

APPELLATE COURT OF ILLINOIS, FOURTH DISTRICT

People v. Weller

2026 IL App (4th) 260144 · No. 4-26-0144 · Decided March 31, 2026

SUMMARY

The Illinois Appellate Court, Fourth District, reviewed WQAD-TV’s challenge to orders denying intervention and access to a surveillance video admitted into evidence in Timothy Weller’s pending criminal case. The court held that the trial court’s blanket sealing of the case materials lacked a valid, sufficiently specific basis and that the court had not properly analyzed the applicable constitutional and common-law presumptions of public access. The court vacated the denial order and remanded for further proceedings.

CASE DETAILS

COURT	Appellate Court of Illinois, Fourth District
WRITING FOR THE COURT	Justice Zenoff; Presiding Justice Steigmann; Justice Knecht
JURISDICTION	Illinois Appellate Court, Fourth District
DECIDED	March 31, 2026
DOCKET	4-26-0144
DISPOSITION	vacated
PROCEDURAL POSTURE	Interlocutory appeal by a television news station from an order denying its petition to intervene and motion to unseal a criminal-court record and obtain a copy of a surveillance video admitted into evidence at the defendant's open bench trial.
STANDARD OF REVIEW	Whether a particular type of record or proceeding carries a presumption of public access is reviewed de novo. If a presumption applies, the trial court's determination whether the presumption was rebutted by countervailing concerns is reviewed for abuse of discretion. The appellate court also requires sufficient specificity in sealing findings to permit appellate review.
PRECEDENTIAL VALUE	Published and precedential Illinois Appellate Court opinion
PARTIES	Tegna Inc., d/b/a WQAD-TV v. The People of the State of Illinois, Timothy Weller

TOPICS

interlocutory appeal

appellate jurisdiction

appellate procedure

first amendment

evidence

PRACTICE AREAS

appellate procedure

criminal procedure

constitutional law

court records and public access

media law

QUESTIONS PRESENTED

1. Whether Illinois Supreme Court Rule 307(a) authorizes an interlocutory appeal from an order restricting public access to materials in a pending criminal case.
2. Whether trial exhibits admitted in open court and placed in the custody of the circuit clerk are court records and public records subject to public access rights under Illinois law.
3. Whether the circuit court properly sealed the entire criminal case record without conducting and articulating a complete First Amendment and common-law public-access analysis.
4. Whether the circuit court properly denied WQAD's petition to intervene when neither the State nor the defendant objected to intervention.

HOLDINGS

1. An interlocutory appeal under Rule 307(a) is available to the press from an order in a criminal case that circumscribes public access to court documents or materials.
2. Exhibits admitted at trial and placed in the possession of the circuit clerk are records required by law to be kept by the clerk and are public records subject to inspection and examination, subject to the court's supervisory authority and any valid confidentiality, impoundment, or sealing order.
3. A trial court may not seal an entire court file without articulating a valid, specific basis showing why the competing interests outweigh the presumption of public access.
4. On remand, the trial court must begin from the premise that the admitted surveillance video is a court record and conduct a complete analysis under both the First Amendment and the common law, including consideration of narrowly tailored alternatives to denying access.
5. The circuit court erred in denying WQAD's petition to intervene on the record presented because intervention was the procedural means for the press to present substantive access arguments, and no party objected to intervention.

KEY QUOTATIONS

“[T]he court is a part of government and what goes on in court is the business of the people. Courts function best and most effectively when they are open to the public view.” (¶ 18)

*“Accordingly, we hold that exhibits admitted at trial and then placed in the possession of the clerk of the circuit court are “records *** required by law to be kept by such clerks.”*” (¶ 36)

“The court shall promptly hold a new hearing, at which it is directed to grant WQAD’s petition to intervene.” (¶ 46)

FACTUAL BACKGROUND

The circuit court admitted and published a surveillance video during Weller's public bench trial without objection and by stipulation. After WQAD requested a copy for television broadcast, the circuit court entered a docket order sealing all materials in the case until further notice. WQAD sought to intervene and unseal the record, representing that it would blur and redact uninvolved persons, but the circuit court denied both requests based on its view that exhibits were not public records and on concerns about pending criminal and civil litigation.

PROCEDURAL HISTORY

The Mercer County circuit court found Timothy Weller guilty of aggravated battery, with sentencing and posttrial proceedings still pending. After WQAD requested a copy of a surveillance video admitted and published at trial, the circuit court sealed all materials in the case and later denied WQAD's petition to intervene and motion to unseal. WQAD appealed under Illinois Supreme Court Rule 307(a).

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the January 5, 2026, order as it affects WQAD and promptly hold a new hearing. Grant WQAD's petition to intervene. Reevaluate which, if any, portions of the record should remain sealed and provide detailed findings sufficient for appellate review. Reevaluate WQAD's request for a copy of the surveillance video, beginning from the premise that the video is a court record, and conduct a complete analysis under both the First Amendment and common law. If concerns support restricting access before conclusion of the criminal and civil litigation, consider alternatives short of denying WQAD's request. The mandate issues immediately.

CASES CITED

- People v. Dyer, 2024 IL App (4th) 231524
- People v. Zimmerman, 2018 IL 122261
- In re Marriage of Johnson, 232 Ill. App. 3d 1068 (1992)
- United States v. Criden, 648 F.2d 814 (3d Cir. 1981)
- Press-Enterprise Co. v. Superior Court of California for Riverside, 478 U.S. 1 (1986)
- United Conveyor Corp. v. Allstate Insurance Co., 2017 IL App (1st) 162314
- A.P. v. M.E.E., 354 Ill. App. 3d 989 (2004)
- Bank of America National Trust & Savings Ass'n v. Hotel Rittenhouse Associates, 800 F.2d 339 (3d Cir. 1986)
- In re Gee, 2010 IL App (4th) 100275
- People v. Kelly, 397 Ill. App. 3d 232 (2009)

- People v. Morgan, 2025 IL 130626
- People v. Peterson, 2017 IL 120331
- Nixon v. Warner Communications, Inc., 435 U.S. 589 (1978)
- In re Providence Journal Co., 293 F.3d 1 (1st Cir. 2002)
- Valley Broadcasting Co. v. United States District Court for Nevada, 798 F.2d 1289 (9th Cir. 1986)
- United States v. Beckham, 789 F.2d 401 (6th Cir. 1986)
- United States v. Webbe, 791 F.2d 103 (8th Cir. 1986)
- United States v. Edwards, 672 F.2d 1289 (7th Cir. 1982)
- In re Application of National Broadcasting Co., 653 F.2d 609 (D.C. Cir. 1981)
- United States v. Guzzino, 766 F.2d 302 (7th Cir. 1985)
- People v. LaGrone, 361 Ill. App. 3d 532 (2005)

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