

2026 IL App (1st) 260915-U

No. 1-26-0915B

Order filed October 1, 2026

Fourth Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

v.

CORTEZ DUFFY,
Defendant-Appellant.

Appeal from the Circuit Court of Cook County
No. 25 CR 0204001
The Honorable Tyria B. Walton, Judge, Presiding

JUSTICE OCASIO delivered the judgment of the court.
Justices Mitchell and Navarro concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court properly denied defendant charged with first degree murder pretrial release where the facts before the court on proffer showed, clearly and convincingly, that the evidence against defendant was strong; that release would pose a danger to the victim's girlfriend, who previously had a romantic relationship with defendant; and that any threat to her safety would not be adequately mitigated by release conditions.

¶ 2 The defendant, Cortez Duffy, appeals from a series of orders entered between January 2025 and April 2026 under which he has been denied release pending trial for the first degree murder of

Tyrone Shelton. We find that the State met its burden of showing, by clear and convincing evidence, each element necessary to deny pretrial release based on dangerousness. See 725 ILCS 5/110-6.1(e)(1) to (3) (West 2024).

¶ 3

I. BACKGROUND

¶ 4

A brief procedural history. After Duffy was arrested and charged, the State filed a petition to deny him pretrial release. The court granted the petition and ordered that Duffy remain in detention pending trial. In June 2025 and again in September 2025, Duffy petitioned for his release. The court denied both petitions and ordered Duffy's continued detention. After the second denial, Duffy appealed from both the June and September orders, but we found that neither of his petitions amounted to motions for relief, so we dismissed the appeal. *People v. Duffy*, 2026 IL App (1st) 252181-U; see Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). After the mandate issued, Duffy filed a motion for relief, which was heard and denied in April 2026. Duffy is now appealing from the initial order denying pretrial release and the three subsequent orders denying his petitions.

¶ 5

At all four hearings, both parties proceeded by proffer (with the sole exception of an affidavit, which is discussed below). Rather than detail the proffers at each hearing, we will relate what the proffers showed as a whole at the time of the April 2026 hearing.

¶ 6

Duffy was previously in a romantic relationship with Martanic Morris. They had one child together, a girl named K***. At the time of the charged incident, Morris had started dating Shelton.

¶ 7

Late in the evening of September 17, 2024, Morris returned to her apartment building with K. and accompanied by Shelton. They found Duffy waiting outside Morris's apartment. There were words exchanged, and Duffy snatched K. from Morris and tried to flee. Shelton drew a gun and gave chase. Duffy gave K. back to Morris, who brought her into the apartment. Shelton followed. Duffy started breaking the windows of Morris's car. She called the police, but Duffy was gone by the time they arrived.

¶ 8

At some point after departing, Duffy sent Morris a text message threatening to kill both her and Shelton.

- ¶ 9 At around midnight, Shelton left Morris's apartment to move her car. He was shot dead on the sidewalk before he returned. Morris heard a gunshot from inside her apartment and looked out the window and saw Shelton on the ground. She called 911 and told them that Duffy had shot Shelton. She said the same thing to responding police officers. It is not clear from the proffers whether she told the operator and the officers that she saw Duffy or merely relayed her suspicion that Duffy was responsible. Scene investigators found seven spent shell casings on the ground and a gun in Shelton's pocket. The casings matched each other, but they did not match Shelton's gun.
- ¶ 10 License plate readers recorded Duffy's car in the vicinity before the shooting, and a surveillance camera captured him parking behind Morris's building and walking around toward the front just before Shelton was killed.
- ¶ 11 About three months after the shooting, there was an incident in which Duffy struck Morris several times, broke the windows of her car, and also slashed the tires. The record divulges no further detail about that incident.
- ¶ 12 Morris has given conflicting statements about whether she saw Duffy when she looked out the window. After her initial statements on-scene, it appears that she told investigators (when and who are not clear) that she did not see the shooter. Several days later, though, she gave a videotaped statement in which she said that she saw Duffy shoot Shelton. About 11 months after the shooting, Morris gave a signed statement to a defense investigator. In that statement, she said that she did not see the shooter when she looked out the window, and she explained that she had told the police otherwise only after a detective threatened to have her arrested as an accomplice and have K. sent to foster care.
- ¶ 13 The record discloses that Duffy has five felony convictions on his record. Four of those convictions were for possession of a controlled substance; the fifth was a 2012 conviction for escape from electronic home confinement. He has two misdemeanor convictions for cannabis possession and one for driving on a suspended license. He was also arrested in 2004 after his mother signed a complaint alleging that he struck her and threatened to kill her. The public safety

assessment completed by pretrial services at the time of the first detention hearing recommended release with “supervision level 3” (though the record does not disclose what that would entail).

¶ 14 At the time of his arrest, Duffy lived with his wife of ten years, who worked full-time as a nurse. Duffy was the primary caregiver for their two children, and before that he had worked as a janitor. He had neither a driver’s license nor a passport. He had lived in the Chicago area his entire life, and he had no gang affiliations. As of the most recent hearing in the record, which was held in April 2026, Duffy had not had any disciplinary issues while in pretrial detention at the county jail.

¶ 15 II. ANALYSIS

¶ 16 On appeal, Duffy challenges the factual basis for denying him pretrial release. All defendants are presumed to be eligible for release pending trial, and release can only be denied if the State rebuts that presumption by clear and convincing evidence. 725 ILCS 5/110-6.1(e) (West 2024). Here, the basis for denying pretrial release was that Duffy’s release would pose a danger to the public or to a specific person. When that is the basis for denying release, the State must clearly and convincingly show (1) that the proof was evident or the presumption great that the defendant committed a detainable offense, (2) that the defendant’s release would pose a real and present threat to the safety of any person, persons, or the community, and (3) that no set of release conditions can mitigate that threat. See 725 ILCS 5/110-6.1(e)(1) to (3) (West 2024). “Evidence is clear and convincing if it leaves no reasonable doubt in the mind of the trier of fact as to the truth of the proposition in question.” *Chaudhary v. Department of Human Services*, 2023 IL 127712, ¶ 74. That standard requires proof greater than a preponderance of the evidence but not quite approaching the criminal standard of beyond a reasonable doubt. *People v. Lee*, 2024 IL App (1st) 232137, ¶ 18.

¶ 17 On appeal, Duffy argues that the State failed to meet its burden on each of the three elements. As the parties proceeded by proffer and documentary evidence only, our review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 45.

¶ 18 A. Evident Proof or Great Presumption of Guilt

¶ 19 The first proposition that the State must show by clear and convincing evidence is that “the proof is evident or the presumption great that the defendant has committed” the detainable offense charged. 725 ILCS 5/110-6.1(e)(1) (West 2024).

¶ 20 Duffy argues that the State has not made a strong enough showing that he was the person who shot and killed Shelton. His argument hinges on Morris’s changing accounts of what she personally observed at the time of the shooting versus what she merely inferred. The State proffered that Morris gave a statement after the shooting in which she specifically said that she heard a gunshot, looked out the window, and saw Duffy standing over a prone Shelton and shooting him two or three more times. The defense proffered that Duffy has, at other times, said that she did not see the shooter but assumed under the circumstances that it was Duffy. It also introduced a sworn affidavit in which Morris averred that she did not see the shooter and only told the police that she had after they threatened to arrest her as an accomplice and have her daughter taken from her and placed into foster care.

¶ 21 If all the State had was Morris’s disavowed statement, that might not have been enough to carry its burden. But the State also proffered, without contradiction, that license plate readers recorded Duffy’s vehicle in the vicinity before the shooting and that a surveillance camera captured him parking behind Morris’s building and walking around to the front of the building, which is where Shelton was shot. Based on the earlier altercation, Duffy had a clear motive for shooting and killing Shelton, and, in fact, had threatened to do so shortly before Shelton was killed. Duffy dismisses these facts as “circumstantial,” but the circumstances proffered here are damning. Even discounting Morris’s identification of Duffy as the shooter, the State has carried its burden of showing that the proof is evident and the presumption great that Duffy committed the charged murder of Shelton.

¶ 22

B. Dangerousness

¶ 23

The second proposition that the State must show by clear and convincing evidence is that “the defendant poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.” 725 ILCS 5/110-6.1(e)(2) (West 2024).

¶ 24

The evidence proffered readily showed that Duffy’s release would, at minimum, pose a threat to Morris. It is undisputed that, on the evening of September 17, 2024, Duffy went to Morris’s apartment, where he confronted her, forcibly took their daughter from Morris, and attempted to flee. When his efforts were thwarted, he broke the windows of her car, a common tactic domestic abusers use to threaten or terrorize a victim. See D. Kelly Weisberg, *Property Damage in the Domestic Violence Context*, 22 Domestic Violence Rep. 17, 17, 28 (2017). The State’s proffer further showed that he then sent Morris a threat to kill her and Shelton and then returned to her residence armed with a gun that he used to make good on that threat, murdering Shelton in the street. The proffer also showed that, in a separate incident three months later, Duffy attacked Morris and again damaged her car, this time slashing the tires in addition to breaking the windows.

¶ 25

In his motion for relief, Duffy argues that he does not pose a threat to any person’s safety because, should he be released, he would return to his role as a stay-at-home father and the primary caregiver for two of his children. The need to care for his other children did not stop him from going out of his way to assault Morris twice in the months before his arrest, so we fail to see how that means his release would not pose a threat to her safety. The State has met its burden as to dangerousness.

¶ 26

C. No Adequate Conditions of Release

¶ 27

The final proposition that the State must show by clear and convincing evidence is that “no condition or combination of conditions [of release] can mitigate *** the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.” 725 ILCS 5/110-6.1(e)(3) (West 2024).

¶ 28

The most salient fact here is that Duffy’s criminal history includes a conviction for escape from electronic home monitoring. He has a demonstrated record of violating the conditions of his

monitoring or home confinement. The proffered facts of the charged offense show that he is able and willing to arm himself illegally (his record of felony convictions makes it a crime for him to have a gun). They also show that his responsibilities at home, whatever they may be, do not provide him with enough of a disincentive to keep him from accosting Morris and engaging in acts of violence—even deadly violence—against her and those around her. We agree with the trial court that the nature of the threat that Duffy’s release would pose to Morris cannot be adequately mitigated by release conditions. The State has met its burden on this element.

¶ 29

III. CONCLUSION

¶ 30

Taking into account all of the facts proffered by the parties, the State has shown by clear and convincing evidence that Duffy committed a detainable offense, that his release pending trial would pose a real and present threat to Morris’s safety, and that there are no set of release conditions that would adequately mitigate that potentially deadly threat.

¶ 31

Accordingly, we affirm the trial court’s orders denying pretrial release, denying the various motions for release or relief, and requiring Duffy’s continued detention pending trial.

¶ 32

Affirmed.