

2026 IL App (1st) 250876-U

No. 1-25-0876

Order filed October 20, 2026

Second 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,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 20 CR 60112
	)	
DONNIE TURNER,	)	Honorable
	)	Timothy Joseph Joyce,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE D.B. WALKER delivered the judgment of the court.
Justices McBride and Reyes concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm defendant's armed habitual criminal conviction where the underlying statute is not facially unconstitutional under the second amendment to the United States Constitution.

¶ 2 Following a 2025 bench trial, defendant Donnie Turner was found guilty of armed habitual criminal (AHC) and reckless discharge of a firearm and sentenced to concurrent prison terms of 25 years and 3 years, respectively. On appeal, he asserts that his conviction for AHC is void

because it is based on a statute that is facially unconstitutional pursuant to *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). We affirm.

¶ 3 Defendant was charged by indictment with AHC, unlawful use or possession of a weapon by a felon, aggravated battery of a peace officer, and reckless discharge of a firearm, premised on an incident on August 6, 2020, in which he discharged a firearm in his mother’s apartment.¹

¶ 4 Because defendant only challenges the facial constitutionality of the statute under which he was convicted, we summarize the procedural background and evidence at trial.

¶ 5 Following a 2021 jury trial where defendant proceeded *pro se*, he was found guilty of AHC and reckless discharge of a firearm and sentenced to concurrent prison terms of 25 years and 3 years, respectively. On appeal, we reversed and remanded for a new trial, finding that defendant’s involuntary removal from court during jury selection, without anyone to represent him, resulted in an unknowing waiver of his right to counsel. *People v. Turner*, 2024 IL App (1st) 211648.

¶ 6 On remand, defendant was appointed the public defender as counsel. The trial court later permitted defendant to proceed *pro se* with standby counsel.

¶ 7 The State proceeded on one count each for AHC and reckless discharge of a firearm. Defendant ultimately elected a bench trial.

¶ 8 The trial evidence showed that on August 6, 2020, about 8:30 p.m., police responded to a domestic disturbance call from a two-flat residence on the 6300 block of South May Street in Chicago. Inside the home, defendant’s mother told officers that, after a verbal altercation,

¹ Effective January 1, 2025, the offense of “armed habitual criminal” has been renamed “[u]nlawful possession of a firearm by a repeat felony offender,” and the offense of “unlawful use or possession of weapons by felons” has been renamed “unlawful possession of weapons by felons.” See Pub. Act 103-822, § 20 (eff. Jan. 1, 2025) (amending 720 ILCS 5/24-1.7 and 24-1.1). We refer to both offenses by their prior names to conform with the version of the statutes under which defendant was charged.

defendant fired a shotgun at a mirror and ran into the basement. Officers observed a fired shotgun shell, broken mirror glass, and debris on the floor. They recovered a shotgun from the basement and arrested defendant at a nearby alley. The State presented certified copies of defendant's prior convictions for aggravated discharge of a firearm and manufacturing and delivery of cocaine, as predicate offenses for the AHC offense.

¶ 9 The trial court found defendant guilty of AHC and reckless discharge of a firearm.

¶ 10 Following a hearing, the court sentenced defendant to concurrent prison terms of 25 years for AHC and 3 years for reckless discharge of a firearm. The court additionally entered six-month sentences for each of six contempt findings. These sentences, which are not at issue in this appeal, were imposed consecutively to one another and to his sentences for AHC and reckless discharge of a firearm.

¶ 11 Defendant did not file a motion to reconsider the sentence.

¶ 12 On appeal, defendant argues that his AHC conviction is void *ab initio* because it is based on a statute that is facially unconstitutional under *Bruen*.

¶ 13 We presume statutes to be constitutional. *People v. Legoo*, 2020 IL 124965, ¶ 29. To overcome this presumption, the party challenging a statute must “clearly establish” that it violates the constitution. (Internal quotation marks omitted.) *People v. Brooks*, 2023 IL App (1st) 200435, ¶ 64. This is a “formidable” burden, and we will uphold a statute's validity whenever reasonably possible. (Internal quotation marks omitted.) *People v. Baker*, 2023 IL App (1st) 220328, ¶ 36. In fact, we have a “duty to construe statutes so as to uphold their constitutionality if there is any reasonable way to do so.” (Internal quotation marks omitted.) *People v. Johnson*, 2024 IL App (1st) 231155, ¶ 20. A party bringing a facial constitutional challenge to a statute has the

“particularly heavy burden” to show there is “no set of circumstances under which the statute would be valid.” *People v. Villareal*, 2023 IL 127318, ¶ 14. The constitutionality of a statute is a question of law which we review *de novo*. *Id.*

¶ 14 The AHC statute provides that it is unlawful for a person to possess a firearm if that person has been convicted two or more times of any forcible felony. 720 ILCS 5/24-1.7(a)(1) (West 2020). Defendant argues that this statute violates the second amendment to the United States Constitution, as it constitutes a flat, permanent ban on firearm possession by a category of American citizens, *i.e.*, those with felony convictions.

¶ 15 The second amendment provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const., amend. II. In 2008, the United States Supreme Court issued its decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008), holding that the second amendment protects an individual right to possess “any lawful firearm in the home operable for the purpose of immediate self-defense.” *Id.* at 635. The Court cautioned, however, that “nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons.” *Id.* at 626-27.

¶ 16 In 2010, the Court extended the right to keep and bear arms to the states under the Second and Fourteenth Amendments. *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010). The Court reiterated that its decision in *Heller* “did not cast doubt on such longstanding regulatory measures as ‘prohibitions on the possession of firearms by felons.’ ” *Id.* at 786 (quoting *Heller*, 554 U.S. at 626-27).

¶ 17 In *Bruen*, the Court announced a new analytical framework for evaluating the constitutionality of firearm regulations. It held that “when the Second Amendment’s plain text

covers an individual’s conduct, the Constitution presumptively protects that conduct.” *Bruen*, 597 U.S. at 24. To justify regulating said protected conduct, the government must demonstrate that the regulation is “consistent with the Nation’s historical tradition of firearm regulation.” *Id.* “Only then may a court conclude that the individual’s conduct falls outside the second amendment’s unqualified command.” (Internal quotation marks omitted.) *Id.*

¶ 18 Since *Bruen*, Illinois courts have uniformly rejected defendant’s same facial constitutional challenge to Illinois criminal statutes regulating firearm possession by felons, including the AHC statute. See, e.g., *People v. Rich*, 2025 IL App (1st) 230818, ¶ 66 (finding the AHC statute facially constitutional); *People v. Macias*, 2025 IL App (1st) 230678, ¶¶ 31-34 (same); and *People v. Gray*, 2025 IL App (1st) 191086-B, ¶ 20 (same). In doing so, our courts have generally taken one of two approaches.

¶ 19 The first approach ends its analysis at the first step of the *Bruen* test, finding that the second amendment does not apply to the regulated conduct, firearm possession by a felon. See, e.g., *id.* ¶ 20; *People v. Mobley*, 2023 IL App (1st) 221264, ¶¶ 28-30; and *Baker*, 2023 IL App (1st) 220328, ¶ 37. Courts applying this approach have interpreted the *Bruen* test to apply “only to laws that attempted to regulate the gun possession of ‘law-abiding citizens,’ and not felons.” *Baker*, 2023 IL App (1st) 220328, ¶ 37; see also *Mobley*, 2023 IL App (1st) 221264, ¶ 28.

¶ 20 The second approach interprets *Bruen*’s first step to ask only whether “ ‘the Second Amendment’s plain text covers an individual’s *conduct*,’ ” the possession of a firearm, without contemplating the actor or the subject. (Emphasis in original.) *Brooks*, 2023 IL App (1st) 200435, ¶ 89 (quoting *Bruen*, 597 U.S. at 17). Therefore, a defendant’s status as a felon is “irrelevant” at the first step, and the court turns to *Bruen*’s second-step historical tradition analysis.

Id. Illinois courts applying this approach have found that laws regulating a felon’s possession of firearms are constitutional because there is a historical tradition of disarming felons. See, *e.g.*, *People v. Woodhouse*, 2026 IL App (1st) 240827, ¶¶ 46-47; *Macias*, 2025 IL App (1st) 230678, ¶¶ 31-34; and *Brooks*, 2023 IL App (1st) 200435, ¶ 105.

¶ 21 Here, defendant maintains that the second approach is correct and argues that the AHC statute is facially unconstitutional because there is no historical analogue for imposing a flat ban on firearm possession by felons. We find that, even under defendant’s preferred application of *Bruen*, his claim must fail.

¶ 22 In applying the second step of *Bruen*, Illinois courts have found ample historical support for the legislature’s ability to prohibit possession of firearms by felons. See *Brooks*, 2023 IL App (1st) 200435, ¶¶ 90-105. The historical analysis in *Brooks*, for instance, noted “widespread acceptance of the legislatures’ authority to disarm felons” during the founders’ era. *Id.* ¶ 96. *Brooks* recognized a “historical tradition” of legislatures imposing “status-based restrictions disarming entire categories of persons who, based on their past conduct, were presumed unwilling to obey the law,” including felons. (Internal quotation marks omitted.) *Id.* ¶ 97. Consistent with this precedent, even applying *Bruen*’s second step, we would still find no reason to invalidate the AHC statute, and defendant’s facial constitutional challenge to the statute fails. *Johnson*, 2024 IL App (1st) 231155, ¶ 20 (we have a duty to construe statutes so as to uphold their constitutionality if there is a reasonable way to do so).

¶ 23 For the foregoing reasons, we affirm the judgment of the circuit court.

¶ 24 Affirmed.