

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, THIRD DIVISION

People v. Carswell

2026 IL App (1st) 231884 · No. 1-23-1884 · Decided February 4, 2026

SUMMARY

The Illinois Appellate Court, First District, affirmed Terrence Carswell’s conviction for resisting arrest. The court held that 720 ILCS 5/31-1(d) does not add an element, exception, or affirmative defense requiring the State to prove beyond a reasonable doubt an underlying offense, and that resistance to an unlawful arrest remains prohibited under Illinois law. The court declined to review Carswell’s hearsay challenge because it was moot under that interpretation.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Third Division
WRITING FOR THE COURT	Presiding Justice Martin; Justice Lampkin; Justice Rochford
JURISDICTION	Illinois Appellate Court, First District, Third Division
DECIDED	February 4, 2026
DOCKET	1-23-1884
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his bench-trial conviction for resisting arrest, arguing that the evidence was insufficient because the State failed to prove an underlying offense and that the trial court improperly admitted hearsay. The appellate court affirmed and declined to review the hearsay issue as moot.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The court did not reach the evidentiary issue because it was moot.
PRECEDENTIAL VALUE	Published Illinois appellate opinion
PARTIES	Terrence Carswell v. The People of the State of Illinois

TOPICS

- statutory interpretation
- criminal procedure
- mootness
- evidence
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether section 31-1(d) of the Illinois Criminal Code requires the State to prove beyond a reasonable doubt that the defendant committed an underlying offense in order to sustain a conviction for resisting arrest.
2. Whether the appellate court should review the admission of the homeowner's out-of-court statement over a hearsay objection when the evidentiary issue could not affect the outcome after rejection of the defendant's statutory interpretation.

HOLDINGS

1. Section 31-1(d) does not add an element to resisting arrest, create an exception, or establish an affirmative defense requiring the State to prove beyond a reasonable doubt that the defendant committed an underlying offense. The provision makes an arrest for resisting arrest unlawful unless there is an underlying offense for which the person was initially subject to arrest, but it does not determine whether the person may be convicted of resisting arrest.
2. The court declined to review the hearsay challenge because it was moot: resolution of the issue could not affect the outcome after the court rejected the argument that the State had to prove an underlying predicate offense to sustain the resisting-arrest conviction.

KEY QUOTATIONS

“To construe subsection (d) as an element of the offense, exception, or affirmative defense would amount to adding a provision or limitation the legislature did not.” (¶ 16)

“The rationale underlying this rule is “the importance of allowing police the ability to effectively perform their duties, without interference from citizens resorting to self-help remedies. In our society, courts determine whether the police have exceeded their power, and if so, remedies are made available to those individuals harmed.”” (¶ 18)

FACTUAL BACKGROUND

Police responding to a residential burglary found Carswell sitting on the front porch of the residence at approximately 2 a.m. The homeowner told an officer that she did not know Carswell and wanted him off the property, and officers repeatedly directed him to leave. When officers arrested Carswell, he refused to place his hands behind his back, tensed his body, and struggled for approximately five minutes before being handcuffed.

PROCEDURAL HISTORY

Carswell was charged with criminal trespass to real property, obstructing a peace officer, and resisting arrest. The State nol-prossed the trespass count. After a bench trial, the circuit court found Carswell guilty of obstructing a peace officer and resisting arrest and imposed 12 months of conditional discharge. On reconsideration, the court vacated the obstruction conviction and reduced the conditional discharge to six months. Carswell appealed the resisting-arrest conviction.

DISPOSITION

affirmed

CASES CITED

- People v. Wallace, 2025 IL 130173, ¶ 12
- People v. Close, 238 Ill. 2d 497, 508-09 (2010)
- Martin v. Goodrich Corp., 2025 IL 130509, ¶ 28
- People v. Smith, 71 Ill. 2d 95, 106 (1978)
- People v. Locken, 59 Ill. 2d 459, 464-65 (1974)
- People v. Villarreal, 152 Ill. 2d 368, 376-80 (1992)
- Bruso v. Alexian Brothers Hospital, 178 Ill. 2d 445, 458 (1997)
- In re Alfred H.H., 233 Ill. 2d 345, 351 (2009)
- People v. Cousins, 2023 IL App (1st) 230234, ¶ 12
- Rowe v. Raoul, 2023 IL 129248, ¶ 4

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