

No. 132785
IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 1-24-1265.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit Court of Cook County, Illinois, No. 20 CR 05282.
-vs-	)	
	)	
CALVIN DOSS,	)	Honorable Stanley J. Sacks,
	)	Judge Presiding.
Defendant-Appellant.	)	

REPLY BRIEF FOR DEFENDANT-APPELLANT

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E-FILED
10/14/2026 11:43 AM
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ARGUMENT

This Court should reverse the appellate court’s judgment and remand Calvin Doss’s case for a new trial as verbal threats of violence are admissible under *People v. Lynch*, 104 Ill. 2d 194 (1984), and the Illinois Rules of Evidence.

A. Standard of Review

This Court should apply a *de novo* standard of review because whether a verbal threat of violence is admissible under *Lynch* and the Illinois Rules of Evidence is a question of law. *See People v. Heintz*, 2026 IL 131340, ¶ 27. The State acknowledges that the interpretation of an evidentiary rule is reviewed *de novo*. (St. Br. 20). Nevertheless, the State argues the abuse of discretion standard should apply because the trial court’s *Lynch* ruling was based on its consideration of defense counsel’s proffer and the specific circumstances of the case, rather than a broadly applicable rule. (St. Br. 20). But the State overlooks the fact that in affirming the trial court’s *Lynch* ruling, the First District Appellate Court announced a new broadly applicable rule, holding for the first time that a verbal threat that is devoid of physical violence is inadmissible under *Lynch* and Illinois Rule of Evidence 405(b)(2), which codified the second prong of *Lynch*. *People v. Doss*, 2025 IL App (1st) 241265-U, ¶¶ 46-48. Therefore, the question before this Court is a question of law that should be reviewed *de novo*. And even if this Court applies a more deferential standard of review, Doss is still entitled to relief.

B. Verbal threats are admissible under *Lynch*.

The State concedes that verbal threats can be admitted under *Lynch*. (St. Br. 21-45).

On appeal, Doss argued that the trial court erred by denying his supplemental *Lynch* motion and barring Cherish Hollings from testifying about threats the

decident, Vanessa Thomas, made when she suspected Doss was having an affair with Hollings. *Doss*, 2025 IL App (1st) 241265-U, ¶¶ 10-11, 46. Doss asserted that contrary to the trial court's conclusion, Thomas's statements to Hollings, threatening to "kick [Hollings's] ass" and contemplating killing Doss due to the suspected affair, constituted admissible *Lynch* evidence. *Id.* The appellate court disagreed and affirmed the trial court's judgment, holding for the first time that verbal threats that are devoid of physical violence are inadmissible under *Lynch* and Rule 405(b)(2). *Id.*, ¶¶ 46-48.

This Court then granted Doss's petition for leave to appeal, which asked this Court to clarify whether a verbal threat made by the alleged victim, such as a threat to kill the defendant, can be admitted under *Lynch*. (Def. PLA). In Doss's opening brief, he argued that given the plain language of *Lynch*, the applicable rules of evidence, long-standing precedent that evidence of an alleged victim's prior threats of violence are admissible when self-defense is raised, and defendant's burden in self-defense cases, this Court should reverse the appellate court's erroneous holding and make clear that verbal threats, devoid of physical violence, are admissible under *Lynch*. (Def. Br. 13-25). Doss also argued that the trial court erred in excluding this evidence because it was relevant to his defense at trial, non-cumulative, and there was little, if any, risk of undue prejudice to the State. (Def. Br. 26-31).

In response, the State does not defend the First District's reasoning for affirming the trial court's *Lynch* ruling or contest any of Doss's arguments concerning the admissibility of verbal threats under *Lynch*. (Def. Br. 14-25, sub-arguments B-E). In fact, the State agrees that evidence of an alleged victim's prior verbal

threats can be admitted under *Lynch* and cites to several cases where reviewing courts have found that verbal threats were admissible in self-defense cases. (St. Br. 28-29). As a result, the State has forfeited any response to these arguments. See Ill. Sup. Ct. R. 341(h)(7) (“Points not argued [in the appellant’s brief] are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.”); Ill. Sup. Ct. R. 341(i) (applying (h)(7) to the appellee’s brief); *see also* *People v. Lucas*, 231 Ill. 2d 169, 174 (2008) (“the doctrine of forfeiture applies to the State as well as to the defendant”); *People v. Valladares*, 2026 IL App (1st) 240576, ¶ 48 (State forfeited its argument because it did not respond to part of the defendant’s argument on appeal).

In light of the State’s concession and points argued in Doss’s opening brief, this Court should hold that a verbal threat, devoid of physical violence, can be admitted under *Lynch*. (Def. Br. 13-25, sub-arguments B-E).

C. The codification of the second prong of *Lynch* in the Illinois Rules of Evidence did not alter *Lynch*’s holding.

The State offers no response to Doss’s argument on this claim. Doss therefore relies on the argument and authorities set forth in his opening brief.

D. Illinois courts have consistently held that verbal threats of violence are admissible under *Lynch*.

The State offers no response to Doss’s argument on this claim. Doss therefore relies on the argument and authorities set forth in his opening brief.

E. This Court should reject the appellate court’s holding in *Doss*, as it severely limits a defendant’s ability to support a self-defense claim.

The State offers no response to Doss’s argument on this claim. Doss therefore relies on the argument and authorities set forth in his opening brief.

- F. The trial court erroneously barred the defense from presenting evidence that the decedent previously threatened to kill Doss and harm another individual, where Doss’s defense turned on whether the jury believed that he feared for his life.**

While the State does not defend the appellate court’s reasons for affirming the trial court’s ruling, the State nonetheless argues that this Court should affirm on new grounds.

- 1. The judge erred in barring Hollings from testifying that Thomas contemplated killing Doss due to a suspected affair with Hollings and admitted to stabbing Doss.**

The State argues for the first time that the trial court’s *Lynch* ruling only barred Hollings from testifying about Thomas’s threat to “kick her ass” and that Hollings was permitted to testify about Thomas’s desire to kill Doss due to the suspected affair and her admission to Doss’s stabbing. (St. Br. 32-35) (citing R. 124-28). The State notes that “[t]he court referenced Thomas’s statement ‘I’ll come and kick her ass,’ then ruled ‘that part is not going to come in *even if you call Hollings.*’” (St. Br. 33) (emphasis in State’s brief, citing R. 126). But Doss’s supplemental *Lynch* motion, which included his request to introduce Hollings’s testimony, was denied in its entirety. (R. 126). Doss’s initial *Lynch* motion sought leave to introduce evidence that Thomas punched and threatened to kill LaEasha Johnson, Doss’s paramour, on the evening before the alleged offense, and that Thomas had previously stabbed Doss in the arm. (C. 100-03). Doss then filed a supplemental *Lynch* motion, asking the court for leave to introduce testimony from Hollings. (C. 110-11). The judge granted the initial *Lynch* motion, explaining that “both the **two parts in your original motion are admissible** on the condition being there is evidence presented of self-defense in the defense’s case,” and that after evidence of self-defense is introduced, the defense can offer **evidence**

of the “two incidents.” (R. 127-28) (emphasis added).

However, the court denied Doss’s supplemental *Lynch* motion and barred all of Hollings’s proposed testimony for two reasons. First, the court found that threatening to “kick [Hollings’s] ass” did not constitute *Lynch* evidence because it only constituted a “veiled” threat, if a threat at all. (R. 125-27). Because the court found that this testimony was inadmissible under *Lynch*, the court did not need to determine if the evidence’s probative value was substantially outweighed by any risk of prejudice under Ill. R. Evid. 403. Second, the court found that the remaining evidence in the supplemental motion, which included evidence that Thomas told Hollings that she was contemplating killing Doss and that she had previously stabbed Doss, was inadmissible under Rule 403 because it was more prejudicial than probative. (R. 126). Thus, contrary to the State’s assertion, the court’s comment that even if Hollings testified, Thomas’s statement that she would “kick [Hollings’s] ass” would not come in, does not suggest that the supplemental motion was granted in part. (St. Br. 33). At no point did the judge say that evidence from all *three incidents* could be introduced. Rather, the court specifically stated that it would only allow evidence regarding the *two incidents* described in the initial motion. (R. 125-28).

Moreover, Doss’s trial counsel, the appellate prosecutor below, and the First District Appellate Court did not interpret the trial court’s ruling in the way now suggested by the State. The record shows that trial counsel understood the court’s ruling to mean that Hollings was barred from testifying about the threats Thomas made to her and Thomas’s statements about harming Doss. (St. Br. 34). The State points to Doss’s answer to discovery, which listed Hollings as a potential witness.

(St. Br. 34; C. 134). But this pleading does not prove that trial counsel believed he could call Hollings for the reasons set forth in the supplemental *Lynch* motion. Counsel may have included Hollings's name in the answer so he could renew the request at trial; trial counsel could have had another reason to call Hollings; or the answer could have been prepared before the *Lynch* ruling.

The State also notes that trial counsel did not specifically identify Thomas's statements to Hollings about harming Doss in the motion for new trial. (St. Br. 34). The motion stated that "[t]he court erred in denying the defense Motion *in Limine* to present Lynch material through a witness who would testify to threats and aggressive statements made by Ms. Thomas, the deceased, to her on many occasions." (C. 162-63). And, at the hearing on the motion for new trial, defense counsel specifically argued that the court erred in denying Doss's *Lynch* motion because Hollings "would have testified to threats made to her and also made **towards the defendant** made by Ms. Thomas which would have been relevant to the case[.]" (R. 701) (emphasis added). Thus, the record rebuts the State's contention that trial counsel believed he was permitted to call Hollings to testify about Thomas's threat to kill Doss and confession to stabbing him.

The appellate prosecutor below similarly believed that the trial court barred Hollings from testifying about all the incidents and statements discussed in Doss's supplemental *Lynch* motion. (St. App. Ct. Br. 29-38). In the State's brief below, the appellate prosecutor stated that Doss's "supplemental *Lynch* motion was properly denied" and that any error in excluding Hollings's "testimony that Thomas stabbed defendant, Thomas contemplated killing defendant, and that Thomas became aggressive and violent" was harmless. (St. App. Ct. Br. 36, 38). Thus, the State's

new interpretation of the trial court's *Lynch* ruling is inconsistent with its previous position and arguments in the appellate court below.

The First District Appellate Court also found that the trial court denied Doss's supplemental *Lynch* motion in its entirety. *Doss*, 2025 IL App (1st) 241265-U, ¶ 48 (holding that "the circuit court did not abuse its discretion when it denied defendant's motion to introduce the Hollings evidence"). The appellate court explained:

"While the circuit court allowed defendant to present evidence that Thomas attacked Johnson and evidence that Thomas previously stabbed defendant in the arm, it denied defendant's request to introduce evidence that Thomas called Hollings, defendant's coworker and threatened her repeatedly because Thomas believed Hollings was in a sexual relationship with defendant. **The evidence included proposed testimony from Hollings that Thomas said that she should kill defendant for cheating on her with Hollings.**" *People v. Doss*, 2025 IL App (1st) 241265-U, ¶ 42 (emphasis added).

Thus, trial counsel's motion for new trial arguments, the appellate prosecutor's brief in the appellate court below, and the First District Appellate Court's decision, all interpreted the trial court's ruling to deny Doss's supplemental *Lynch* motion in its entirety, barring all of Hollings's proposed testimony.

Alternatively, the State argues that even if the trial court's *Lynch* ruling applied to all of Hollings's proffered testimony, under Rule 403, the court correctly barred Hollings from testifying that Thomas contemplated killing Doss and admitted to previously stabbing him. (St. Br. 35-39). The State claims that Hollings's proposed testimony was "not reasonably reliable evidence of Thomas's violent character to be probative of who was the initial aggressor[.]" (St. Br. 35). Specifically, the State claims that Thomas's statements were unreliable because they were too remote in time and too general. (St. Br. 36). But Thomas's statements occurred

within one year of the alleged offense. (C. 110). Indeed, the court allowed Doss to present *Lynch* evidence of when Thomas stabbed Doss in the arm on June 2, 2019, about 10 months before the alleged offense on April 5, 2020. (C. 101). Thus, unless Thomas told Hollings about another time she stabbed Doss, Thomas likely made the statements about contemplating killing Doss and previously stabbing him after June 2, 2019. And even if Thomas made these statements a year before the alleged offense, this time frame does not make her statements too remote. The State fails to identify any case where a reviewing court held that *Lynch* evidence from a year before the offense was too remote in time. Rather, the cases cited by the State are distinct as they involved *Lynch* evidence that was at least a decade old. (St. Br. 36). *See People v. Martinez*, 2021 IL App (1st) 182553, ¶ 47 (affirming the exclusion of a 21-year-old conviction); *People v. Barnes*, 2017 IL App (1st) 143902, ¶¶ 44, 51 (affirming the exclusion of a 10-year-old conviction). Moreover, the fact that reviewing courts have allowed evidence of prior threats that were closer in time to the alleged offense does not render Hollings's testimony too remote in time, especially where the proposed evidence showed that Thomas previously threatened to kill Doss due to a suspected affair, as was the case on the night of the shooting. (St. Br. 37-38).

The State's other contention that Thomas's statements were "too general and indefinite to be considered reliable and probative of the victim's violent tendencies" is similarly unconvincing. (St. Br. 36-37). The State relies on *Ware*, where the appellate court found that the victim's belligerence while hospitalized after the shooting and gang associations did not suggest the victim was the initial aggressor because that evidence bore no connection to the circumstances of the shooting. *People v. Ware*, 180 Ill. App. 3d 921, 927-29 (1st Dist. 1988). But unlike

the generalized statements in *Ware*, Thomas's statements were specific—she said that she was contemplating killing Doss due to the suspected affair with Hollings and that she had previously stabbed Doss. Notably, on the night of the shooting, Thomas similarly suspected that Doss was having an affair with LaEasha Johnson, and there was evidence at trial that Thomas punched Johnson multiple times and threatened to kill her for this very reason. (R. 568-70). Thomas's statements to Hollings were not only sufficiently close in time and specific, but also the statement about killing Doss was made under similar circumstances. Thus, Hollings's proposed testimony was highly probative that Thomas was the initial aggressor and that Doss fired the gun because he feared for his life.

Under Rule 403, “evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice . . . or needless presentation of cumulative evidence.” Ill. R. Evid. 403. However, the State does not allege that evidence of Thomas's prior threat to kill Doss and her admission to previously stabbing Doss would result in unfair prejudice. Instead, the State only argues that it was properly excluded under Rule 403 because it was cumulative to other evidence of Thomas's violent character, including evidence that she previously stabbed Doss. (St. Br. 38-39). While the trial court granted the defense's *Lynch* motion in part, allowing some evidence of Thomas's aggressive and violent character, the trial court barred the *only* evidence that Thomas had previously threatened to kill Doss due to a suspected affair. Further, Thomas's admission that she previously stabbed Doss was not cumulative of other evidence of the stabbing because the State disputed Doss's testimony about the stabbing. (R. 512-13). Her admission would serve to corroborate his account. Therefore, this Court should reject the State's argument that Hollings's testimony was cumulative and find

that the trial court erred in excluding evidence that was highly relevant to Doss's defense at trial.

2. The judge erred in barring evidence that Thomas threatened to go to Hollings's workplace to "kick her ass."

The State argues that the trial court properly barred Hollings from testifying that Thomas threatened to come to her workplace and "kick her ass" due to a suspected affair with Doss because the probative value of her testimony was outweighed by its prejudicial effect under Rule 403. (St. Br. 22-30). However, neither of the courts below excluded this evidence under Rule 403. Rather, the trial judge found that Thomas's statement was not a threat under *Lynch*. (R. 126). The First District Appellate Court found that Thomas's statement was a threat but affirmed on the novel ground that *Lynch* excludes verbal threats unaccompanied by physical violence. *Doss*, 2025 IL App (1st) 241265-U, ¶ 48. Thus, the State does not defend the reasoning of the lower courts and instead asks this Court to affirm on new grounds.

The State claims that Thomas's threat to harm Hollings was not probative of the initial-aggressor issue because the threat was too remote in time, nonspecific, and never acted upon. (St. Br. 24-25). First, the State incorrectly states that "the threat was made nearly a year before the confrontation between Thomas and [Doss.]" (St. Br. 24). Doss's supplemental *Lynch* motion indicated that the incidents between Thomas and Hollings occurred "[i]n the period of time within one year" of Thomas's death. (C. 110-11). And, as discussed above, a one-year period of time does not make the statements too remote. *See supra* Argument F.1. at 7-8; *see also People v. Gibbs*, 2016 IL App (1st) 140785, ¶ 34 (affirming the trial court's decision to

allow the defendant to introduce the alleged victim's 14-year-old domestic violence conviction via stipulation). Second, the State contends that "Thomas's statement to Hollings (that she would come 'kick her ass') was not a specific threat of imminent violence." (St. Br. 25). But Thomas's threat was specific: it identified the type of harm, location, and reason for the threat—she threatened to physically harm Hollings at her workplace due to the suspected affair. (C. 110). Third, the State claims that the threat was not imminent because it was communicated over the phone and was never acted upon. (St. Br. 25). The threat was imminent because Thomas knew Hollings's work location. (C. 110). The fact that the threat was communicated over the phone does not diminish its seriousness. Finally, the absence of any follow through is irrelevant. Thomas only stopped calling and threatening Hollings because Hollings convinced Thomas that she was not having an affair with Doss. And as the State concedes, a verbal threat does not need to be accompanied by physical violence to be admissible under *Lynch*.

The State also argues that the probative value of Thomas's threats against Hollings was substantially outweighed by the prejudicial effect on the State's case. (St. Br. 26-27). The prejudice, according to the State, would be the suggestion that Thomas's own behavior led to the crime being committed against her. (St. Br. 26). This argument is unpersuasive. Evidence of a victim's aggressive and violent character is by nature unflattering to the alleged victim. Accepting the State's argument would essentially bar all *Lynch* evidence. The State attempts to compare this case to sexual assault cases, citing to the rape shield statute's prohibition on evidence of a sexual assault victim's propensity to engage in consensual sex. (St. Br. 26). But the State's comparison is inappropriate as a sexual assault victim's sexual history is barred because it is irrelevant to the question

of whether the *victim* consented in the case being prosecuted. *See generally People v. Sandoval*, 135 Ill. 2d 159 (1990). On the other hand, evidence of a victim's aggressive and violent character is permitted in self-defense cases because it is highly relevant to determining if the *defendant* subjectively believed his or her life was at risk.

In *Lynch*, this Court did not consider prejudice to the State in deciding the admissibility of the alleged victim's aggressive and violent character, explaining that "the danger of prejudice to the defendant lies in refusing to admit such evidence while its high degree of relevance and reliability remains constant." *Lynch*, 104 Ill. 2d at 201-02. Here, to the extent that prejudice to the State should be considered, the probative value of Hollings's testimony about Thomas's threats substantially outweighed any risk of undue prejudice. Given that the conflict in this case began due to a suspected affair, evidence that Thomas previously threatened violence against Hollings under similar circumstances was highly probative of Doss's defense and posed a minimal risk of prejudice, if any, to the State.

The State separately argues that evidence that Thomas threatened Hollings was properly excluded under Rule 403 because it would have been cumulative of other *Lynch* evidence that the trial court allowed. (St. Br. 33). But as the State notes, evidence is cumulative if it adds nothing to what was already presented to the trier of fact. (St. Br. 33). While the trial court allowed Doss to present evidence that Thomas had previously stabbed him and that she struck and threatened to kill Johnson the night before the shooting, there was no evidence of Thomas's history of aggressive and violent behavior toward other suspected paramours. Hollings's testimony would have corroborated both Johnson's and Doss's accounts of the events leading up to the shooting by showing that Thomas had a pattern

of reacting violently when under suspicion of Doss's unfaithfulness. Moreover, Hollings would have been the only neutral witness to testify about Thomas's aggressive and violent tendencies as she was an unbiased coworker who had never been romantically involved with Doss.

Finally, the State claims that Doss reads *Lynch* too broadly where this Court did not explicitly hold that threats against a third party, unknown to the defendant at the time of the offense, were admissible under *Lynch*'s second prong. (St. Br. 27). In *Lynch*, the wrongly excluded evidence was the decedent's prior battery convictions that the defendant was unaware of at the time of the offense. *Lynch*, 104 Ill. 2d at 197 (1984). The defendant was not the complainant in the decedent's prior battery cases, but this Court found that the defendant did not have to be the target of the victim's prior violent conduct or have knowledge of the prior convictions to be admissible. *Id.* at 200-01. Moreover, the Appellate Court has specifically held that threats do not need to be directed at the defendant to be admissible as proof of the victim's violent character. *People v. Florey*, 153 Ill. App. 3d 530, 539 (1st Dist. 1987); *People v. Hanson*, 138 Ill. App. 3d 530, 537 (5th Dist. 1985) (holding that evidence of the victim's prior threats to other individuals was admissible under both *Lynch* prongs); *People v. Gall*, 79 Ill. App. 3d 823, 828 (1st Dist. 1979) (rejecting the State's argument that a victim's prior violent acts or threats must be directed at the defendant to be admissible in a self-defense case).

Alternatively, the State asserts that Thomas's threat to "kick [Hollings's] ass" was inadmissible hearsay because it was communicated to Hollings by another dispatcher at Aries Transport. (St. Br. 30-31). But nothing in the record supports that Thomas communicated this threat to another dispatcher. Doss's supplemental *Lynch* motion stated that Hollings was a dispatcher at Aries Transport and that

Thomas called dispatch. (C. 110). Thomas accused Hollings of having engaged in sexual intercourse with Doss and threatened to come to her work location and “kick her ass.” (C. 110). The motion later states that after this initial phone call with Hollings, Thomas called back and asked to speak with Hollings approximately 30 times. (C. 110). Indeed, Thomas may not have spoken with Hollings during those 30 calls. After these repeated calls to dispatch, the motion states that Hollings eventually spoke with Thomas again. (C. 110). Thus, the motion supports that Hollings spoke with Thomas at least twice, before and after the 30 calls to dispatch. Additionally, during the court’s *Lynch* ruling, the judge stated that Hollings would testify that she used to work with Thomas and that at some point, Thomas called Hollings and said she would “kick her ass.” (R. 126). Thus, both the text of the motion and the judge’s ruling support that Thomas directly threatened Hollings over the phone and that the only times Thomas did not speak directly with Hollings was during the 30 calls to dispatch in which she asked to speak with Hollings. Even if this Court finds that the motion is unclear as to whether this threat was communicated directly to Hollings, the trial court did not inquire further as this evidence was excluded on other grounds. (R. 125-27).

Therefore, this Court should find that the trial court erred in barring Hollings’s testimony about Thomas’s prior threats of violence as they were admissible under *Lynch* and highly relevant to Doss’s defense at trial.

3. Doss did not forfeit the argument that Hollings’s testimony was admissible under the first prong of *Lynch*.

The State argues that Doss forfeited the argument that Hollings’s testimony was admissible for the first *Lynch* purpose—to show that the defendant’s knowledge of the victim’s aggressive and violent tendencies affected his perceptions of and

reactions to the victim's behavior. (St. Br. 39-42). *Lynch*, 104 Ill.2d at 200 ("The same deadly force that would be unreasonable in an altercation with a presumably peaceful citizen may be reasonable in response to similar behavior by a man of known violent and aggressive tendencies."). The State claims forfeiture because trial counsel did not explicitly state in his supplemental *Lynch* motion or at the hearing that Doss was aware of Thomas's prior statements to Hollings at the time of the shooting. (St. Br. 40). Even if not directly addressed during pretrial proceedings, the record supports that Doss knew of the incidents between Thomas and Hollings as Doss, Thomas, and Hollings were coworkers, the incidents occurred at work, and Thomas had mentioned Doss's name. (C. 110-11; R. 514).

Putting aside this factual dispute, this issue was properly preserved for appellate review as Doss filed a pre-trial motion pursuant to *Lynch*, seeking the admission of this evidence to show the decedent's aggressive and violent tendencies, and the denial of Doss's *Lynch* motion was included in his post-trial motion. (C. 100-01, 110-11; 162-63). *See People v. Denson*, 2014 IL 116231, ¶ 18. The lack of specificity is inconsequential as the law does not require it. The State does not cite to any authority requiring a defendant to indicate in a written *Lynch* motion whether the defense intends to use the proposed evidence for one or both *Lynch* purposes. Furthermore, as the appellate court below noted, the trial judge did not address the prongs of *Lynch* in its ruling. *Doss*, 2025 IL App (1st) 241265-U, ¶ 45. Thus, trial counsel had no reason to differentiate between the two *Lynch* purposes in Doss's motion for new trial. (C. 162-63).

Even if this Court finds that Doss forfeited this argument, this Court should still review the issue under the first-prong of the plain error doctrine, as the evidence was closely balanced. *See People v. Degrave*, 2023 IL App (1st) 192479, ¶ 95 (holding

that the exclusion of proposed *Lynch* evidence was first-prong plain error where both the defendant and the complainant had a history of violence against each other). The State asserts that because Doss never testified at trial that he was aware of Thomas's threats against Hollings or himself before the shooting, he cannot establish that an error occurred. (St. Br. 41). But the State's argument fails because Doss would have violated the court's *Lynch* ruling had he testified about what Thomas said to Hollings. And the evidence was closely balanced. Doss and Thomas had a history of violence against each other, there were no witnesses to the shooting, video and forensic evidence did not establish who was the initial aggressor, and it was uncontested that Thomas attacked Doss's paramour hours before the altercation with Doss. Accordingly, this Court should find the exclusion of the evidence was reversible error.

4. The exclusion of Hollings's testimony was not harmless.

The State claims that if the court erred in excluding Hollings's testimony, the error was harmless because the court granted Doss's *Lynch* motion in part, allowing him to present evidence about Thomas's physical altercation with LaEasha Johnson shortly before the charged offense and about an incident in which Thomas stabbed Doss. (St. Br. 42-44). This error, however, was not harmless because the only contested issue at trial was whether Doss acted in self-defense. While the trial court allowed Doss to present evidence that Thomas struck and threatened to kill Johnson, who had a romantic relationship with Doss, there was no evidence of Thomas's history of aggressive and violent behavior toward other suspected paramours. Thus, the exclusion of this evidence prevented Doss from presenting evidence from a neutral witness that Thomas had a pattern of violent tendencies when under the suspicion that Doss was having an affair, as was the case on the

day of the shooting. Moreover, at trial, the State disputed the fact that Thomas previously stabbed Doss and presented evidence that he reported otherwise to hospital personnel. (R. 512-13). Thus, evidence that Thomas admitted to stabbing Doss would have supported Doss's testimony that he subjectively feared for his life and that he needed to defend himself from Thomas.

This Court should also reject the State's contention that Doss's account of the incident was inconsistent with the cell phone video records and the "forensic evidence." (St. Br. 44-45). First, the cell phone video did not capture the shooting or the events directly leading up the shooting. And the State's claims that Thomas did not act aggressively toward Doss in the video and that she physically retreated whenever Doss approached her are inaccurate. (St. Br. 44). The video showed that Thomas pushed Doss. (St. Ex. 103 - 0004 VTS_01_1 2024-12-06 at 00:14-00:15). Importantly, Thomas's statements throughout the video demonstrated that she was mad at Doss for cheating on her. (St. Ex. 103). Thus, contrary to the State's assertion, the cell phone video actually supports Doss's testimony. Second, the State does not explain how the forensic evidence contradicts Doss's testimony. The State mentions the location of Thomas's gunshot wounds but does not allege that the locations were inconsistent with Doss's account. Indeed, while the medical examiner testified about Thomas's injuries, there was no evidence at trial about the significance, if any, of the location of the injuries. As a result, the cell phone video and "forensic evidence" do not rebut Doss's testimony.

In sum, Hollings's neutral testimony would have supported Doss's testimony as it demonstrated that (1) Thomas had contemplated killing Doss in the past, (2) Thomas became aggressive and violent when under suspicion that Doss was romantically involved with other women, and (3) Thomas previously stabbed Doss,

which the State disputed at trial. Under the first *Lynch* purpose—Doss’s reaction based on his perception of Thomas’s violent behavior—the evidence showed that just hours before Thomas’s death, Doss saw Thomas get into a physical fight with Johnson, who was in an on-and-off romantic relationship with Doss. (R. 505-06, 557-60). Thus, evidence that Thomas had previously contemplated killing Doss when she suspected that Doss was unfaithful would add support to his subjective belief that his life was at risk that night. And even if Doss was unaware of Thomas’s prior threat to kill him, under the second *Lynch* purpose, this evidence still should have been admitted to support Doss’s version of the facts as conflicting accounts of what happened were offered at trial. Therefore, where the only disputed issue at trial was whether Doss shot Thomas in self-defense and the court barred critical evidence that corroborated his defense, the trial court’s exclusion of this *Lynch* evidence was not harmless. As a result, this Court should reverse the lower courts’ judgments and remand for a new trial.

CONCLUSION

For the foregoing reasons, Calvin Doss, Defendant-Appellant, respectfully requests that this Court reverse the judgments entered below and remand for a new trial.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 19 pages.

/s/Cristina Law Merriman
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No. 132785

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 1-24-1265.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit
	)	Court of Cook County, Illinois, No.
-vs-	)	20 CR 05282.
	)	
	)	Honorable
CALVIN DOSS,	)	Stanley J. Sacks,
	)	Judge Presiding.
Defendant-Appellant.	)	

NOTICE AND PROOF OF SERVICE

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On October 14, 2026, the Reply Brief was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Reply Brief to the Clerk of the above Court.

/s/Christopher Moy-Lopez
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