

APPELLATE COURT OF ILLINOIS, FIFTH DISTRICT

People v. Spears

2026 IL App (5th) 240625 · No. 5-24-0625 · Decided May 22, 2026

SUMMARY

The Illinois Appellate Court, Fifth District, affirmed Dakota M. Spears’s conviction for unlawful possession of a weapon by a felon and his 14-year prison sentence. The court rejected challenges asserting that the statutory enhancement for possessing firearm ammunition while wearing or possessing body armor violated due process, proportionate-penalties and Eighth Amendment protections, and constitutional rights to bear arms. The court also rejected Spears’s excessive-sentence argument.

CASE DETAILS

COURT	Appellate Court of Illinois, Fifth District
WRITING FOR THE COURT	Justice Barberis; Justice Hackett; Justice Clarke
JURISDICTION	Illinois Appellate Court, Fifth District
DECIDED	May 22, 2026
DOCKET	5-24-0625
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a jury conviction for unlawful possession of a weapon by a felon and a 14-year prison sentence, challenging the constitutionality of the statutory body-armor enhancement, the proportionality of the sentence, and the statute's compatibility with the Second Amendment.
STANDARD OF REVIEW	Constitutional challenges to statutes and proportionate-penalties claims are reviewed de novo. Sentencing decisions are reviewed for abuse of discretion; a sentence within the statutory range is presumed proper and will not be disturbed unless it is arbitrary, fanciful, unreasonable, greatly varies from the spirit and purpose of the law, or is manifestly disproportionate to the offense.
PRECEDENTIAL VALUE	published
PARTIES	Dakota M. Spears v. The People of the State of Illinois

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constitutional law

due process

second amendment

sentencing

statutory interpretation

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criminal law

constitutional law

criminal sentencing

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether section 24-1.1(e) of the Illinois Criminal Code, which enhances the penalty for a felon who possesses firearm ammunition while wearing or possessing body armor, facially violates due process.
2. Whether the body-armor enhancement is unconstitutionally overbroad or vague.
3. Whether the body-armor enhancement violates the Illinois proportionate-penalties clause or the Eighth Amendment as applied to Spears.
4. Whether the unlawful-possession statute and body-armor enhancement violate Spears's Second Amendment rights facially or as applied.
5. Whether Spears's 14-year sentence was excessive or resulted from consideration of improper aggravating factors.

HOLDINGS

1. Section 24-1.1(e) does not facially violate substantive due process because deterring convicted felons from possessing firearms or firearm ammunition while wearing or possessing body armor is a legitimate legislative purpose and the enhanced penalty is rationally related to protecting the public and law enforcement.
2. Section 24-1.1(e) is not unconstitutionally overbroad and does not lack a culpable mental state; the knowledge requirement in section 24-1.1(a) applies to the possession of body armor under subsection (e).
3. Section 24-1.1(e) is not unconstitutionally vague because it gives ordinary persons reasonable notice of the prohibited conduct and provides sufficient standards to prevent arbitrary or discriminatory enforcement.
4. The 10-to-40-year body-armor enhancement is not cruel, degrading, or so wholly disproportionate to Spears's offense that it shocks the moral sense of the community, and it does not violate the Eighth Amendment as applied.
5. The UPWF statute and body-armor enhancement do not violate the Second Amendment facially or as applied to Spears because a convicted felon is not among the law-abiding citizens protected by the Second Amendment under the court's application of Bruen, and body armor is not within the right to keep and bear arms.
6. The trial court did not abuse its discretion by imposing a 14-year sentence, which was within the 10-to-40-year statutory range and supported by the seriousness of the offense, Spears's criminal history and probationary status, deterrence, and the mitigating evidence.

KEY QUOTATIONS

“Accordingly, we reject defendant’s argument that subsection (e) of section 24-1.1 lacks a culpable mental state.” (¶ 37)

“Thus, we hold that subsection (e) of section 24-1.1 is not facially violative of due process.” (¶ 47)

“Accordingly, we hold that the UPWF statute is constitutional as applied to him.” (¶ 66)

“For the foregoing reasons, we affirm the judgment and sentence of the circuit court of Champaign County.” (¶ 80)

FACTUAL BACKGROUND

Law enforcement executing a search warrant at a detached garage found Spears, a convicted felon, in possession of approximately 30 rounds of .22-caliber ammunition and a bulletproof vest. Spears admitted that the ammunition and vest belonged to him and said he occasionally wore the vest. At sentencing, the State presented evidence linking Spears to suspected attempted vehicle break-ins and a shooting, although no firearm was recovered. The trial court imposed a 14-year sentence, considering Spears's criminal history, probationary status, mental-health and substance-abuse history, rehabilitative potential, and the evidence concerning the shooting.

PROCEDURAL HISTORY

The State charged Spears with two counts of unlawful possession of a weapon by a felon based on his possession of firearm ammunition, including one count alleging simultaneous possession of body armor. Following a jury trial, Spears was convicted, and the trial court imposed a 14-year sentence under the Class X body-armor enhancement. The trial court denied Spears's motion to reconsider the sentence, and the Illinois Appellate Court affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Johnson, 2015 IL App (1st) 133663, ¶ 25
- People v. Inghram, 118 Ill. 2d 140, 146 (1987)
- In re R.C., 195 Ill. 2d 291, 296 (2001)
- People v. Davis, 2014 IL 115595, ¶¶ 18, 26
- People v. Burns, 2024 IL App (4th) 230428, ¶¶ 11, 14, 21-22
- People v. Rizzo, 2016 IL 118599, ¶ 24
- In re M.T., 221 Ill. 2d 517, 536-37 (2006)
- In re Parentage of John M., 212 Ill. 2d 253, 269 (2004)
- People v. Huddleston, 212 Ill. 2d 107, 145 (2004)
- Hill v. Cowan, 202 Ill. 2d 151, 157 (2002)
- People v. Villareal, People v. Villareal, 2023 IL 127318, ¶¶ 20, 22, 24, 40

- People v. Pepitone, 2018 IL 122034, ¶¶ 13-17, 26, 30
- People v. Boeckmann, 238 Ill. 2d 1, 7 (2010)
- People v. Jones, 223 Ill. 2d 569, 596 (2006)
- Arangold Corp. v. Zehnder, 204 Ill. 2d 142, 147 (2003)
- People v. Kelly, 347 Ill. App. 3d 163, 167 (2004)
- People v. Garvin, 2013 IL App (1st) 113095, ¶ 14
- Crawford v. State, 145 Ill. App. 3d 318, 321 (1986)
- Home Star Bank & Financial Services v. Emergency Care & Health Organization, Ltd., 2014 IL 115526, ¶ 24
- People v. Madrigal, 241 Ill. 2d 463, 468, 473 (2011)
- People v. Zaremba, 158 Ill. 2d 36, 42 (1994)
- People v. Wick, 107 Ill. 2d 62, 66 (1985)
- People v. Ramirez, 2023 IL 128123, ¶ 22
- People v. Maness, 191 Ill. 2d 478, 483-84 (2000)
- City of Chicago v. Morales, 177 Ill. 2d 440, 448 (1997)
- Fagiano v. Police Board, 98 Ill. 2d 277, 282 (1983)
- Polyvend, Inc. v. Puckorius, 77 Ill. 2d 287, 299-300 (1979)
- People v. Bradley, 79 Ill. 2d 410, 417-18 (1980)
- Heimgaertner v. Benjamin Electric Manufacturing Co., 6 Ill. 2d 152, 159 (1955)
- People v. Sharpe, 216 Ill. 2d 481, 487, 493-94, 521-22 (2005)
- People v. Malchow, 193 Ill. 2d 413, 418 (2000)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48, 59 (2010)
- People v. Cavazos, 2023 IL App (2d) 220066, ¶ 63
- People v. House, 2021 IL 125124, ¶ 27
- People v. Smallwood, 2024 IL App (5th) 210407, ¶ 44
- New York State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 8-9, 15 (2022)
- District of Columbia v. Heller, 554 U.S. 570, 595 (2008)
- McDonald v. City of Chicago, 561 U.S. 742, 791 (2010)
- People v. Travis, 2024 IL App (3d) 230113, ¶ 24
- People v. Smith, 2025 IL App (5th) 230656, ¶ 25
- People v. Welch, 2025 IL App (1st) 231116, ¶¶ 57, 60
- People v. Cadengo, 2025 IL App (4th) 240568, ¶ 72
- People v. Boyce, 2023 IL App (4th) 221113-U, ¶ 16
- People v. Baker, 2023 IL App (1st) 220328, ¶ 37
- People v. Lopez, 2025 IL App (1st) 232120, ¶ 26
- People v. Jackson, 375 Ill. App. 3d 796, 800 (2007)
- People v. Hall, 195 Ill. 2d 1, 20 (2000)
- People v. Tijerina, 381 Ill. App. 3d 1024, 1039 (2008)

- People v. Ramos, 353 Ill. App. 3d 133, 137 (2004)
- People v. McGowan, 2013 IL App (2d) 111083, ¶ 10
- People v. Bocclair, 225 Ill. App. 3d 331, 335 (1992)
- People v. Weiser, 2013 IL App (5th) 120055, ¶ 33
- People v. Etherton, 2017 IL App (5th) 140427, ¶ 29
- People v. O'Neal, 125 Ill. 2d 291, 297 (1988)
- People v. Woodson, 2024 IL App (1st) 221172, ¶ 89
- People v. Stacey, 193 Ill. 2d 203, 209 (2000)
- People v. Thompson, 222 Ill. 2d 1, 42-43 (2006)
- People v. Madej, 177 Ill. 2d 116, 138 (1997)

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