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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS

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Case NO. 2025 CF 53

THIS MATTER, having come before the Court for hearing on Defendant's Amended Motion For JNOV and New Trial, the Court having considered the written submissions of the parties, arguments of counsel and having otherwise been advised, HEREBY FINDS AS FOLLOWS;

The Defendant was charged by Indictment as follows:

- Three counts of First-Degree Murder, (Class M felony)
- Two counts of Aggravated Domestic Battery, (Class 3 felony)
- One count of Aggravated Battery, Class 3 Felony

Prior to trial, the State dismissed all counts except Counts I and II, both alleging First Degree Murder.

This matter proceeded to jury trial on January 12, 2026. The Jury returned a unanimous verdict of guilty on both counts on January 23, 2026.

Defendant filed a Motion for JNOV, or in the alternative, for a New Trial on February 10, 2026. The State filed a written Response on February 19, 2026.

Defendant thereafter filed an Amended Motion for JNOV and New Trial on April 15, 2026. The State filed a written Response on April 20, 2026.

A hearing was held on the Defendant's Motions on April 21, 2026.

WITNESSES AND TESTIMONY

Over a period of 12 days, the parties called a total of 23 witnesses who testified before the jury. At the conclusion of the trial, the jury began deliberations on January 22, 2026, and reached a unanimous verdict on January 23, 2026.

The following is a summary of the testimony presented to the jury:

- On August 30, 2024, Alison Findley's decomposed body was found by Christina Rodriguez while she was out walking her dog in the field by the Twilight Drive apartments in Morris, IL.
- Alison Findley's body was hidden with care under many branches in the brush line behind the field approximately 100 feet from her home, the upstairs apartment located at 968 Twilight Drive.
- Her purse and driver's license were found within three feet of her body.
- Ms. Findley's cell phone was later found by the I-80 ditch behind the brush line after the police received a tip that it had been thrown there.
- Later examination of her phone's location data showed that the phone had not been moved from that spot after it landed there on 8-26-24.
- Alison Findley's body was sent to Dr. Youmans, the forensic pathologist for Grundy County.
- An autopsy conducted by Dr. Youmans showed that her hyoid bone, a supporting structure located in her upper neck, had been broken on both sides.
- Dr. Youmans testified that the blunt force trauma was consistent with the bilateral hyoid fractures and strangulation.

- Dr. Hughes, the forensic anthropologist, confirmed this.
- Dr. Youmans also discovered that Ms. Findley's right corticoid artery had been severed by a sharp object.
- Dr. Youmans said the strangulation and/or cut corticoid artery caused Ms. Findlay's death.
- Beverly Paukner, a neighbor of the victim, said she last saw Alison Findley standing on Alison Findley's apartment balcony on Monday, 8-26-24, at approximately 11:00 a.m.
- Beverly Paukner stated she asked Chris Nielsen every day if he heard from Alison Findley and he would say "no."
- On Wednesday, 8-28-24, Beverly Paukner asked Chris Nielsen if he was going to call the police. He seemed unconcerned and said "I'm an adult; and I don't need my mommy to make me cereal."
- On 8-29-24, Ms. Paukner was cleaning her father's apartment when she saw Mr. Nielsen. She asked Mr. Nielsen if he needed anything. She said he looked toward the area where his mother was later found and took a lamp that he said was for his mother's bedroom.
- John Goeken, the victim's son and the defendant's brother, testified that the last time he saw his mother alive was over the weekend of August 24 - 25 when she hosted a birthday party for his son/her grandson.
- After Ms. Findlay's disappearance, Mr. Nielsen sent a text to his brother, John Goeken, on 8-27-24 (Tuesday) that "Mom left with some friend yesterday a little before I left for work which was about 1:00 or 2:00 in the afternoon she hasn't come back or responded to my calls or messages." (page 4; Def Ex A)
- Mr. Nielsen sent a text to his brother, John Goeken, on 8-30-24 (Friday) that "she left on Monday like two hours before I went to work" – (page 24 Def Ex A)
- Christina Dobo testified that she had a text message conversation with Mr. Nielsen on Sunday, August 25th, 2024, where he said:

Nielsen: "Seriously I'm gunna kill her in her sleep"

- Christina Dobo also said that Mr. Nielsen told her that he made a police report on Friday morning reporting his mother missing. He did not make a report and never did report his mother missing to the police.
- Ruth Thomas said that Mr. Nielsen told her that his mom didn't come home Sunday night and that she left with a girl.
- John VanDonk testified that he bought jewelry, gold teeth and a silver spoon from Mr. Nielsen during the week of 8-26-24 because he heard Mr. Nielsen needed money.
- Detectives Zwolinski and Burke of the Morris Police Department testified about other suspects that Mr. Nielsen identified and how they were investigated and ultimately excluded.
- Pat Dockery Sr., was in prison when the murder occurred.
- Pat Dockery Jr., never knew Alison Findley had been a confidential informant in one of his cases, and there is no evidence he ever threatened her.
- Kalvon Tanzy was interviewed and no connection was found.
- Karl Marchovic was interviewed and was found to be a 70-year-old man with no transportation and not involved in her murder.
- Brian McDaniels was an anonymous tip with no corroborating information and no other connecting facts.
- The police checked traffic cameras from the area and no suspect vehicles were found.
- One gold vehicle that Ms. Findley sometimes rode in, a Dodge Van, was owned by Cassie Collins. She testified and was a friend of Ms. Findley.
- The other gold vehicle was a suspicious car that the defense witness, Mr. Nott, said was associated with Mr. Nielsen, not Ms. Findley.
- Nobody, not even Mr. Nielsen, said that Ms. Findley left the area in that vehicle on 8-26-24. He said she left the apartment after an argument with him, he saw a gold car, and she did not come back. He did not say she got in and drove away.
- The investigation did not find any evidence that anyone besides Chris Nielsen threatened to harm Alison Findley.

- Mr. Nielsen told the police and several other people that his mother left on Monday, 8-26-24, and never came back.
- Mr. Nielsen told Kim Dolder (HR and Safety at Sponge Cushion) that the scratches and gouges that were on his arms were from his dog. He volunteered this; he was not asked about the injuries. Nielsen did not own a dog.
- Mr. Nielsen told Kim Dolder (HR and Safety at Sponge Cushion) he needed Wednesday off from work to report his mother missing and then did not report his mother missing.
- Mr. Nielsen texted his brother John Goeken, and told him that he had just gotten home from work at 11:00 p.m. on Tuesday (8-27-24) when he really left work at 8:45 p.m. on Tuesday.
- Mr. Nielsen texted his brother, John Goeken, on 8-29-24 (Thursday) and told him that he reported their mother missing but he had not reported her missing and never did report her missing.
- Mr. Nielsen deleted the text messages from his phone between he and Christina Dobo on Sunday August 25th, 2024, where he said this about his mother:
 Nielsen: "Seriously I'm gunna kill her in her sleep"
- Christina Dobo still had those messages on her phone, and they were admitted into evidence and shown to the jury.
- Mr. Nielsen told Christina Dobo that he made a police report on Friday morning reporting his mother missing. He had not reported her missing.
- Mr. Nielsen told Det. Burke and Det. Zwolinski on 8-30-24 and 9-6-24 that he received the scratches and gouges on his arms from the machinery at Sponge Cushion, contrary to the testimony of Kim Dolder.
- Mr. Nielsen repeated that machinery at Sponge Cushion caused the gouges until he was confronted with the evidence from Sponge Cushion that he was never near any machinery that could cause the injuries.
- Mr. Nielsen then told Det. Burke and Det. Zwolinski on 9-6-24 that he received the scratches and gouges that were on his arms from needles.

- Mr. Nielsen then told Det. Burke and Det. Zwolinski on 9-6-24 that he received the scratches and gouges on his arms from his mother when he was arguing with her on 8-26-24. Mr. Nielsen apologized for lying.
- Defendant admitted that his arms were gouged by Ms. Findley while they were struggling during an argument on August 26, 2024. He also admitted he had grabbed her from behind during the argument.
- Mr. Nielsen had washed his bed sheet but not his pillowcase at his mother's apartment where he was staying prior to her disappearance.
- There were knives photographed in the apartment where Mr. Nielsen resided with his mother. State's Exhibit R, Slide 11.
- Cassie Collins testified that after Ms. Findley went missing but before her body was found she went to 968 Twilight, Morris, to check on Alison Findley. She smelled bleach in the apartment and saw bleach stains on Mr. Nielsen's under shorts.
- Cassie Collins testified that she witnessed Mr. Nielsen shove Ms. Findley a day or two prior to her "disappearance" because he was angry at being asked to help unload the car and bring in supplies that had just been purchased at a store.
- Cassie Collins testified that Ms. Findley told her that Chris Nielsen choked her out approximately a year before she was murdered. Cassie Collins said she saw purple bruises on Ms. Findley's neck consistent with being strangled.
- Leslie Ahrens testified that Alison Findley also told her about the same incident and that Chris Nielsen had choked her out during an argument.
- Leslie Ahrens also identified three voicemails she received from Mr. Nielsen. The three voicemails that Chris Nielsen left for Leslie Ahrens in March of 2024 were introduced into evidence and played for the jury.
- On 03/2/24 Mr. Nielsen left a voicemail with Ms. Ahrens about his mother and said "I will fucking kill her." He went on to say he was going to go to the Morris Hospital to go to the psych ward because he was not going back there (the apartment) because he was either going to kill her or kill himself.
- On 03/11/24 Mr. Nielsen left a voicemail with Ms. Ahrens that said if she does happen to talk to his mom again, make sure to tell her that game on. He also said his mom's life is about to get real hard and she don't even know yet.

DEFENDANT'S MOTION FOR JNOV

At trial, Defendant made a motion for a directed verdict at the close of the State's case-in-chief, and again at the close of all evidence. Both motions were denied.

Defendant now seeks a JNOV, namely, a judgment of acquittal.

The Code of Criminal procedure does not expressly speak of a judgment notwithstanding the verdict, but it does provide for the directed verdict. *People v. VanCleave*, 89 Ill.2d 29 (1982).

In Illinois, a motion for a directed verdict was recognized in the 1930's. *Id.* An order directing a verdict and a judgment notwithstanding the verdict are, in substance, the same because they provide the same relief and are applicable on the same insufficiency-of-evidence ground. *Id.*

Because the rulings have a common ground, a judgment notwithstanding the verdict by a judge who previously denied a motion for a directed verdict is often considered as reconsideration of the order of denial *Id.*

Recognition of the motion for judgment notwithstanding the verdict is consistent with the judicial principle that a court possesses inherent power to correct its interlocutory rulings. *Id.* (citing *Roach v. Village of Winnetka*, 366 Ill. 578, (1937)).

Defendant argues in his motion that a judgment notwithstanding the verdict is warranted based on the following: (1) there was no murder weapon found, (2) there was no physical evidence connecting the defendant to the homicide, (3) there was no DNA of the defendant recovered under the victim's fingernails, however, there was DNA recovered from an unidentified third party, and (4) that there was no evidence linking the Defendant to the scene of the killing, arguing that the State failed to establish the time and location of the homicide.

Defendant argues that the State's case relied entirely on inference and speculation. In support of his argument, Defendant cites and relies on the holding in *People v. Smith*, 185 Ill.2d 532 (1999) for the proposition that the evidence at trial was so unreasonable, improbable or unsatisfactory as to justify Defendant's finding of guilt.

In response to Defendant's arguments, the State cites numerous bullet points of testimony and evidence to support its argument that JNOV is not warranted and would be inconsistent with the record.

In order for this Court to grant Defendant's Motion for JNOV, the Court must follow the "sufficiency of the evidence" standard. *People v. Rey*, 136 Ill.App.3d

645 (1985). Under this standard, a Motion for JNOV should only be granted where the State's evidence, when viewed in a light most favorable to the State, is insufficient to support a finding or verdict of guilty. *People v. Robinson*, 199 Ill.App.3d 24 (1989). Additionally, a Motion for JNOV may be granted where the evidence is so unreasonable, improbable or unsatisfactory to justify a reasonable doubt of the Defendant's guilt. *People v. Smith*; 185 Ill.2d at 542.

In reviewing the Illinois Supreme Court's holding in *Smith, supra*, the Court finds that Defendant's reliance on *Smith* is misplaced. In *Smith*, the Supreme Court identified the key issue as follows: "the State's case against the defendant hinges upon the testimony of one witness, Deborah Caraway." *People v. Smith*; 185 Ill.App.2d at 542. As noted by the Supreme Court, the testimony of Deborah Caraway was "sufficiently impeached so as to severely undermine [her] credibility." *Id.* The Court noted that the testimony of Deborah Caraway had a "glaring deficiency" as to who was present during the underlying murder. Her testimony was both internally inconsistent and inconsistent with another witness. *Id.* According to the Supreme Court, Caraway's credibility was 'seriously undermined' after having been "repeatedly impeached." *Smith*; 185 Ill.2d 542-545.

The Supreme Court in *Smith*, in reversing the defendant's murder conviction, concluded that the evidence was insufficient to sustain the jury's (guilty) verdict. The Supreme Court noted that it is possible for a conviction to be sustained upon the testimony of one witness if the testimony "is positive and the witness credible." *Id.* at 543. The *Smith* Court found the testimony of Caraway to be crucial to the State's case, so much that the Court relied on the apparent absence of credibility of Caraway along with the other deficiencies and repeated impeachment to be pivotal in reaching its decision.

The testimony and evidence in this case is distinguishable compared to the *Smith* case. During the trial, 23 witnesses testified. In this Court's observation, there was not a singular key witness similar to *Smith*. Instead, each of the State's witnesses testified to the details of the difficult, contentious and physical relationship between Mr. Nielsen and his mother and offered consistent testimony about a prior occasion where Mr. Nielsen choked his mother out.

Additionally, the testimony of Leslie Ahrens was not impeached. She testified that Mr. Nielsen left her several voice messages, one of which indicated that Nielsen stated "I will fucking kill her," referring to his mother, Alison Findley.

Similarly, the testimony of Christina Dobo was not impeached. Ms. Dobo provided testimony associated with a text message she received from Mr. Nielsen regarding his mother where Nielsen indicated that "Seriously, I'm gunna kill her in her sleep."

Additionally, the testimony of the several witnesses that spoke with Mr. Nielsen

about the scratches and gouges on his arms were all unimpeached. It was Mr. Nielsen that eventually admitted to police that he received the scratches and gouges on his arms during a physical altercation with his mother where she scratched him shortly prior to her death. The injuries were not from a dog, were not from machinery at work and were not from needles. Mr. Nielsen admitted lying to the police about the injuries after revealing the injuries were caused by the physical altercation with his mother.

In considering the Defendant's motion for JNOV, the Court has viewed the evidence in a light most favorable to the State, including any rational inferences flowing from any such evidence. *People v. Connolly*, 322 Ill.App.3d 905 (2nd Dist. 2001). Based on the totality of the evidence presented at trial, including any rational inferences drawn therefrom, the Court finds that the testimony and evidence offered by the State is not insufficient to support the guilty verdicts.

Further, the Court further finds that the evidence is not so unreasonable, improbable or unsatisfactory to justify a reasonable doubt of the Defendant's guilt. *People v. Smith*; 185 Ill.2d at 542.

The Defendant's Motion for JNOV must be denied.

DEFENDANT'S MOTION FOR NEW TRIAL

Section 116-1 of the Code of Criminal Procedure governs the procedures associated with a Motion for a new trial. 725 ILCS 5/116-1. Specifically, Section 116-1 states as follows:

§116.1. Motion for New Trial

- (a) Following a verdict or finding of guilty the court may grant the defendant a new trial
- (b) A written motion for new trial shall be filed by the defendant within 30 days following entry of a finding or the return of a verdict. Reasonable notice of the motion shall be served upon the State

On a Motion for New Trial, the Court must weigh the evidence and grant a new trial only if a verdict is contrary to the manifest weight of the evidence. *People v. Rey*, 136 Ill.App.3d 645 (1985). A verdict is contrary to the manifest weight of the evidence only when the opposite conclusion is clearly apparent or the finding appears to be unreasonable, arbitrary and not based on the evidence. *Id.*

Based on this record, the Court finds that the verdict in this matter is not contrary to the manifest weight of the evidence, nor is the opposite conclusion clearly

apparent. Likewise, there is nothing in this record to suggest that the jury's verdict was unreasonable, arbitrary or not based on the evidence.

As a result, Defendant's Motion for New Trial must be denied.

DEFENDANT'S AMENDED MOTION FOR JNOV AND NEW TRIAL (ZEHR)

On April 15, 2026, Defendant filed an "Amended Motion for JNOV and New Trial." Defendant repeated his arguments related to JNOV and New Trial but included an additional argument suggesting error during jury selection.

Specifically, Defendant argues that the Court failed to allow the jurors an opportunity to respond to specific questions concerning each Zehr principle. *People v. Zehr*, 103 Ill.2d 472 (1984).

Defendant's argument is premised on Supreme Court Rule 431(b), which states as follows:

(b) The court shall ask each potential juror, individually or in a group, whether that juror understands and accepts the following principles: (1) that the defendant is presumed innocent of the charge(s) against him or her; (2) that before a defendant can be convicted the State must prove the defendant guilty beyond a reasonable doubt; (3) that the defendant is not required to offer any evidence on his or her own behalf; and (4) that if a defendant does not testify it cannot be held against him or her; however, no inquiry of a prospective juror shall be made into the defendant's decision not to testify when the defendant objects.

The court's method of inquiry shall provide each juror an opportunity to respond to specific questions concerning the principles set out in this section.

Rule 431 was amended following the Illinois Supreme Court's holding in *People v. Zehr*, 103 Ill.2d 472 (1984).

In *Zehr*, the Supreme Court observed the following: "[E]ssential to the qualification of jurors in a criminal case is that they know that a defendant is presumed innocent, that he is not required to offer any evidence in his own behalf, that he must be proved guilty beyond a reasonable doubt, and that his failure to testify in his own behalf cannot be held against him. If a juror has a prejudice against any of these basic guarantees, an instruction given at the end of the trial will have little curative effect." *People v. Zehr*, 103 Ill.2d 472, 477 (1984).

After setting forth the above-mentioned precepts, the *Zehr* court found that it was error not to submit to the prospective jurors the questions tendered by defense counsel during *voir dire* about these principles. *Id.* at 477-78. It was not enough that the potential jurors were generally “asked whether they would follow the law as given them by the court even though they might personally disagree with it and whether any reason, moral, religious or otherwise, would prevent their being fair and impartial.” *Id.* at 477.

As originally adopted, Rule 431(b) required the trial court to ask the *Zehr* questions only upon a request by the defendant. *People v. Thompson*, 238 Ill.2d 598 (2010)). The Supreme Court, however, amended the rule again in 2007 to impose an affirmative duty on trial courts to *sua sponte* ask potential jurors whether they “understood and accepted the principles.” *Id.* at 618 (citing Ill. S. Ct. R. 431(b)).

It should also be noted that the Illinois Supreme Court held in 2021 that there is no requirement that the *Zehr* questions be asked separately. *People v. Birge*, 2021 IL 125644. In discussing this issue, the Supreme Court stated as follows:

Defendant relies upon Thompson in support of his position. But neither Thompson nor any other case decided by this court has held that the trial court must recite the principles separately to the prospective jurors, and the plain language of the rule, as we have already noted, does not require the court to explain the principles to the jurors in any particular fashion. Under the plain language, a court complies with Rule 431(b) if it (1) instructs the prospective jurors on the four principles, (2) asks if the prospective jurors understand those principles, and (3) asks if the prospective jurors accept those principles. Again, there is no requirement that the trial court recite the four principles separately. Birge at ¶34.

The *Birge* Court continued by noting that some appellate court decisions have suggested that the better practice is to separate the principles and ask, after each principle is read one at a time, if the jurors understood and accepted each principle individually. *Birge* at ¶35 (see, e.g., *People v. Perry*, 2011 IL App (1st) 081228, ¶ 74) (opining that the “better practice” would be for the court to ask the jurors if they “understand and accept each of the principles, after each principle is read”). But again, none of these decisions hold definitively that not separating the principles constitutes a violation of Rule 431(b).

The trial court in *Birge* “carefully recited the four specific principles in the rule verbatim and then asked specific questions about whether the jurors accepted and understood those principles.” *Birge* at ¶38. All four of the *Zehr* principals were read together at the same time. *Id.* In response to the trial court’s

questions, the prospective jurors expressed their understanding and acceptance of the principles by a show of hands. Nothing in the record suggested that the jurors were confused by the court's presentation of the Rule 431(b) principles. Defense counsel was allowed to ask follow-up questions. *Birge* at ¶41.

Here the Court read each *Zehr* principal individually, even though not required to. Each of the four *Zehr* questions were read a second time to the jurors for purposes of clarity and understanding. Each individual *Zehr* question was followed by questioning of individual rows of prospective jurors asking if each row of jurors "understood and accepted" the individual principals presented.

Additionally, the Court allowed counsel the option of addressing the jurors individually, however, neither counsel elected to question jurors during *voir dire*.

The make-up of the courtroom during jury selection consisted of a total of 50 prospective jurors; seven jurors in the first row of the jury box and seven additional jurors in the second row of the jury box. Additional jurors were seated in the gallery consisting of four rows of nine prospective jurors in each row. By comparison, the trial court in *Birge* addressed the venire consisting of two groups of sixteen jurors each for a total of 32 prospective jurors. *Birge* at ¶4-6.

Significantly, before any of the *Zehr* principles were asked, this Court introduced the *Zehr* questions by identifying "four propositions of law that you must follow if you're going to serve as a juror in this case." R. 129. The Court also informed the jurors to "please listen carefully as I will be asking each of you if you, quote, understand and accept, close quote, these principals of law...." *Id.*

This Court went one step further and informed the jury that the four *Zehr* questions "are designed to encourage you, as jurors, to really consider whether you really understand what each legal principle means and how it operates when witnesses are testifying and evidence is being produced in court." *Id.* The Court further informed the jurors that "the questions are designed for you to ask questions of the Court for an explanation if you have any questions on how each legal principle works." *Id.*

In order to analyze this issue, a look at the record is in order. The *Zehr* dialogue begins on page 129 of the record, and it reads as follows:

(Pg. 129)

THE COURT: We're getting pretty close to the end.

Next series of questions.

As we've discussed, this is a criminal case. The defendant is presumed innocent of the charges filed against him. There are four propositions of law that you must follow if you're going to serve as a juror in this case. So I'm going to recite these for you now. Please listen carefully as I will be asking each of you if you, quote, understand and accept, close quote, these principles of law in just a moment.

Please note, also, that these next four questions are designed to encourage you, as jurors, to really consider whether you really understand what each legal principle means and how it operates when witnesses are testifying and evidence is being produced in court. Also, the questions are designed for you to ask questions of the court for an explanation, if you have any questions on how each legal principle works. All right?

(Pg. 130)

*So the **first question**, (emphasis added) and I'll read these twice, a person accused of a crime is presumed innocent of the charges against him. The fact that a charge has been made is not to be considered as evidence or presumption of guilt against the defendant.*

All right. Let me repeat that again, and then I need to go all the way around the courtroom. And I'm going to do it row by row so that I can deal with each small group on these questions.

Again, question number one, a person accused of a crime is presumed to be innocent of the crimes charged against him. The fact that a charge has been made is not to be considered as any evidence or presumption of guilt against the defendant.

My question for you will be do you understand and accept this first principle of law that I have stated?

So for this row right here, do you understand and accept this first principle of law that I've just shared with you? If you do not understand and accept it, please raise your hand.

(Pg.131)

First row only.

For the record, first row no hands.

Second row, same question. Same issue. If you do not understand or accept what I have shared with you, please raise your hand.

Second row. There are no hands.

All right. First row in the gallery. Same question to you. First row only. Do each of you understand and accept this first principle of law that I have just shared with you? If you do not understand and accept it, please raise your hand. First row only.

Again, first row no hands.

Second row, same questions and show of hands if you do not understand or accept the first proposition of law that I've shared with you. Show of hands, please.

Again, no hands.

Third row, same question. Anybody not understanding or not willing to accept this proposition of law, if so, raise your hand.

Again, for the record, no hands.

And then fourth row, same question. Same show of hands. Anybody not willing to

(Pg.132)

accept this or not willing to follow this first proposition of law please raise your hand.

Again, for the record, there are no hands.

Question number two. *(emphasis added). The presumption of innocence stays with the defendant throughout the trial and is not overcome unless from all the evidence you believe that the State has proven the defendant's guilt beyond a reasonable doubt. 10*

I'm going to repeat that.

The presumption of innocence stays with the defendant throughout the trial and is not overcome unless from all the evidence you believe that the State has proven the defendant's guilt beyond a reasonable doubt.

Same situation as last time, show of hands if you do not understand or accept this principle of law. 19

First row in the jury box, please, show of hands if you do not understand or accept the second proposition.

No hands.

Second row in the jury box, same question. Show of hands if you do not understand

(Pg.133)

or accept the second proposition.

Again, for the record, no hands.

First row in the gallery, anybody that does not understand or accept the second proposition of law, please raise your hand.

Again, for the record, no hands.

Second row in the gallery, same question for you, anybody does not understand or accept the second proposition of law, please raise your hand.

Again, for the record, no hands. 12

Third row in the gallery, does anybody not understand or accept this second proposition and if so, please indicate by a show of hands.

Again, no show of hands.

And then fourth row same question to you, is there anybody that does not accept or understand the second proposition of law; if so, please raise your hand.

Again, for the record, there are no hands.

Third out of four of these questions. (emphasis added). *The defendant does not have to offer any evidence on his own behalf. The fact that a defendant*

(Pg.134)

does not offer evidence must not be construed by you in any way at arriving at your verdict. 3

Let me restate that. The defendant does not have to offer any evidence on his own behalf. The fact that a defendant does not offer any evidence must not be considered by you in any way at arriving at your verdict.

All right. Same question. Show of hands if you do not understand or accept this

third proposition of law.

First row in the jury box, is there anybody that does not understand or accept this third proposition?

For the record, no hands.

Second row of the jury box, same question. Anybody that does not understand or accept this third proposition?

Again, no hands for the record. 19

First row in the gallery, is there anybody that does not understand or accept this third proposition?

Again, no hands for the record. 23

Second row of the gallery, anybody that does not understand or accept this third

(Pg. 135)

proposition?

Again, no hands for the record.

Third row of the gallery, is there anybody that does not understand or accept this third proposition of law? Please indicate by a show of hands.

Again, no hands for the record.

And fourth row, is there anybody that does not understand or accept this third proposition, if so, please raise your hands. 11

Again, there are no hands for the record. 13

*All right. **Last question in this particular category.** (emphasis added). The defendant does not have to testify; in other words, everyone has a right to remain silent through all stages of a criminal proceeding, which includes the trial. If a defendant does not testify, that fact must not be considered by you in any way in arriving at your verdict.*

Let me repeat that. The defendant does not have to testify. In other words, everyone has a right to remain silent through all stages of a criminal proceeding which includes the

(Pg. 136)

trial. If a defendant does not testify, that fact must not be considered by you in any way at arriving at your verdict.

All right. Same scenario. First row of the jury box, is there anybody that does not understand or accept that proposition; if so, please raise your hand.

For the record, no hands.

Second row of the jury box, same question. Anybody that does not understand or accept this fourth proposition, please raise your hand.

Again, no hands.

First row of the gallery, anybody that does not understand or accept this fourth proposition, please raise your hand.

Again, no hands for the record. 18

Second row, is there anybody that does not understand or accept this fourth proposition, please raise your hand. 21

Again, there are no hands.

Third row, same question. Anybody that does not understand or accept this fourth proposition, please raise your hand.

(Pg.137)

Again, for the record, there are no hands.

And lastly, the fourth row, anybody that does not understand or accept this fourth proposition, please indicate by raising your hand.

Again, for the record, there are no hands.

From the above dialogue, one can see that each of the four *Zehr* questions were asked twice with individual inquiry row-by-row asking if each row “understands and accepts” each of the four propositions of law.

The Court allowed counsel the opportunity to ask questions directly to the venire, however, no questions were asked.

At the conclusion of jury selection, the Court inquired of the entire venire as to whether anyone had offered an earlier incomplete answer or wished to supplement their prior answers (R. 142). No jurors offered to supplement their prior answers.

There is nothing in this record to suggest that the method the Court used to ask the *Zehr* questions created any confusion for the jurors. To the contrary, the Court followed the suggestions of the Supreme Court by asking each question individually, rather than as a group. *Birge* at ¶35.

Additionally the Court took a careful approach by repeating each *Zehr* question twice and by inquiring of the jurors on a row-by-row basis asking for a show of hands.

Defendant argues that “this court failed to provide each juror with an opportunity to respond to specific questions concerning each principle by allowing a show of hands if the principle *was not* understood and accepted. Defendant’s Amended Motion; Pg. 5 (emphasis in original). The Defendant continued indicating “[t]he method of the Court’s inquiry did not allow the jurors to answer in the affirmative.” *Id.*

The Court disagrees and finds the Defendant’s argument to be form over substance. The transcript set forth above, in the Court’s opinion, is clear and without confusion. Certainly, if there was any difficulty understanding the *Zehr* principles or the way the Court framed the questions at least one juror would have spoken up and asked for clarification. Not a single juror out of the 50 that were present asked for any type of clarification, indicated they were confused or didn’t understand the questions being asked. Nor did they indicate any confusion as to the *Zehr* principles being presented.

The Third District addressed a similar issue in *People v. Alexander*, 2024 IL App (3d) 210575-U. In *Alexander*, the defendant was convicted of murder. On appeal, he argued that the trial court failed to comply with Rule 431(b) in presenting the *Zehr* principles. The defendant argued that the trial court failed to comply with Rule 431(b) “because it essentially asked the jurors whether they agreed with a question.” *Alexander* at ¶30. The Third District resolved the issue by indicating that “[i]t would be imprudent to find error based solely upon the syntactical structure of a circuit court’s questions.” *Id.*, (citing *People v. Lilly*, 2018 IL App (3d) 150855, ¶15). Defendant’s conviction was affirmed.

Likewise, the Fourth District addressed a 431(b) argument on appeal in *People v. McGuire*, 2017 IL App (4th) 150695. In *McGuire*, the trial court asked the venire whether the prospective jurors “disagreed” with the *Zehr* principles codified in Supreme Court Rule 431(b). Specifically, the trial court in *McGuire* presented each *Zehr* principle individually, followed by the question: “Does anyone disagree

with this rule of law, and if you do, please raise your hand.” The Fourth District did not disturb the underlying conviction and affirmed on other grounds. *Id.*

Lastly, there is nothing in Supreme Court Rule 431 that requires an “affirmative answer” as suggested by the Defendant. The Rule requires that “[t]he court’s method of inquiry shall provide each juror an opportunity to respond to specific questions concerning the principles set out in this section. (S. Ct. R. 431(b)). That directive was satisfied.

As required by Supreme Court rule 431(b), the Court’s method of inquiry “provid[ed] each juror an opportunity to respond to specific questions concerning the principles set out in this section,” and the jurors were admonished in this regard before any of the *Zehr* questions were asked and encouraged them to ask questions.

Each juror indicated their ability to “understand and accept” the four *Zehr* principles as shown by the record.

The State also argues that the Defendant waived any error associated with jury selection. After the jury was selected in panels of four, the Court asked counsel on the record if there were “any objections from either counsel as to the process or procedures associated with jury selection?” The defense responded, “not from the defense.” R. 220-221.

The State relies on *People v. McGuire*, 2017 IL App (4th) 1506945. In *McGuire*, the trial Court asked counsel “[d]o the State and defense believe that the venire has been properly admonished as far as the *Zehr* principles?” Both the state and the defense answered, “Yes, Your Honor.” *McGuire* at ¶9. The Fourth District held “that defendant affirmatively waived this argument.” (*Zehr* questioning). *Id.* at ¶25.

Based on the holding in *McGuire*, the Court agrees with the State and finds that the defendant affirmatively waived any error associated with jury selection, including the *Zehr* issue.

CONCLUSION

The jury in this case saw and heard the evidence and testimony, drew reasonable inferences therefrom, and determined that Mr. Nielsen murdered his mother, Alison Findley. The jury returned verdicts of Guilty as to both Counts I and II of the Bill of Indictment – both Counts alleging First Degree Murder.

For the reasons stated herein, Defendant’s Amended Motion for JNOV and New Trial must be denied.

IT IS, THEREFORE, ORDERED AS FOLLOWS:

- A. Defendant's Motion for JNOV is DENIED
- B. Defendant's Motion for New Trial is DENIED
- C. Future dates to stand.

DATED this 8th day of July, 2026.



Scott M. Belt
Circuit Judge