

2026 IL App (4th) 260297

NO. 4-26-0297

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

June 11, 2026

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	McLean County
DONYE ARRINGTON,)	No. 24CF1281
Defendant-Appellant.)	
)	Honorable
)	Scott Black,
)	William A. Yoder,
)	Judges Presiding.

JUSTICE DOHERTY delivered the judgment of the court, with opinion.
Justices Zenoff and Cavanagh concurred in the judgment and opinion.

OPINION

¶ 1 Defendant Donye Arrington was charged with various detainable felony offenses, and the circuit court granted the State’s motion that he be detained pending trial. Defendant now appeals, arguing that the State failed to show that he likely committed the charged offenses or that conditions of release could not mitigate any risk he posed. We affirm.

¶ 2 I. BACKGROUND

¶ 3 Defendant was charged by indictment with the offenses of attempted first degree murder (720 ILCS 5/8-4, 9-1 (West 2024)), aggravated battery with a firearm (*id.* § 12-3.05(e)(1)), unlawful possession of a weapon—machine gun parts (*id.* § 24-1(a)(7)(i)), and three counts of first degree murder (*id.* §§ 9-1(a)(1), (2)). The State filed a verified petition seeking pretrial detention.

¶ 4 At the hearing, the State proffered as follows. After a shooting that killed one victim

and severely wounded another at a large “pop-up party” on a college campus, law enforcement engaged in a thorough investigation that collected multiple sources of surveillance footage, cell tower data, and information from social media.

¶ 5 From this investigation, police were able to trace defendant’s movements to and from the location where the shooting took place. Video footage of the shooting was obtained, and the clothing of the suspect matched an outfit worn by defendant in a post to a social media site made close to the time of the offenses. The surveillance footage depicted the suspect approaching people in a large crowd and opening fire with a handgun modified to shoot fully automatically. Cell tower records, information obtained from defendant’s Instagram account via search warrant, and surveillance footage allowed officers to confirm that the person seen in the various pieces of video footage was using a cell phone number associated with defendant and that defendant made phone calls at the same time the person on the surveillance footage was seen talking on his phone. The victim who survived the shooting described the clothing worn by the person who shot him, which matched defendant’s. Furthermore, the victim described the weapon as a black handgun with a white extended magazine. An investigation of defendant’s social media accounts showed that he associated with a person who was also seen with defendant at the scene of the shooting. That person had uploaded pictures of a black handgun with a white extended magazine. The caliber of the gun depicted in the photograph was the same caliber as that used to shoot the victims.

¶ 6 Police were able to determine the vehicle that dropped off defendant and several other people at a gas station adjacent to the scene of the shooting was a vehicle for hire. The address at which the driver of that vehicle said he picked up defendant matched with what the Illinois Secretary of State confirmed to be defendant’s home address of record. Surveillance footage from after the incident shows defendant appearing to reenact the shooting for his associates.

Photographs of defendant were sent out for identification, and two officers identified defendant by reference to his Instagram account. An image processed through the Illinois Secretary of State matched with defendant.

¶ 7 The State confirmed that the pretrial risk assessment rated defendant as a 1 on a scale of 0 to 14 as a risk to reoffend, but it argued that no condition or combination of conditions could mitigate the danger he posed.

¶ 8 After hearing argument, the circuit court denied defendant's pretrial release, finding that his actions of firing into a crowd with a handgun altered to shoot like a fully automatic weapon were so divergent from the norms of civil society that he posed a threat to the community and that there were no less restrictive conditions of release that could ensure the community's safety.

¶ 9 Defendant filed a motion for relief pursuant to Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024). His motion argued that the State failed to sufficiently prove that he committed the alleged offenses because the surveillance footage was "dark, taken from far away, and specifically did not identify" him as the shooter. He also contended that pretrial release conditions, such as electronic monitoring and pretrial supervision, could mitigate any threat he posed.

¶ 10 At the hearing on the motion for relief, the State proffered that additional evidence had come to light since the initial detention hearing. Specifically, defendant's DNA was recovered from a cartridge casing collected at the scene. Although he argued that the video the State relied on for its proffer at the original detention hearing was inadequate to identify him, defendant did not present the video evidence at the hearing. The circuit court noted that even if it did not consider the newly proffered DNA evidence, the State had presented a strong case demonstrating the likelihood defendant committed the alleged offenses and that the initial detention decision was appropriate in light of the circumstances.

¶ 11 Defendant now appeals. The Office of the State Appellate Defender has opted not to file an appellate memorandum, leaving the motion for relief filed in the circuit court to stand without supplementation. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024).

¶ 12 II. ANALYSIS

¶ 13 The Code of Criminal Procedure of 1963 (725 ILCS 5/110-1.5, 110-2(a) (West 2024)) abolishes traditional monetary bail and provides defendants with a presumption in favor of pretrial release. In order to prevail on a petition to detain a defendant prior to trial, the State has the burden of proving by clear and convincing evidence that (1) “proof is evident or the presumption great” that the defendant committed a detainable offense, (2) depending on the offense, 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 thereof can mitigate the threat the defendant poses. *Id.* § 110-6.1(e)(1)-(3). Because there was no live testimony at any of the hearings in this case, our review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 44.

¶ 14 A. Evidence of Defendant’s Commission of the Charged Offenses

¶ 15 Defendant initially contends that the video surveillance footage relied on by the State is of poor quality and insufficient to prove by clear and convincing evidence that he committed the charged offenses. This case presents a useful illustration of the role that the hearing on the motion for relief can play in ensuring a complete record for review. As we have previously held, it is permissible for either party to introduce additional evidence in connection with the hearing on a motion for relief and for the circuit court to consider that evidence. *People v. Kelly*, 2026 IL App (4th) 260002, ¶¶ 41-47; see also *People v. Person*, 2026 IL App (4th) 251272-U, ¶¶ 45-51 (Lannerd, J., specially concurring) (agreeing with *Kelly*).

¶ 16 At the initial detention hearing, the video footage in question was described via proffer, but the videos themselves were not introduced into evidence. We can hardly fault defendant for failing to tender the videos at that time, as we have no way of knowing whether he possessed or had even seen them at that early date. However, if the inadequacy of the videos was a major focus of defendant's motion for relief, it was incumbent upon him to ensure that the circuit court could see them. Moreover, the videos would have to be part of the record on appeal in order for us to assess which described the content of the videos more accurately: the proffer or defendant's characterization. Defendant's failure to include the videos in the record makes it impossible for us to meaningfully review his assertion. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984) (stating the appellant has the burden of presenting a record enabling review of a claim of error, and in its absence, it is presumed the circuit court conformed to the law and had an adequate factual basis for its judgment).

¶ 17 For its part, the State took full advantage of its right to present additional evidence at the hearing on the motion for relief. It proffered that, subsequent to the initial detention hearing, forensic evidence had established that defendant's DNA was on a bullet casing recovered from the scene.

¶ 18 As we have previously commented, when a judge reviews a defendant's detention, such as in deciding a motion for relief, the evidence reviewed is effectively cumulative; the record developed at all prior detention hearings is relevant. *People v. Fuller*, 2026 IL App (4th) 251329, ¶ 36. That is to say, the court is not sitting as a court of review or looking with blinders at individual prior decisions; it is deciding the motion as it presents at the time of the hearing. When the circuit court here considered defendant's motion for relief, the question was not whether defendant should have been released at some earlier date, but whether he should be released as of the date his motion

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Decision Under Review: Appeal from the Circuit Court of McLean County, No. 24-CF-1281; the Hon. Scott Black and the Hon. William A. Yoder, Judges, presiding.

Attorneys for Appellant: Carolyn R. Klarquist and James Wozniak, of State Appellate Defender's Office, of Chicago, for appellant.

Attorneys for Appellee: Patrick Delfino and David J. Robinson, of State's Attorneys Appellate Prosecutor's Office, of Springfield, for the People.
