

APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

People v. Holman

2025 IL App (2d) 240513 · No. 2-24-0513 · Decided December 29, 2025

SUMMARY

The Illinois Appellate Court, Second District, affirmed Darryl E. Holman’s conviction for theft from a person and his six-year sentence. The court held that the defendant’s eligibility for an extended-term sentence under 730 ILCS 5/5-5-3.2(b)(1), including the timing of his prior conviction and release from custody, did not need to be submitted to a jury under Erlinger v. United States. The opinion also addresses challenges concerning sentencing factors and the State’s closing argument.

CASE DETAILS

COURT	Appellate Court of Illinois, Second District
WRITING FOR THE COURT	Presiding Justice Kennedy; Justice McLaren; Justice Schostok
JURISDICTION	Illinois Appellate Court, Second District
DECIDED	December 29, 2025
DOCKET	2-24-0513
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a Kane County circuit court judgment convicting him of theft from a person and sentencing him to six years' imprisonment. He challenged the constitutionality of his extended-term eligibility determination, the sentencing court's treatment of mitigating factors, and the State's rebuttal closing argument.
STANDARD OF REVIEW	The court reviewed the constitutionality of the extended-term eligibility determination de novo; reviewed whether a sentencing factor was improper de novo while giving substantial deference to the sentencing court's judgment; and reviewed the challenged closing argument in the context of the entire argument and trial, including whether any error was invited and prejudicial.
PRECEDENTIAL VALUE	Published and precedential Illinois Appellate Court opinion
PARTIES	Darryl E. Holman v. The People of the State of Illinois

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Fifth and Sixth Amendments required a jury to determine the date of Holman's prior conviction or release from custody for purposes of extended-term eligibility under 730 ILCS 5/5-5-3.2(b)(1), in light of *Erlinger v. United States*.
2. Whether the sentencing court considered an improper aggravating factor or failed to consider the mitigating factor that Holman's conduct neither caused nor threatened serious physical harm.
3. Whether the State's rebuttal argument that the jury had to choose between the defense's theory implicating Drane and the State's theory implicating Holman impermissibly shifted the burden of proof and denied Holman a fair trial.

HOLDINGS

1. The date of a defendant's prior conviction or release from custody used to establish eligibility for an extended-term sentence under section 5-5-3.2(b)(1) is intrinsic to the prior conviction and need not be submitted to a jury or proved beyond a reasonable doubt. The trial court properly determined Holman's eligibility.
2. The sentencing court did not consider an improper aggravating factor when it stated that Holman's conduct did not mitigate harm to the victim, and it was not required to find that Holman's conduct neither caused nor threatened serious physical harm merely because the jury acquitted him of aggravated battery. The sentence was not an abuse of discretion.
3. The prosecutor misstated the burden of proof by suggesting that the jury had to choose between Drane and Holman, but the remarks were a limited, invited response to the defense's closing argument and were not made for the purpose of shifting the burden of proof. In light of the proper jury instructions and the isolated nature of the remarks, Holman was not denied a fair trial.

KEY QUOTATIONS

"We hold that the date of defendant's release from custody is not a fact that must be submitted to a jury but is "intrinsic to the conviction" and can be properly determined by the court." (¶ 47)

"Though a defendant may make a remark that invites a response from the State, a defendant in a criminal case can never open the door to shift the burden of proof." (¶ 60)

FACTUAL BACKGROUND

Holman was accused of striking Gerald Wayne Darrough and taking Darrough's apartment keys in Aurora, Illinois, on July 19, 2021. Witness Julie Witt testified that Holman struck Darrough, took his keys, and later used them to enter Darrough's apartment; surveillance footage showed Darrough incapacitated near a liquor store but

did not show Holman. The jury acquitted Holman of aggravated battery and robbery but convicted him of theft from a person. At sentencing, the court relied on Holman's prior armed-violence conviction to find him eligible for an extended-term sentence and imposed six years' imprisonment.

PROCEDURAL HISTORY

Holman was tried on charges of aggravated battery, robbery, and theft from a person arising from a July 19, 2021 incident. The jury acquitted him of aggravated battery and robbery but convicted him of theft from a person. The circuit court denied his posttrial motion, found him eligible for an extended-term sentence based on a prior armed-violence conviction, and imposed a six-year prison sentence. The Appellate Court of Illinois affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Detention of Swope, 213 Ill. 2d 210, 217 (2004)
- People v. Acosta, 2024 IL App (2d) 230475, ¶ 15
- Seymour v. Collins, 2015 IL 118432, ¶ 36
- Apprendi v. New Jersey, 530 U.S. 466, 490 (2000)
- Erlinger v. United States, 602 U.S. 821, 825, 834-35, 838 (2024)
- Almendarez-Torres v. United States, 523 U.S. 224 (1998)
- People v. Johnson, 372 Ill. App. 3d 772, 781 (2007)
- People v. James, 362 Ill. App. 3d 285, 293 (2005)
- People v. Blanks, 361 Ill. App. 3d 400, 414 (2005)
- People v. Coopwood, 2025 IL App (3d) 240579-U, ¶ 19
- Denson v. State, 401 So. 3d 633, 633-34 (Fla. Dist. Ct. App. 2025)
- People v. Jackson, 225 N.Y.S.3d 903, 910 (N.Y. Sup. Ct. 2025)
- State v. Calvert, 564 P.3d 814, 819-20 (Kan. Ct. App. 2025)
- People v. Yancy, 368 Ill. App. 3d 381, 393 (2005)
- People v. Sanchez, 404 Ill. App. 3d 15, 17 (2010)
- People v. Lewis, 223 Ill. 2d 393, 400 (2006)
- People v. Musgrave, 2019 IL App (4th) 170106, ¶ 55
- People v. Fern, 189 Ill. 2d 48, 53 (1999)
- People v. Flores, 404 Ill. App. 3d 155, 158-59 (2010)
- People v. Jackson, 149 Ill. 2d 540, 549-50 (1992)
- People v. Hudson, 157 Ill. 2d 401, 441 (1993)
- People v. Kelley, 2015 IL App (1st) 132782, ¶ 65
- People v. Patterson, 217 Ill. 2d 407, 446 (2005)

- People v. Cloutier, 178 Ill. 2d 141, 168 (1997)
- People v. Taylor, 166 Ill. 2d 414, 438 (1995)
- People v. Quiroz, 257 Ill. App. 3d 576, 585 (1993)

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