

APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

People v. Algrim

2025 IL App (2d) 240565 · No. 2-24-0565 · Decided December 15, 2025

SUMMARY

The Illinois Appellate Court, Second District, affirmed Greg Algrim’s convictions for theft arising from unauthorized additions to his employer’s scheduling software and resulting payroll payments. The court held that the indictment’s reference to property as “United States Currency” did not create a fatal variance from evidence showing electronic funds transfers, because any discrepancy concerned the manner of commission, was not material, and did not prejudice the defendant or expose him to double jeopardy.

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 15, 2025
DOCKET	2-24-0565
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his convictions for theft following a bench trial, arguing that the indictment's use of the term "United States Currency" created a fatal variance from the proof at trial.
STANDARD OF REVIEW	The court reviewed de novo the legal question whether a variance between the charging instrument and the trial proof was material and prejudicial; it considered the evidence in the light most favorable to the State when addressing the sufficiency-related aspect of defendant's argument.
PRECEDENTIAL VALUE	Published Illinois appellate opinion; precedential.
PARTIES	Greg Algrim v. The People of the State of Illinois

TOPICS

- criminal procedure
- appellate procedure
- statutory interpretation
- preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

QUESTIONS PRESENTED

1. Whether the indictment's allegation that Algrim obtained unauthorized control over property consisting of "United States Currency" created a fatal variance when the evidence showed that he inflated his wages and received payment through electronic funds transfers.
2. Whether the alleged variance was material because it misled Algrim in preparing his defense or exposed him to double jeopardy.
3. Whether the evidence was sufficient to prove the essential elements of theft despite any variance in the manner in which the property was obtained.

HOLDINGS

1. The alleged variance was not fatal. The term "United States Currency" was either a nonessential characterization of the property or, at most, described the manner in which the theft was committed rather than an essential element of the offense.
2. The variance did not mislead Algrim in preparing his defense and therefore was not material.
3. The indictment's reference to "United States Currency," considered together with the detailed trial evidence, did not expose Algrim to double jeopardy.

KEY QUOTATIONS

"For a variance between the charging instrument and the proof at trial to be fatal, the difference 'must be material and be of such character as may mislead the defendant in making his or her defense, or expose the defendant to double jeopardy.'" (at 10)

"Because any variance created by the term 'United States Currency' is not material and because defendant has not argued—and cannot argue—that the variance prejudiced him, defendant is not entitled to relief." (at 13)

FACTUAL BACKGROUND

Greg Algrim, a firefighter employed by the Elburn and Countryside Fire Protection District, had administrator access to the District's scheduling software. Over approximately two years, he added unworked hours to his schedule before payroll processing and deleted those entries afterward, resulting in wage payments through direct deposit. Scheduling records, duty rosters, incident reports, payroll statements, and Algrim's recorded police interview supported the State's case.

PROCEDURAL HISTORY

A Kane County grand jury indicted Algrim on 20 theft counts. Count XIV was nol-prossed, and after a four-day bench trial the circuit court found him guilty on the remaining 19 counts, sentenced him to three years' probation, and ordered \$17,211.52 in restitution. The Appellate Court of Illinois, Second District, affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Miller, 253 Ill. App. 3d 1032, 1036 (1993)
- People v. Patrick, 38 Ill. 2d 255, 258 (1967)
- People v. Ligon, 365 Ill. App. 3d 109, 117 (2006)
- People v. Lattimore, 2011 IL App (1st) 093238, ¶¶ 67-68
- People v. Maggette, 195 Ill. 2d 336, 351 (2001)
- People v. Okoro, 2022 IL App (1st) 201254, ¶ 43
- Brown v. State, 692 S.E.2d 9, 11-12 (Ga. Ct. App. 2010)
- People v. Simpkins, 48 Ill. 2d 106, 107, 109-11 (1971)
- People v. Durdin, 312 Ill. App. 3d 4, 4-5, 7 (2000)
- People v. DiLorenzo, 169 Ill. 2d 318, 325 (1996)

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