

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).

2026 IL App (4th) 260626-U

NO. 4-26-0626

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 8, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Peoria County
LAMAR T. NIXON,	)	No. 26CF339
Defendant-Appellant.	)	Honorable
	)	Sean W. Donahue,
	)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Presiding Justice Steigmann and Justice Doherty concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, finding the trial court did not abuse its discretion in denying defendant's pretrial release.

¶ 2 Defendant, Lamar T. Nixon, appeals the trial court's order denying his motion for relief from pretrial detention pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)). We affirm.

¶ 3 I. BACKGROUND

¶ 4 In May 2026, defendant was charged by information with unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2024)) for knowingly possessing a handgun after having previously been convicted of the same offense in Peoria County case No. 17-CF-616. The State filed a petition to deny defendant's pretrial release.

¶ 5 At the detention hearing, the State proffered Peoria, Illinois, police officers attempted to conduct a traffic stop on a vehicle that sped away from them at a high rate of speed. Officers followed the vehicle's path until they observed an individual, Robert Maddox, indicating the vehicle had crashed in an alley nearby. When police encountered the vehicle, they observed defendant alone on the passenger side of the vehicle. Defendant fled the vehicle on foot, and police gave chase until he was eventually apprehended. Maddox informed officers he left his residence after hearing the vehicle crash and observed defendant stuck in the driver's seat.

¶ 6 While defendant's vehicle was being towed away, the tow operator observed a handgun "located between the window and dashboard of the vehicle in the front seat." Officers returned to the vehicle and collected the firearm. Defendant initially told officers his friend, Dre, had been driving the vehicle, but he also told officers he was on his way to pick up Dre. He was unable to provide police with a description of Dre or his address. Defendant also informed police he was "drunk and had not been driving." Officers noted the smell of alcohol emanating from defendant.

¶ 7 In a subsequent interview, defendant told police he was "picking up his friend, Dre," and fled when police attempted to pull him over. He stated he pulled over to let Dre out of the vehicle and then drove away until he crashed. He denied the firearm recovered from the vehicle belonged to him and said, "Dre must have left the gun in the vehicle before he exited." Defendant said it was possible his DNA could be on the firearm.

¶ 8 Defendant, through counsel, proffered he has lived in the Peoria area his entire life, has one child, and supports his mother. He noted he suffers from post-traumatic stress disorder and "suffered the death of one of his children." He also noted his pretrial assessment

score was low, and he had no failures to appear. Additionally, he stated he “may have still been intoxicated at the time of his interview” with police.

¶ 9 The pretrial investigation report showed defendant scored a 3 out of 14 on the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R), indicating a level 2 risk, or 9.8% failure rate, for violating pretrial release conditions. His criminal history included convictions for armed robbery in 2008, for which he was sentenced to more than eight years in prison, and unlawful possession of a weapon by a felon in 2023, for which he received a six-year prison sentence.

¶ 10 The trial court stated it had considered the proffers by counsel, reviewed the pretrial investigation report, and considered the relevant statutory factors. The court found the proof was evident or presumption great defendant had committed a detainable offense. The court stated the facts and circumstances of the offense raised a public safety issue because defendant had fled through residential neighborhoods after consuming alcohol. Additionally, the court noted the legislature had identified unlawful possession of a weapon by a felon as a “significant public-safety issue based upon their classification of the charge as a Class 2 Felony.” The court said the nature and circumstances of the offense and defendant’s history and character were indicative of violent behavior because he was “known to possess guns or firearms.” Although the court noted defendant’s “fairly low” VPRAI-R score, it also noted defendant’s “significant criminal history, not in total number of cases, but just in the severity of the cases he has convictions on.”

¶ 11 The trial court stated it was making an “individualized decision based upon all the relevant statutory factors” regarding whether any conditions of pretrial release would mitigate any threat defendant posed to public safety. The court recounted defendant’s criminal history and

concluded ordering defendant to not possess a firearm would be futile. The court also stated electronic monitoring would not indicate whether defendant possessed a firearm or was drinking alcohol. The court concluded the State had met its burden that no conditions of pretrial release would mitigate any threat posed by defendant to the community. The court granted the State's petition to deny defendant's pretrial release.

¶ 12 In May 2026, defendant filed a motion for relief. The motion argued, *inter alia*, the evidence did not support the trial court's finding that he posed a real and present danger to the community. A hearing on defendant's motion occurred that same month. The State again proffered the facts supporting detention. The court found no change in circumstances. Additionally, the court noted the allegations from the State's proffer were different than what was presented by defendant. The court noted the facts of the case appeared "stronger" than the facts proffered by the State at the original detention hearing. The court subsequently denied defendant's motion.

¶ 13 This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 On appeal, defendant argues (1) the State failed to prove he posed an unmitigable threat to the community and (2) the trial court applied the wrong standard at the motion for relief hearing.

¶ 16 When the trial court, presiding over a detention hearing, is presented with live witness testimony, we review the court's decision under the manifest weight of the evidence standard. *People v. Morgan*, 2025 IL 130626, ¶ 54. When the parties proceed solely by proffer at a detention hearing, we review the court's decision *de novo*. *Id.* Here, the parties proceeded solely by proffer at defendant's detention hearing. Therefore, we will apply a *de novo* standard of

review to the trial court's detention order.

¶ 17 Under the Code, it is presumed all criminal defendants are entitled to pretrial release, subject to certain conditions. 725 ILCS 5/110-2(a) (West 2024). The Code requires the State to prove by clear and convincing evidence “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,” and “no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article can mitigate (i) the real and present threat to the safety of any person or persons or the community.” *Id.* § 110-6.1(e)(2), (3)(i). Additionally, section 110-6.1(g) requires the trial court to consider “the specific articulable facts of the case” and provides nine factors the court can also consider when assessing the real and present threat allegation. *Id.* § 110-6.1(g).

¶ 18 Defendant's first contention is the State failed to show there were no conditions of pretrial release that could mitigate any threat he posed. He notes home confinement, electronic monitoring, no-contact orders, restrictions on Internet and social media access, and reporting requirements were available to the trial court. He argues the court failed to consider a psychological or substance abuse evaluation and corresponding treatment monitored by pretrial services and home confinement. He also argues the firearm recovered was not on his person and had not been used, nor was there any evidence it was loaded. Lastly, he notes his criminal history included only one violent offense nearly 20 years ago, in 2007.

¶ 19 Regarding defendant's less-restrictive-conditions argument, we are unpersuaded. All of defendant's proffered conditions of pretrial release are dependent on his compliance with those conditions. The trial court clearly noted its findings were based upon defendant's previous failure to comply with his prohibition on possessing a firearm, as evidenced by his most recent conviction for unlawful possession of a weapon by a felon. Additionally, the court noted the

specific articulable facts of this case when determining defendant's possession of a firearm coincided with alcohol use and fleeing police through a residential neighborhood, where he crashed his vehicle. Based on the evidence, the trial court reasonably found defendant demonstrated an inability to abide by court orders, thus making any conditions of pretrial release futile. Therefore, we find the court's decision was appropriate.

¶ 20 Defendant next contends the trial court applied the wrong standard at the motion for relief hearing. He notes the court stated it had not “ ‘see[n] a change in circumstances’ ” before denying his motion. He argues the court failed to address the adequacy of the initial detention hearing. He points to this court's decision in *People v. Post*, 2025 IL App (4th) 250598, ¶ 26, to argue a change in circumstances is only applicable when reviewing whether a defendant's continued detention is necessary. He contends the court should have reevaluated the basis for the original detention order rather than determining whether there had been a sufficient change in circumstances.

¶ 21 The trial court did state there had been no change in circumstances, but it also commented the facts, as proffered by the State at the motion for relief hearing, were “stronger” than at the original detention hearing. Furthermore, our review of the court's determination is *de novo*. See *People v. Jackson*, 2021 IL App (1st) 190263, ¶ 38 (“*De novo* consideration means that the reviewing court performs the same analysis that a trial judge would perform.”). “In addition, a reviewing panel, such as [this court], may affirm on any basis found in the record.” *Id.* Our review of the record shows defendant was charged with a detention-eligible offense and posed a real and present threat to the safety of the community, both of which defendant does not challenge on appeal. The primary issue on appeal was whether there were any conditions of pretrial release that could mitigate the threat he posed. We have already found the trial court's

decision on this issue was appropriate. Accordingly, we find the evidence was sufficient to support the court's denial of pretrial release.

¶ 22

III. CONCLUSION

¶ 23

For the reasons stated, we affirm the trial court's judgment.

¶ 24

Affirmed.