2026 IL App (1st) 261506-U

No. 1-26-1506B

Order filed November 16, 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

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

v.

DERRICK COLLINS,
Defendant-Appellant.

Appeal from the Circuit Court of Cook County
No. 26 CR 4017
The Honorable Jennifer Frances Coleman, Judge, Presiding

JUSTICE OCASIO delivered the judgment of the court.
Presiding Justice Lyle and Justice Mitchell concurred in the judgment.

ORDER

¶ 1 *Held*: The State established by clear and convincing evidence that defendant committed detention-eligible offenses, poses a real and present threat to the safety of any person or persons or the community, and no condition or combined conditions can mitigate defendant's dangerousness. We affirm.

¶ 2 Defendant Derrick Collins was charged with one count of unlawful possession of a weapon by a felon (see 720 ILCS 5/24-1.1(a) (West 2024)) and two counts of aggravated unlawful possession of a weapon (see *id.* § 24-1.6(a)(1), (a)(3)(A-5), (a)(3)(C)). Collins brings this appeal challenging the trial court's order denying his motion for relief. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Collins was arrested on March 8, 2026. On March 9, the State filed a petition for a pretrial detention hearing, and a hearing was held before Judge Rivera.

¶ 5 At the initial detention hearing, the State proffered as follows. On March 8, 2026, at approximately 1:37 a.m., police responded to a report of an individual with a gun. Officers monitoring and reviewing Police Observation Device (POD) camera footage observed a subject wearing a green tracksuit exit a silver Jeep, appearing to have a firearm in his right-side sweater pocket, and enter Maxwell's Restaurant. Responding officers located Collins inside the restaurant and observed he repeatedly looked toward them and away with wide eyes.

¶ 6 When officers approached Collins, he had his right hand in his pocket. After being asked if he had a firearm owner's identification (FOID) card or a concealed carry license and what was in his pocket, he denied having anything there. Collins then removed his hand, and officers observed a heavy L-shaped object consistent with a firearm. A brief pat-down confirmed the object felt like a gun, and officers attempted to detain him.

¶ 7 As officers tried to handcuff him, Collins pulled away and attempted to flee. Officers subdued him and recovered a loaded Hi-Point C9 nine millimeter semi-automatic pistol with a round chambered. Upon his arrest, a records check revealed that he was a convicted felon and a registered gun offender. He also had outstanding warrants from Indiana.

¶ 8 The State informed the court that Collins had four prior felony convictions. His criminal history included a 2022 conviction for unlawful possession of a firearm by a felon, for which he received a four-year sentence in the Illinois Department of Corrections, and a 2010 conviction for possession of a firearm in a school, resulting in a sentence of two years of probation. Collins's criminal history also included a 2014 misdemeanor conviction for reckless conduct and three prior arrests for domestic battery. Collins also had two felony convictions from Indiana: a 2016 conviction for criminal confinement involving domestic battery, for which he was sentenced to 730 days in jail, and a 2018 battery conviction. Additionally, the State proffered that Collins had

outstanding Indiana warrants for failure to appear, violating a home detention order, and battery, with warrants designated for in-state pickup only.

¶ 9 The State argued that the proof was evident and the presumption great that Collins committed the offense of unlawful possession of a weapon by a felon. It emphasized that the loaded firearm with a round in the chamber was retrieved from Collins and that he was a convicted felon who was legally prohibited from possessing firearms.

¶ 10 The State further argued that Collins posed a real and present threat to the safety of the community. It asserted that convicted felons present a heightened risk when possessing firearms, which is the reason the legislature has restricted their access to them. According to the State, Collins's criminal history reinforced this concern, as it included multiple felony convictions, including prior firearm offenses involving possession of a firearm by a felon and possession of a firearm in a school. The State also noted Collins's prior felony convictions in Indiana, including a conviction involving domestic battery. The State highlighted that Collins was carrying a loaded firearm with a round in the chamber while inside a public restaurant. It further argued that the danger was amplified when Collins resisted the officers' attempts to detain him and fled, creating a potentially hazardous situation for law enforcement and the public.

¶ 11 The State argued that no conditions or combination of conditions could mitigate the safety threat Collins posed. The State stated that Collins had two pending warrants out of Indiana, one for battery and one for intentionally violating a home detention order. It argued that this demonstrated that Collins will not follow court orders. The State further argued that electronic monitoring and home confinement would not be appropriate since Collins's conduct would not be monitored and that he "clearly has access to illegal firearms."

¶ 12 Defense counsel argued that the State failed to satisfy its burden as to all three elements. Defense counsel asserted that the parties had not yet reviewed the available evidence, including body-worn camera (BWC) footage, conducted an independent investigation, or examined any items seized in connection with the case. Counsel further argued that the arrest was predicated

upon POD camera footage and a call, both of which, according to the defense, were critical sources of evidence whose content and clarity had not yet been assessed.

¶ 13 With respect to dangerousness, counsel contended that Collins did not pose a threat to public safety. Counsel noted that Collins was charged with a nonviolent offense and that there are no allegations he engaged in threatening conduct either before or during police contact and that Collins neither displayed nor used the firearm in a threatening manner. Counsel additionally highlighted the absence of aggravating factors commonly associated with firearm offenses, noting that the firearm did not contain a laser sight or extended magazine, did not have a defaced serial number, and was not reported stolen.

¶ 14 In mitigation, counsel presented evidence concerning Collins's personal and community ties. Counsel represented that Collins is 31 years old and a lifelong resident of Cook County who resides with his three children and his partner. Counsel further stated that Collins is the primary financial provider for the household and is the sole caretaker of his three children following the recent death of their mother. Counsel also represented that Collins is a graduate of Fenger Academy, maintains full-time employment with a construction company, and participates in a Stop Violence Program in Roseland.

¶ 15 Defense counsel argued that conditions short of detention could mitigate any safety concerns, noting that Collins's pretrial assessment recommended level three supervision. Counsel proposed a curfew or 24-hour monitoring with work verification, emphasizing that such conditions would allow Collins to continue supporting and caring for his children.

¶ 16 The trial court found that the State proved by clear and convincing evidence that the proof was evident or the presumption great that Collins committed the charged offense of unlawful possession of a weapon by a felon. The court relied on POD camera footage, officers' observations of an L-shaped object in Collins's pocket, the recovery of a loaded handgun, and evidence that Collins, as a convicted felon, was ineligible to possess a FOID card or concealed carry license.

¶ 17 The court further found that Collins posed a real and present threat to the safety of the community. The court emphasized Collins's prior firearm-related felony convictions, the

accessibility of the loaded firearm, and the circumstances of the offense occurring at a business open to the public. The court also noted Collins's pretrial violence flag and concluded that his conduct endangered officers and members of the public.

¶ 18 Finally, the court determined that no condition or combination of conditions could mitigate the threat. The court reasoned that Collins had continued to possess firearms despite longstanding knowledge of the legal prohibition and had previously violated home detention conditions in Indiana. The court found the State satisfied its burden and ordered Collins detained pending trial.

¶ 19 On April 15, 2026, Collins was charged by information with one count of unlawful possession of a weapon by a felon (see 720 ILCS 5/24-1.1(a) (West 2024)) and two counts of aggravated unlawful possession of a weapon (see *id.* § 24-1.6(a)(1), (a)(3)(A-5), (a)(3)(C)).

¶ 20 On July 1, 2026, Collins filed a motion for relief. Collins argued that the State failed to meet its burden of proving by clear and convincing evidence that the proof is evident or the presumption great that he committed the detainable offenses charged, claiming that the officers violated his fourth amendment rights by unlawfully seizing him and searching him. Collins argued that the BWC footage shows he was seized as the officers ordered him to remove his hands from his pocket and physically placed their hands on him to recover the firearm. Collins also argued that the State failed to meet its burden of proving that he poses a real and present safety threat because the evidence did not show violence or threats or that the firearm was used in a threatening manner or equipped with dangerous accessories. Lastly, he argued that the State failed to meet its burden to show by clear and convincing evidence that there is no condition or combination of conditions that would mitigate the real and present threat or risk of flight because he is amenable to any conditions or combination of conditions and would be required not to commit any new offenses.

¶ 21 The court heard the motion for relief on July 14, 2026. The State proffered at the hearing on motion for relief Collins's criminal history. The State described Collins as a five-time convicted felon with convictions both in Cook County and Indiana. In addition to the criminal history given at the initial detention hearing, the State proffered that Collins had also been convicted of arson in 2023 and been sentenced to four years, served concurrently with his sentence in the 2022 gun case;

that the probation in his 2010 gun-at-a-school case had been terminated unsatisfactorily; and that his Indiana criminal history included a misdemeanor conviction for invasion of privacy in Lafayette.

¶ 22 Defense counsel provided mitigation, including letters of support, a pay stub, and the death certificate for the mother of Collins's children. Counsel argued that a fourth amendment issue existed; that Collins was employed and the sole provider for his children; and that he had endured a traumatic life having been shot multiple times. Counsel noted that Collins made no threats and represented that the BWC video showed that he did not attempt to flee.

¶ 23 The trial court denied Collins's motion for relief, stating that it was not inclined to release him given his criminal history. Collins now appeals.

¶ 24 II. ANALYSIS

¶ 25 All defendants are presumed eligible for pretrial release, and the State bears the burden of overcoming this presumption if it seeks pretrial detention. 725 ILCS 5/110-6.1(e) (West 2024). The court may deny release only on a verified State petition, and it can do so on the basis of the defendant posing a danger only if the State proves three separate propositions by clear and convincing evidence. *Id.* § 110-6.1(a), (d)(1), (e). A defendant can be detained pending trial only when the State shows by clear and convincing evidence that (1) "the proof is evident or the presumption great" that the defendant committed a qualifying detainable offense, (2) 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 (3) no condition or combination of conditions of release can mitigate the real and present threat to the safety of the community. *Id.* § 110-6.1(e)(1)-(3). To satisfy its burden, the State may present evidence at a detention hearing through witnesses or by way of proffer based upon reliable information. *Id.* § 110-6.1(f)(2).

¶ 26 The defendant has the right to appeal from an order denying pretrial release. Ill. S. Ct. R. 604(h)(1)(iii) (eff. Apr. 15, 2024); see also 725 ILCS 5/110-6.1(j) (West 2024). As a prerequisite to appeal, the defendant must first present to the trial court a written motion requesting the same

relief to be sought on appeal and the grounds for such relief. Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). Collins satisfied this prerequisite by filing his motion for relief on July 1, 2026.

¶ 27 The applicable standard of review turns on how the hearing was conducted. When the parties to a pretrial detention hearing proceed solely by proffer, the reviewing court is not bound by the factual findings of the trial court and may conduct its own independent *de novo* review of the proffered evidence and evidence otherwise documentary in nature. *People v. Morgan*, 2025 IL 130626, ¶ 54. In this case, the parties proceeded solely by proffer, so our review is *de novo*.

¶ 28 A. Evident Proof or Great Presumption

¶ 29 Collins argues that the State failed to establish by clear and convincing evidence that the proof is evident or the presumption great that he committed the qualifying offense. He contends that the case relied on BWC footage showing officers ordering him to remove his hands from his pocket and physically placing their hands on him before recovering a firearm, thus violating his fourth amendment rights by unlawfully seizing him and subsequently searching him.

¶ 30 A detention hearing is distinct from trial. The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at a detention hearing. 725 ILCS 5/110-6.1(f)(5) (West 2024). Instead, the State may proceed by proffer based upon reliable information. *Id.* § 110-6.1(f)(2). Section 110-6.1(f)(6) provides that "[t]he defendant may not move to suppress evidence or a confession; however, evidence that proof of the charged crime may have been the result of an unlawful search or seizure, or both, or through improper interrogation, is relevant in assessing the weight of the evidence against the defendant." *Id.* § 110-6.1(f)(6). Thus, the defendant may not move to suppress evidence at the detention hearing but may contest its weight at the detention hearing.

¶ 31 We conclude that the State established by clear and convincing evidence that Collins committed the detainable offenses. To the extent Collins challenges the legality of the officers' conduct under the fourth amendment, the issue before the trial court was whether the State proved

by clear and convincing evidence that the proof was evident or the presumption great that Collins committed a qualifying offense.

¶ 32 The State asserts that it met its burden of proving that Collins committed the detainable offenses of unlawful possession of a weapon by a felon and aggravated unlawful possession of a weapon. 720 ILCS 5/24-1.1(a), 24-1.6(a)(1), (a)(3)(A-5), (a)(3)(C) (West 2024). The State notes that Collins was observed via POD cameras wearing a green tracksuit, appearing to carry a firearm in his right-side pocket, and entering Maxwell's Restaurant. Officers observed Collins inside the restaurant wearing a green tracksuit with his hand in his right front pocket. The officers asked Collins if he had a FOID card or a concealed carry license and what was in his pocket. Collins denied having anything in his pocket and removed his hand from his pocket. Officers observed a heavy L-shaped object consistent with a firearm. A pat-down confirmed the presence of a heavy L-shaped object and Collins then struggled with officers and attempted to flee. Officers recovered a loaded firearm from Collins from his front pocket, with a live round in the chamber. The State further notes that Collins was a convicted felon found in possession of a firearm. Based on this evidence, we find that the State met its burden by clear and convincing evidence that the proof was evident or the presumption great that Collins committed the detainable offenses.

¶ 33 B. Dangerousness

¶ 34 Collins next argues that the State did not establish by clear and convincing evidence that he posed a real and present threat to the safety of any person or the community. According to Collins, the evidence does not prove that he acted violently, that he made any threats, that the firearm was used in a threatening manner, or that it was equipped with certain features. Instead, he contends that the evidence shows he is employed and has support in the community from his mother and partner.

¶ 35 The State argues that it showed by clear and convincing evidence that Collins poses a real and present safety threat to the community based on articulable facts of the case.

¶ 36 In assessing whether a defendant poses a real and present threat to the safety of any person or the community, the court may consider a variety of factors, including the defendant's criminal history and whether the defendant is known to possess or have access to weapons. 725 ILCS 5/110-6.1(g)(2), (7) (West 2024). Here, the evidence showed that Collins, a convicted felon, possessed a loaded firearm while present in a public restaurant. The record further reflects that Collins's criminal history included convictions for unlawful use of a weapon by a felon, arson, felony battery, and possession of a weapon at a school. The State also noted that Collins was prohibited from possessing firearms because of his felony status and did not possess a FOID card or concealed carry license. Based on these facts, we find that the State met its burden to show by clear and convincing evidence that Collins poses a real and present threat to the safety of the community.

¶ 37 C. Adequacy of Release Conditions

¶ 38 Lastly, Collins argues that the State failed to establish by clear and convincing evidence that no condition or combination of conditions could mitigate any threat he may pose. He contends that he is amenable to release conditions that would mitigate any real and present threat. Collins proposes that these conditions could include the requirement to appear for scheduled court dates, update any address changes, not commit additional alleged offenses, be monitored by pretrial services with curfew, and be confined to his home at all times with the exception of work.

¶ 39 The State responds that the trial court properly found that no condition or combination of conditions of pretrial release could sufficiently mitigate the threat posed by Collins's release. The State notes that the court relied on Collins's defiance of the law by continuing to be in possession of firearms despite knowing that he cannot be in possession of one since he is a convicted felon. The court further noted that he had a warrant from Indiana because he violated home detention and determined that Collins would not comply with any conditions of release that the court may impose. The trial court concluded that electronic monitoring and home confinement would not deter Collins from possessing a firearm and committing new offenses.

¶ 40 The State's proffers included specific facts demonstrating Collins's repeated inability to comply with legal restrictions and court-imposed conditions. As the trial court observed, Collins had previously violated home detention and continued to possess firearms despite knowing that, as a convicted felon, he was prohibited from doing so. In light of Collins's history, the nature of the charged offenses, and his apparent access to firearms, we agree with the trial court that the State proved by clear and convincing evidence that no condition or combination of conditions could adequately mitigate the threat posed by Collins.

¶ 41 Lastly, notice of appeal in this case was filed on July 27, 2026, which means that our disposition was due 100 days later, which was November 4. See Ill. S. Ct. R. 604(h)(8) (eff. Apr. 15, 2024). However, the record was not filed until September 25, which meant that the State's memorandum was not due until November 6, although the State filed it two days early, on November 4. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). We find that the delay associated with filing the record on appeal provides good cause for deciding this case after the disposition deadline.

¶ 42 III. CONCLUSION

¶ 43 We affirm the trial court's order denying Collins's motion for relief from pretrial detention.

¶ 44 Affirmed.