

ILLINOIS APPELLATE COURT, FIRST DISTRICT, THIRD DIVISION

People v. Nooner

2026 IL App (1st) 241030 · No. 1-24-1030 · Decided June 24, 2026

SUMMARY

The Illinois Appellate Court affirmed Essie Nooner’s convictions and aggregate 56-year sentence for first degree murder and attempted first degree murder under an accountability theory. The court declined to consider Nooner’s claim that his initial appellate counsel was ineffective for failing to challenge the sufficiency of the evidence, concluding that a second direct appeal following a limited remand for resentencing was not the proper vehicle for that claim. The court also addressed Nooner’s as-applied proportionate penalties challenge and his contention that the sentence was excessive.

CASE DETAILS

COURT	Illinois Appellate Court, First District, Third Division
WRITING FOR THE COURT	Justice Reyes; Presiding Justice Martin; Justice Lampkin
JURISDICTION	Illinois Appellate Court, First District, Third Division
DECIDED	June 24, 2026
DOCKET	1-24-1030
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a resentencing judgment following a limited remand for resentencing. She challenged the effectiveness of prior appellate counsel and argued that her 56-year sentence was excessive and violated the proportionate penalties clause of the Illinois Constitution.
STANDARD OF REVIEW	Whether an as-applied proportionate-penalties challenge presents a constitutional question is reviewed de novo, while the circuit court’s underlying factual findings are reviewed for manifest error. Sentencing decisions are reviewed for abuse of discretion and will not be disturbed unless the sentence is greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the offense. Claims of ineffective assistance of appellate counsel are measured under the objectively unreasonable performance and prejudice standards.
PRECEDENTIAL VALUE	Published precedential opinion

PARTIES

Essie Nooner v. The People of the State of Illinois

TOPICS

criminal procedure

appellate procedure

sentencing

appellate jurisdiction

constitutional law

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

sentencing

constitutional law

QUESTIONS PRESENTED

1. Whether a second direct appeal following a limited remand for resentencing was the proper vehicle to raise a claim that prior appellate counsel was ineffective for failing to challenge the sufficiency of the evidence.
2. Whether the circuit court properly imposed consecutive adult sentences totaling 56 years, including mandatory firearm enhancements, or whether the sentence was excessive or violated the proportionate penalties clause of the Illinois Constitution as applied to Nooner.

HOLDINGS

1. A second appeal from a resentencing proceeding following a limited remand is not the proper vehicle to raise a claim concerning the sufficiency of the evidence at the original trial, even when the claim is framed as ineffective assistance of appellate counsel. Such a claim is more appropriately raised in a postconviction petition.
2. The minimum adult sentence totaling 56 years, including mandatory firearm enhancements and consecutive terms, did not violate the proportionate penalties clause as applied to Nooner and was not excessive.

KEY QUOTATIONS

“When an appellate court reverses and remands the cause with a specific mandate, the only proper issue on a second appeal is whether the trial court’s order is in accord with the mandate.” (¶ 31)

“A court is not capable of making an ‘as applied’ determination of unconstitutionality when there has been no evidentiary hearing and no findings of fact.” (¶ 40)

“Importantly, however, the possibility of rehabilitation is not required to be given greater weight and consideration than the seriousness of the offense in determining a proper penalty.” (¶ 47)

FACTUAL BACKGROUND

Nooner participated with codefendants in luring John McIntyre to an abandoned house under the pretense of selling televisions. After Nooner, the codefendants, McIntyre, and Najee Kellum arrived at the house, a codefendant shot McIntyre in the head, killing him, and shot Kellum twice. Nooner admitted that the group planned to rob McIntyre and that she knew the shooter intended to kill him, although she denied intending the

killing. Nooner was 18 at the time of the offenses and presented evidence of childhood trauma, developmental immaturity, and rehabilitative potential at resentencing.

PROCEDURAL HISTORY

After a jury convicted Nooner of first degree murder and attempted first degree murder under an accountability theory, the circuit court imposed a total 66-year sentence. On the first appeal, the Illinois Appellate Court reversed and remanded for resentencing because the sentencing court misunderstood the evidence. On remand, a different judge imposed consecutive sentences totaling 56 years. The circuit court denied Nooner's motion to reconsider and dismissed a motion for new trial for lack of jurisdiction over matters outside the resentencing mandate. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Nooner, 2021 IL App (1st) 190334-U
- People v. Mack, 167 Ill. 2d 525, 531 (1995)
- People v. Childress, 191 Ill. 2d 168, 175 (2000)
- People v. West, 187 Ill. 2d 418, 435 (1999)
- People v. Collins, 153 Ill. 2d 130, 140 (1992)
- People ex rel. Daley v. Schreier, 92 Ill. 2d 271, 276 (1982)
- People v. Abraham, 324 Ill. App. 3d 26, 30 (2001)
- Petre v. Kucich, 356 Ill. App. 3d 57, 63 (2005)
- Foster v. Kanuri, 288 Ill. App. 3d 796, 799 (1997)
- People v. Hall, 195 Ill. 2d 1, 34 (2000)
- People v. Robinson, 2021 IL App (1st) 192289, ¶ 35
- People v. Johnson, 352 Ill. App. 3d 442, 448 (2004)
- People v. Veach, 2017 IL 120649, ¶ 47
- People v. Alexander, 239 Ill. 2d 205, 212 (2010)
- People v. White, 2011 IL 109616, ¶ 20
- People v. Miller, 202 Ill. 2d 328, 338 (2002)
- People v. Webster, 2023 IL 128428, ¶ 21
- People v. Stacey, 193 Ill. 2d 203, 210 (2000)
- People v. Hilliard, 2023 IL 128186, ¶¶ 20-21, 38, 40
- People v. Spencer, 2025 IL 130015, ¶¶ 25, 40, 43
- People v. Harris, 2018 IL 121932, ¶ 39
- People v. Richardson, 234 Ill. 2d 233, 251 (2009)

- People v. Mauricio, 2021 IL App (2d) 190619, ¶ 29
- People ex rel. Hartrich v. 2010 Harley-Davidson, 2018 IL 121636, ¶ 13
- Doser v. Savage Manufacturing & Sales, Inc., 142 Ill. 2d 176, 195 (1990)
- People v. Jones, 2017 IL App (1st) 143403, ¶ 27
- People v. Tara, 367 Ill. App. 3d 479, 489 (2006)
- Villareal v. Peebles, 299 Ill. App. 3d 556, 562 (1998)
- John Crane Inc. v. Allianz Underwriters Insurance Co., 2020 IL App (1st) 180223, ¶ 20
- Bazydlo v. Volant, 164 Ill. 2d 207, 215 (1995)
- People v. Sharpe, 216 Ill. 2d 481, 524 (2005)
- People v. Morgan, 203 Ill. 2d 470, 488 (2003)
- People v. Coty, 2020 IL 123972, ¶ 43
- People v. Masters, 2024 IL App (4th) 230370, ¶¶ 85-88
- People v. Croom, 2022 IL App (4th) 210410-U, ¶ 65
- People v. Roberson, 2021 IL App (1st) 181726-U
- People v. Perruquet, 68 Ill. 2d 149, 153-54 (1977)