

## Introduction to the 2025–2026 Edition

This new 2025 edition includes new and updated case law and government materials consisting of new content in the following areas:

- Arkansas Supreme Court holds that, while a circuit court may correct an illegal sentence at any time, an argument that a sentence is imposed in an illegal manner is subject to the time limitations of Arkansas Rule of Criminal Procedure 37.2(c). *Hundley v. State*, 2025 Ark. 53 (AR 2025) (see § 6:17);
- Illinois Supreme Court holds that, although a petitioner seeking postconviction relief can plead a free-standing claim of actual innocence and a claim of constitutional trial error using the same evidence, the same evidence cannot establish both claims; *People v. Flournoy*, 2024 IL 129353, 245 N.E.3d 962 (IL 2024) (§ 16:6);
- Massachusetts Supreme Court holds that a defendant constructively is deprived of their constitutional right to counsel under the state constitution where trial counsel sleeps for a significant portion or during an important aspect of the trial. *Commonwealth v. Watt*, 493 Mass. 322, 224 N.E.3d 377 (MA 2024) (§ 24:15);
- Nebraska Supreme Court holds that the one-year limitation period set out in Neb. Rev. Stat. § 29-3001(4) governs all postconviction motions, including successive motions and those challenging a death sentence. *State v. Trail*, 319 Neb. 84, 21 N.W.3d 61 (NE 2025) (§ 30:5);
- New Hampshire Supreme Court holds that defense counsel’s reference to the defendant during trial as “big, menacing Black guy” prejudiced the defendant and constituted ineffective assistance of counsel. *Mallard v. Warden, New Hampshire State Prison*, 175 N.H. 565, 294 A.3d 229 (NH 2023) (§ 32:45);
- North Carolina Supreme Court holds that the defendant failed to preserve his claim of unconstitutional gender-based discrimination in jury selection because he failed to object at trial. *State v. Bell*, 387 N.C. 262, 913 S.E.2d 142 (NC 2025) (§ 36:26); and
- Newly discovered evidence exemption from one-year time limit for personal restraint petitions (PRPs) applied to sentencing evidence. *Matter of Frazier*, 4 Wash.3d 1, 558 P.3d 451 (WA 2024) (§ 50:55).