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) 260751-U

NO. 4-26-0751

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 12, 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
MATTHEW J. CICERO,	)	No. 26CF384
Defendant-Appellant.	)	
	)	Honorable
	)	William A. Yoder,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Justices Cavanagh and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court did not err in denying defendant pretrial release.

¶ 2 Defendant, Matthew J. Cicero, appeals the trial court's denial of his petition for relief pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)). On appeal, defendant argues the court erred by finding no pretrial release conditions could mitigate the safety threat he posed. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On April 16, 2026, the State charged defendant by amended information with 11 counts of violating the Firearm Owners Identification Card Act (FOID Card Act) (430 ILCS 65/2(a)(1) (West 2024)). On the same day, the State petitioned to deny defendant pretrial release, and the trial court conducted a hearing on the petition.

¶ 5 A. Pretrial Detention Hearing

¶ 6 1. *Probable Cause Statement*

¶ 7 a. Kimberlee Arce

¶ 8 According to the State's probable cause statement, law enforcement spoke with Kimberlee Arce, who believed defendant, her then-boyfriend, "was in possession of *** children sexual abuse materials on a large number of external hard drives, SD cards, USB drives, laptop computers, and a number of cellular telephones." Arce, who lived with defendant at the time, said defendant "had at least ten external hard drives, some of which were encrypted, multiple micro SD cards and thumb flash drives." Defendant had "at least three active phones," two of which had "additional storage by way of micro SD cards installed." Defendant also set up a separate Wi-Fi network at his home, to which only he had access.

¶ 9 Arce discovered defendant had at least six different e-mail addresses and associated OneDrive accounts, and at least one of defendant's OneDrive accounts received pornography solicitations. Arce found folders entitled "sweet girlies," "twelve YO," "eight YO," and "PTHC," which is an acronym for "Pre-Teen Hard Core." Arce had observed some of the image and video files, and she believed they depicted minors under the age of 18 based on their physical appearances. Arce also found materials establishing defendant had been chatting with teenage girls on Reddit, Snapchat, Tumblr, and Discord. The messages dated back to "at least 2023."

¶ 10 Arce previously worked for Apple, and she received training regarding "children sexual abuse material awareness and reporting procedure." Based on her training, Arce recognized "suspicious use of technology and the types of files, [and] content that she saw on the defendant's devices as children sexual abuse materials." On one occasion, when defendant was

consolidating the contents of multiple hard drives to OneDrive, Arce observed "a download from a website called Sweet Girlies that appeared to contain images of pre-teen girls." One of defendant's SD cards contained a folded entitled "Mega downloads." The interviewing detective knew from training and experience that "Mega is a file sharing Cloud-based storage service that emphasizes privacy," which is "commonly used to share and store children sexual abuse materials." Arce believed the files contained pornographic videos and images depicting minors based on their "physical appearance" and "sexual development." She did not think the individuals depicted were younger than 13, but she said that distinction "was difficult to delineate."

¶ 11 Arce also described an incident where she and defendant were watching adult pornography together when "a video came up from the defendant's computer featuring an older man introducing a young girl in pigtails." The video was on defendant's personal phone's cloud drive. Arce "immediately questioned whether or not the video showed a child," but defendant "dismissed her concerns and turned off the material." At the time of the hearing, the State had not brought charges related to the alleged child sexual abuse materials because its investigation into the materials was ongoing.

¶ 12 b. Search of Defendant's Residence

¶ 13 On April 14, 2026, law enforcement searched defendant's residence and found "a downstairs storage room with a padlock on it." Defendant said the room contained firearms belonging to his mother, who lived in Madison County. Officers confirmed that defendant's mother possessed a valid firearm owners identification (FOID) card, but defendant did not. Defendant's FOID card expired in 2020, and he was ineligible to obtain a FOID card because there was an active order of protection against him in McLean County case No. 25-OP-309.

Officers also located five electronic personal defense devices, three of which were "stun guns," including one "taser pulse device." Officers placed defendant under arrest.

¶ 14 On the same day, law enforcement obtained and executed a supplemental search warrant for the padlocked storage area. Officers discovered five rifles, two shotguns, three handguns, and approximately 3,300 rounds of live ammunition. Later that evening, defendant's ex-wife, Stephanie Cicero, informed law enforcement that defendant stored additional firearms in her residence. Stephanie was previously unaware that defendant was not allowed to possess firearms, as he had told her the restraining order entered against him did not contain a firearm restriction. An officer discovered two handguns and ammunition at Stephanie's residence.

¶ 15 Defendant's counsel argued that defendant's mother was the only person with a key to the padlock on defendant's basement utility closet, and Stephanie was the only person with access to the gun safe in her residence.

¶ 16 c. Order of Protection

¶ 17 The trial court took judicial notice of case No. 25-OP-309. In that case, the petitioner averred that defendant "would have sex with [her] while *** [she] was asleep." The petitioner "was vaguely aware of what would happen." In October or November 2024, the petitioner believed defendant was massaging her neck, only to discover he was choking her. Eventually, the petitioner became unconscious. When she revived, defendant said, "[I]t happened faster than I expected." In December 2024, defendant sexually assaulted the petitioner, leaving her "whimpering in pain." She "had to get pain killers after that time." The following night, defendant had sex with her while she was asleep. According to her affidavit, the petitioner was "not awake enough to give consent." Defendant later told her that he "was going slowly to try not to wake [her] up."

¶ 18 The petitioner ended their relationship in January 2025. In May 2025, defendant placed two boxes on her porch. One of the boxes contained "collages" consisting of multiple photographs of the petitioner sleeping and having sex with defendant. According to her affidavit, the petitioner is currently taking anxiety medication due to the situation, and she does not sleep well at night because she does not feel safe in her own house.

¶ 19 The State further proffered that the judge who granted the order of protection heard testimony from both the petitioner and defendant, and the judge found the petitioner "highly credible." During his testimony, defendant "gave great detail of his actions during the choking incident," which the judge deemed "disturbing." The order of protection against defendant would be valid until July 9, 2027.

¶ 20 Defense counsel proffered that, as of the hearing, defendant had not violated the no-contact provision of the order of protection.

¶ 21 2. *Pretrial Detention Arguments*

¶ 22 The State argued the proof was evident or presumption great that defendant committed a detainable offense because he had over 3,000 rounds of ammunition and multiple firearms in his house, which violated of an order of protection prohibiting him from possessing firearms or ammunition. The State noted that defendant was not forthcoming about the firearms he stored in his ex-wife's house—law enforcement discovered those firearms after his ex-wife contacted them. Further, defendant lied to his ex-wife by saying the order of protection did not ban him from possessing firearms. While defendant claimed he did not have the combination to the padlock to his storage area, the State noted, "[A]s the officers were able to do, you simply get bolt cutters, and now you have 3,000 rounds of ammunition and over ten firearms."

¶ 23 The State argued defendant posed a safety threat because, in addition to his

unlawful possession of firearms and ammunition, he was alleged to be a collector of child sexual abuse materials. The initial reports came from an individual trained to identify suspicious technology usage indicating the accumulation of child sexual abuse materials. Officers discovered defendant used multiple social media platforms to contact individuals who identified themselves as 17 years old. Defendant also had a "stockpile of weapons" in his basement, and he stored firearms in his ex-wife's house, despite having an expired FOID card and an active order of protection against him. Further, defendant was credibly accused of having sex with his ex-girlfriend while she was asleep, without her consent, and choking her until she lost consciousness.

¶ 24 The State argued no pretrial release conditions would mitigate the threat defendant posed because he did not comply with the order of protection's ban against him possessing firearms and ammunition. The State argued defendant could not be trusted to comply with any such conditions of pretrial release.

¶ 25 Defense counsel argued that the evidence was not clear and convincing that defendant possessed the firearms and ammunition. Counsel argued defendant did not have access to the firearms in his storage area or the firearms at his ex-wife's house. Counsel argued defendant's compliance with the no-contact requirement of the order of protection indicated defendant would comply with any pretrial release conditions. Counsel emphasized defendant had "almost no criminal record," and his Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R) score was 2 out of 14, which placed him in the lowest risk level. Defendant had a full-time job, had a master's degree, and paid child support for two high-school-aged children. He was an Air Force veteran who had been honorably discharged in 2007. He had lived in the area "for many years," and had ties to the community. Counsel also noted that law enforcement

had seized all the firearms mentioned, as well as defendant's electronic devices. Counsel argued defendant would comply with any release conditions imposed by the trial court, and he suggested the court could require defendant not to obtain any new firearms and refrain from contact with any minor children under the age of 18, except his biological children.

¶ 26 The trial court granted the State's detention petition. The court found the State proved by clear and convincing evidence that defendant was "charged with and likely committed" a detainable offense, as defendant did not have a valid FOID card and the firearms in question were found in a padlocked storage room in his residence. The court found defendant posed a safety threat to the community because he possessed firearms despite an order of protection prohibiting him from doing so. The court noted it would have found defendant posed a safety threat "even if that was the only issue that was presented here." However, the court also observed that defendant presented a safety threat to the community based on the allegations that he possessed child pornography, "which is a danger to the community every time somebody views that, possesses it, [and] stores it."

¶ 27 The trial court found no conditions or combination of conditions could mitigate the safety threat defendant presented. The court found home confinement would not be effective because firearms and alleged child sexual abuse materials were discovered in his residence. The court observed that defendant attempted to hide the illegal material. The court doubted defendant's ability to comply with any imposed release conditions. The court emphasized that defendant previously had a valid FOID card, which indicated he knew the requirements necessary to possess a firearm legally. However, he not only chose to ignore those requirements, but he made "substantial efforts" to circumvent them. The court also highlighted the credible allegations of domestic violence and sexual assault brought against defendant in case No. 25-OP-

309.

¶ 28 B. Motion for Relief

¶ 29 On June 22, 2026, defendant filed his second amended motion for relief, which replaced his prior motions for relief. Defendant argued his FOID card initially expired during the COVID-19 pandemic, during a time when the Illinois State Police treated applicants' cards as valid "during the duration of the state's disaster proclamation and for a period of 12 months following the termination of the disaster, even if their renewal application is/was not submitted prior to expiration." Based on this, defendant believed his expired FOID card was considered valid while his renewal application was pending. Defendant also argued the order of protection entered against him "did not result in a firearms restriction being imposed." Defendant attached the order of protection to his motion for relief as an exhibit, and the box prohibiting firearm possession was not checked. Defendant argued he had transferred ownership of the firearms found in his residence to his mother, but he could not transport them to his mother because his FOID card had expired, and his mother was too ill to retrieve them. Defendant argued the firearms in his ex-wife's residence had belonged to her since their divorce in 2017.

¶ 30 On June 26, 2026, the trial court conducted a hearing on the motion. After hearing arguments, the court denied defendant's second amended motion for relief. The court noted that the COVID-19 emergency proclamation upon which defendant relied applied to people submitting renewal applications in 2020, and "[t]here's no legal dispute than an order of protection places a prohibition on the possession of firearms while the order of protection is in place." The court found the State established an order of protection was entered against defendant, numerous firearms were found in his residence, and the totality of the evidence presented established defendant's dangerousness and the inability of release conditions to

mitigate that dangerousness.

¶ 31 This appeal followed.

¶ 32 II. ANALYSIS

¶ 33 Defendant argues the trial court erred by finding no release conditions could mitigate any real and present safety threat he posed. We disagree.

¶ 34 A. Good Cause

¶ 35 As a preliminary matter, this case is subject to expedited disposition under Illinois Supreme Court Rule 604(h)(8) (eff. Apr. 15, 2024), and we are required to issue a decision within 100 days after the filing of the notice of appeal unless good cause is shown. Defendant filed his notice of appeal on June 30, 2026, and our ruling was due to be filed by October 8, 2026. However, defendant requested and received two deadline extensions for his appellate memorandum, which was ultimately filed on September 18, 2026. The State then timely filed its responsive memorandum on October 6, 2026. Accordingly, we find good cause exists to issue our disposition after the 100-day deadline.

¶ 36 B. Standard of Review

¶ 37 Under section 110-6.1(e) of the Code (725 ILCS 5/110-6.1(e) (West 2024)), it is presumed all criminal defendants are entitled to pretrial release. The State may seek a defendant's pretrial detention if he is charged with a detainable offense as enumerated in the Code and, after a hearing, the trial court finds his release would present "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," or he "has a high likelihood of willful flight to avoid prosecution." 725 ILCS 5/110-6.1(a)(1), (1.5), (8) (West 2024). The State must show "the proof is evident or the presumption great" that the defendant committed a detainable offense and no condition or combination of

conditions can mitigate the safety threat or risk of flight defendant's release might pose. 725 ILCS 5/110-6.1(e)(1), (3) (West 2024). The State bears the burden of proving "by clear and convincing evidence that any condition of [pretrial] release is necessary." 725 ILCS 5/110-2(b) (West 2024). Where, as here, the parties proceed solely by proffer at the detention hearing, we review the court's decision *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 38 C. Release Conditions

¶ 39 The record supports the trial court's determination that no combination of release conditions would mitigate the safety threat defendant poses. Defendant argues that a reasonable person in his position would not have known the order of protection precluded him from possessing firearms. While the issuing judge did not check the box on page 11 of the order of protection regarding firearms restrictions, page 10 clearly asserts, "Under Illinois law, while any Order of Protection is in effect, your (Respondent's) FOID card will be automatically suspended, revoked or denied and you are automatically prohibited from acquiring or possessing a firearm (per 430 ILCS 65/8.2)." We disagree with defendant's description of this information as being "buried on page 10." The prohibition language was placed within a text box and emphasized by an oversized exclamation mark, such that it stood out from the rest of the information on that page. Additionally, the COVID-19 emergency proclamation applied to FOID card renewal applications in 2020. It is unreasonable for defendant to believe the proclamation's grace period remained in effect in April 2026, when the charges in this case were brought.

¶ 40 The record shows that defendant knew about the FOID card requirement, but he did not have a valid FOID card when law enforcement discovered firearms in his residence. The order of protection entered in case No. 25-OP-309 prohibited him "from acquiring or possessing a firearm." Thus, defendant knew or should have known that he could not possess the firearms in

question. Defendant's failure to comply with the requirements of both the order of protection and the FOID Card Act supports the trial court's conclusion that he would not comply with release conditions.

¶ 41 Defendant argues his low VPRAI-R score, lack of serious criminal history, and cooperation with law enforcement indicate his dangerousness can be mitigated by release conditions. He relies on *People v. Bartosik*, 2026 IL App (4th) 251398-U. There, the defendant, who faced 12 counts of child pornography, had scored a 0 out of 14 on the VPRAI-R, was employed full-time, had no criminal history, was not on probation at the time of the offenses, and "was not known to possess any weapons or firearms." *Bartosik*, 2026 IL App (4th) 251398-U, ¶¶ 5, 25. We concluded that "because [the] defendant's charged conduct occurred entirely online, a prohibition on Internet and social media use would have effectively mitigated any potential threat." *Bartosik*, 2026 IL App (4th) 251398-U, ¶ 30.

¶ 42 *Bartosik* is distinguishable. There, we found the State failed to prove the defendant presented a real and present safety threat because its argument focused exclusively on the nature of the charged offenses. See *Bartosik*, 2026 IL App (4th) 251398-U, ¶ 24 ("[T]he State argued that defendant was dangerous by reciting the facts of his charges: that he allegedly possessed child pornography. This is not sufficient to support a finding of dangerousness."). Regarding potential release conditions, we likewise found that "bare allegations that a defendant committed a violent offense are not sufficient to establish that no conditions of release could mitigate the threat he poses." *Bartosik*, 2026 IL App (4th) 251398-U, ¶ 29. As the Appellate Court, First District, recently observed,

> "the error in [*Bartosik*] was not that the nature and circumstances of the charged offense alone trumped the other factors, but that the 'nature and circumstances' on

which the circuit court relied were little more than the elements of the charge without reference to specific facts of the case or characteristics of the defendant." *People v. Thompson*, 2026 IL App (1st) 260967-B, ¶ 17.

¶ 43 Here, defendant is charged with possessing firearms without a valid FOID card (430 ILCS 65/2(a)(1) (West 2024)), and the charges were brought while there was an order of protection against him. Defendant's ex-wife also told law enforcement that defendant kept two firearms at her house. Defendant's other uncharged conduct included alleged possession of child sexual abuse material, choking an ex-girlfriend until she was unconscious, and repeatedly having sex with her while she was asleep and unable to give consent. Unlike in *Bartosik*, defendant's dangerousness arises from conduct occurring both online and in the real world, and, as previously discussed, the evidence suggests defendant will not comply with release conditions. The trial court did not err in finding no pretrial release conditions would mitigate the safety threat defendant posed. See *Morgan*, 2025 IL 130626, ¶ 54.

¶ 44 III. CONCLUSION

¶ 45 For the foregoing reasons, we affirm the trial court's judgment.

¶ 46 Affirmed.