*Strickland* requires actual prejudice be shown, not mere speculation as to prejudice." *People v. Bew*, 228 Ill. 2d 122, 135 2008). Without a clear showing of prejudice, we have no basis to conclude counsel was ineffective. Accordingly, we honor defendant's forfeiture of this issue.

¶ 62 D. Rule 404 Certificate Claim

¶ 63 Finally, defendant argues he received ineffective assistance of counsel because his court-appointed attorney failed to file a certificate of waiver pursuant to Illinois Supreme Court

Rule 404(e) (eff. Sept. 1, 2023) and that he was unfairly prejudiced because he now owes an outstanding balance of $2,630. The State agrees defendant's counsel erred and that the matter should be remanded back to the trial court for compliance with Rule 404(e).

¶ 64 While the parties agree Rule 404(e) applies and the parties cite *People v. Yarber*, 2026 IL App (4th) 250294-U, and *People v. Richmond*, 2026 IL App (4th) 250858-U, as controlling, our supreme court has recently addressed this issue in *People v. Nibbelin*, 2026 IL 131825. In *Nibbelin*, the defendant—as is the case here—argued the appellate court erred by requiring him to pursue his sentencing error claim pursuant to Illinois Supreme Court Rule 472 (eff. Feb. 1, 2024). *Nibbelin*, 2026 IL 131825, ¶ 14. The defendant argued Rule 472 was only applicable when the trial court erred, and he was alleging the error was made by his counsel. *Id.* The court noted a split in this court over "whether a defendant whose attorney did not file a certificate entitling him or her to a waiver of assessments under Rule 404(e) must pursue the claim via a motion pursuant to Rule 472." *Id.* ¶ 18. The court found that where "a defendant did not receive an assessment waiver because his attorney failed to file a Rule 404(e) certificate [it] must be pursued via motion pursuant to Rule 472." *Id.* ¶ 21.

¶ 65 Much like in *Nibbelin*, this issue was raised for the first time on appeal. This is not permitted because it promulgates the "very problem that Rule 472 was designed to eliminate." *Id.* ¶ 24. Accordingly, we remand the matter to the trial court to permit defendant to file a motion pursuant to Rule 472(a). See Ill. S. Ct. R. 472(e) (eff. Feb. 1, 2024); see also *Nibbelin*, 2026 IL 131825, ¶ 27; *People v. Bogard*, 2026 IL App (4th) 250354-U, ¶ 57.

¶ 66 III. CONCLUSION

¶ 67 For the reasons stated, we affirm the trial court's judgment and remand the matter for defendant to file a motion raising his sentencing error claim under Rule 472(a).

¶ 68 Affirmed; cause remanded with directions.