

Preface to the 2025-2026 Edition

We are pleased to bring you the 2025-2026 Edition of the *Trial Handbook for Illinois Lawyers—Criminal, 9th*. This 2025-2026 Edition replaces the 2024-2025 Edition of this treatise.

At its best, the criminal justice system provides fairness and balance to all the parties involved. The rights of criminal defendants are respected while victims of crimes are heard and protected. In this manner, our society ensures justice for every citizen, including those accused of committing crimes.

The Illinois criminal justice system is experiencing a major shift in the prosecution and treatment of criminal defendants. Changes in pre-trial procedures, sentencing goals, and prison sentences have resulted in a shifting landscape, leaving attorneys, judges, and the defendants themselves uncertain of how to proceed. Lawyers and judges must remain vigilant in their preparation and continued education as the legislature changes the laws under which we all operate.

It is our hope that this handbook continues to be a valuable resource to lawyers and judges as they navigate the complex laws that govern Illinois trials.

What's New in This Edition

- Numerous primary law updates
- Many new cases added
- Updates on (partial list): Pretrial detention/pretrial release (§ 1:27); Nolle prosequi (§ 6:5); Burden of proving corpus delicti (§ 29:3); Burden of proving threatening a public official (§ 30:41); Physician-patient privilege (§ 52:11); Forfeiture by wrongdoing (§ 70:58); When an accused is “in custody,” requiring giving Miranda warnings (§ 76:2); Search of automobile or occupants without warrant (§ 84:2); Verdict (§ 93:1)
- New sections covering: Burden of proving strangulation (§ 29:34); Burden of proving “position of author-

ity” (§ 29:42)

Thank you for your support of this handbook. We endeavor to bring you the most relevant and important cases each year. We encourage lawyers and judges who use this handbook to provide comments and we appreciate any and all suggestions as to how this handbook can further assist those in this area of practice.