

SUPREME COURT OF ILLINOIS

People v. McCoy

McCoy, 2026 IL 131565 (Ill. 2026) · No. 131565 · Decided March 19, 2026

SUMMARY

The Illinois Supreme Court affirmed the denial of Michael McCoy’s successive postconviction petition asserting actual innocence. The court addressed the evaluation of newly discovered evidence, including a codefendant’s testimony, expert testimony concerning eyewitness identification reliability, and forensic blood testing. It held that the evidence, considered collectively, was not sufficiently conclusive to probably change the result on retrial.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Holder White; Chief Justice Neville; Justice Overstreet; Justice Cunningham; Justice O'Brien
JURISDICTION	Illinois Supreme Court
DECIDED	March 19, 2026
DOCKET	131565
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Illinois Appellate Court's affirmance of the Cook County circuit court's denial of McCoy's successive postconviction petition after a third-stage evidentiary hearing on an actual-innocence claim.
STANDARD OF REVIEW	Following a third-stage postconviction evidentiary hearing, factual and credibility determinations are reviewed for manifest error. A finding is manifestly erroneous when the opposite conclusion is clearly evident.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Michael McCoy v. The People of the State of Illinois

TOPICS

- successive petitions
- actual innocence
- state post-conviction relief
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court applied the proper standard of review after the third-stage evidentiary hearing on McCoy's successive postconviction petition.
2. Whether McCoy's newly discovered evidence, considered together with the trial evidence, was sufficiently conclusive to establish actual innocence and probably produce a different result on retrial.
3. Whether the circuit court's credibility determination rejecting Millighan's exculpatory testimony was manifestly erroneous.

HOLDINGS

1. A circuit court's factual findings and credibility determinations following a third-stage postconviction evidentiary hearing are reviewed for manifest error.
2. To establish actual innocence, a petitioner must present evidence that is newly discovered, material, noncumulative, and so conclusive that, when considered with the trial evidence, it would probably change the result on retrial.
3. The circuit court properly considered the old and new evidence collectively, even though it discussed individual items of evidence separately before determining that the evidence as a whole was not sufficiently conclusive.
4. McCoy failed to establish actual innocence because Millighan's exculpatory testimony was not credible, and the remaining expert evidence concerning eyewitness identification and blood testing was not sufficiently conclusive to probably change the result on retrial.

KEY QUOTATIONS

“To succeed on a claim of actual innocence, the petitioner must present evidence that is (1) newly discovered, (2) material and not cumulative, and (3) of such a conclusive character it would probably change the result on retrial.” (¶ 54)

“Probability, not certainty, is the key as the trial court in effect predicts what another jury would likely do, considering all the evidence, both new and old, together.” (¶ 55)

“At the third stage, the allegations are not taken as true, and instead, “the trial court acts as a factfinder, making credibility determinations and weighing the evidence.”” (¶ 63)

FACTUAL BACKGROUND

In 1986, a liquor-store owner was shot and killed during an armed robbery in Chicago. Two eyewitnesses identified McCoy as the shooter, and another witness identified him as one of the people present in the store earlier that night. A preliminary test of McCoy's shoes indicated the possible presence of blood, but there was insufficient material for further testing. In the successive postconviction proceedings, McCoy offered codefendant Wayne Millighan's exculpatory testimony identifying Howard Reed as the shooter, expert testimony

challenging the eyewitness identifications, and expert testimony concerning the unreliability of the shoe-blood test.

PROCEDURAL HISTORY

McCoy was convicted of first degree murder and armed robbery in 1989, and his convictions and sentences were affirmed on direct appeal. After numerous postconviction proceedings, the circuit court granted leave to file a successive postconviction petition. The circuit court initially dismissed the petition at the second stage, but the appellate court reversed and remanded for a third-stage evidentiary hearing on actual innocence. Following the hearing, the circuit court denied relief, the appellate court affirmed, and the Illinois Supreme Court affirmed the appellate court's judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Robinson, 2020 IL 123849, ¶¶ 42-43, 47-48
- People v. Pitsonbarger, 205 Ill. 2d 444, 459 (2002)
- People v. Domagala, 2013 IL 113688, ¶ 35
- People v. Coleman, 183 Ill. 2d 366, 384-385 (1998)
- People v. Sanders, 2016 IL 118123, ¶¶ 42, 47
- People v. Coleman, 2013 IL 113307, ¶¶ 92, 96-98
- People v. Stovall, 47 Ill. 2d 42, 47 (1970)
- People v. Reed, 2020 IL 124940, ¶¶ 51, 54
- People v. English, 2013 IL 112890, ¶ 23
- People v. Morgan, 212 Ill. 2d 148, 155 (2004)
- People v. Fair, 2024 IL 128373, ¶ 80
- People v. Washington, 171 Ill. 2d 475, 489 (1996)
- People v. Rivera, 166 Ill. 2d 279, 293 (1995)
- People v. Lerma, 2016 IL 118496, ¶¶ 20, 26, 35
- People v. Prante, 2023 IL 127241, ¶ 80
- People v. Ortiz, 235 Ill. 2d 319, 335 (2009)
- People v. McCoy, 238 Ill. App. 3d 240 (1992)
- People v. McCoy, 294 Ill. App. 3d 1100 (1998) (table)
- People v. McCoy, 326 Ill. App. 3d 1156 (2002) (table)
- People v. McCoy, 355 Ill. App. 3d 1185 (2005) (table)
- People v. McCoy, 2023 IL App (1st) 220148
- People v. McCoy, 2025 IL App (1st) 240198-U, ¶¶ 14, 20-21

