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) 251416-U

NO. 4-25-1416

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 10, 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
MARSHUN D. COLLINS,	)	No. 25CF80
Defendant-Appellant.	)	
	)	Honorable
	)	J. Jason Chambers,
	)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Justices Doherty and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding (1) section 8(p) of the Firearm Owners Identification Card Act (FOID Card Act) (430 ILCS 65/8(p) (West 2024)) was not unconstitutional on its face, (2) the evidence was sufficient for a jury to reasonably conclude defendant was guilty beyond a reasonable doubt of violating the FOID Card Act, (3) the trial court did not err when permitting a witness to testify about the firearms evidence despite not being qualified as an expert, and (4) the court did not abuse its discretion when admitting evidence of a subsequent shooting for which defendant was not alleged to have participated.

¶ 2 Defendant, Marshun D. Collins, was convicted by a jury of violating section 2(a)(1) of the Firearm Owners Identification Card Act (FOID Card Act) (430 ILCS 65/2(a)(1) (West 2024)) for possessing a firearm despite not having been issued a firearm owners identification (FOID) card. He was subsequently sentenced to two and a half years' imprisonment. On appeal, he argues (1) the FOID Card Act's provision prohibiting persons with juvenile adjudications that would be a felony conviction if committed by an adult from

possessing a firearm is facially unconstitutional pursuant to *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), (2) the evidence was insufficient to prove his guilt beyond a reasonable doubt, (3) the trial court erred when permitting a witness to testify that video and photographic evidence depicted real firearms when the witness was not qualified as an expert, and (4) the court abused its discretion by admitting evidence of a subsequent shooting in which defendant was not alleged to have participated. We disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 In January 2025, defendant was charged by indictment with violating the FOID Card Act for possessing a firearm despite not having been issued a FOID card (430 ILCS 65/2(a)(1) (West 2024)). The State alleged defendant was ineligible to receive a FOID card after having been adjudicated a delinquent for residential burglary in McLean County case No. 13-JD-47, which offense would have been a felony if committed as an adult. He was also indicted for aggravated unlawful possession of a weapon (720 ILCS 5/24-1.6(a)(2) (West 2024)), which the State later dismissed.

¶ 5 Prior to trial, the State sought to introduce a music video showing defendant and several other individuals possessing firearms. According to the prosecutor, the recording of the music video changed locations from the original area to the parking lot of an eye center. As recording continues, two of the individuals—not including defendant—walk away, each carrying a firearm, and shoot at a victim. The State indicated the purpose of introducing the music video depicting the firearms and the firing of those guns was to show defendant was part of this group's serious other crimes under an uncharged-offense analysis. The trial court found the video would provide probative value by showing the firearms were real, and that value outweighed any unfair prejudice. In particular, the court noted no evidence or testimony would be introduced to

suggest defendant had participated or was involved in the shooting following the music video. The matter proceeded to a jury trial in October 2025.

¶ 6 At trial, Bloomington police officer Taylor Turner testified he was working on the evening of August 16, 2024, when he heard gunshots. He responded to the area of the gunshots near the Gailey Eye Clinic, where he encountered a victim with two gunshot wounds. He also encountered a witness to the incident, Andrew Hollins, who said he had been filming a "rap video" prior to the shooting. Hollins told Turner he had video of the shooters on his camera. On cross-examination, Turner confirmed no firearms were recovered from the shooting, and defendant was not observed in the area of the shooting.

¶ 7 Sergeant Kevin Raisbeck testified he reviewed photographs and video on Hollins's camera from August 16. He described the content of the photos and videos as containing "six individuals on the back deck of a residence shooting a rap video." He identified defendant as being one of the individuals participating in the music video. A compilation of the videos recorded on Hollins's camera was admitted into evidence without objection. A group of screenshots from the videos were admitted into evidence, without objection, which included images of two firearms. Numerous screenshots showed defendant holding either one or both firearms, which were described as a "small black revolver" and a "Ruger Security 9" handgun, respectively.

¶ 8 Raisbeck stated the photos showed "crimping on the round itself," which indicated the rounds were "hollow point." He said he was familiar with this type of round as being issued by the police department for on-duty use during his "21 years" of service. He described the black revolver as containing a "round chambered in line with the barrel." He also said the Ruger had "rifling," which he described as "curvatures that the manufacturer puts into

it" "to make it more accurate."

¶ 9 On cross-examination, Raisbeck confirmed the two guns in the video were never recovered. On redirect examination, he described the characteristics of the firearms and what distinguished them from "an air soft gun or a prop gun." He explained the barrels of the firearms were "much larger than what you'd see in an air soft or a BB gun." He also identified what he observed as hollow point rounds as real ammunition. Lastly, he noted the brand Ruger observed on one of the firearms and that Ruger did not authorize replicas.

¶ 10 Hollins testified he was a videographer hired on August 16, 2024, to shoot a rap music video. He stated he had never met the individuals he was hired to film prior to filming them and had not spoken to any of them since. He said the group of individuals had "[m]aybe two" firearms he described as "pistols." He began filming at a private residence until the group walked to a second location to film near the "eye clinic." Hollins said he was near the front of the group "walking up towards the eye clinic, and then the next thing [he knew],*** [he heard] some shots go off, and everyone just kind of scattered after that." On cross-examination, Hollins conceded he had no training on identifying real versus replica firearms and did not see what specific firearms were used during the shooting.

¶ 11 Defendant did not offer any evidence.

¶ 12 The jury found defendant guilty of a violation of the FOID Card Act. No posttrial motions were filed. Defendant was subsequently sentenced to two and a half years' imprisonment for the offense.

¶ 13 This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 On appeal, defendant argues (1) the FOID Card Act's provision prohibiting

persons with juvenile adjudications that would be felony convictions if committed by an adult from possessing a firearm is facially unconstitutional, (2) the evidence was insufficient to prove his guilt beyond a reasonable doubt, (3) the trial court erred when permitting Sergeant Raisbeck to testify the video depicted actual firearms when he was not qualified as an expert, and (4) the court abused its discretion by admitting evidence of the shooting incident where the probative value was substantially outweighed by the danger of unfair prejudice. We address each claim in turn.

¶ 16 A. Whether the FOID Card Act Provision Is Facially Unconstitutional

¶ 17 Defendant's first contention is the FOID Card Act provision, which bars him from being issued a FOID card because he was adjudicated a delinquent for an offense that, if committed as an adult, would be a felony, is facially unconstitutional pursuant to *Bruen*. He concedes the FOID Card Act's shall-issue licensing regime has been upheld by both the supreme court in *People v. Thompson*, 2025 IL 129965, and this court in *Guns Save Life, Inc. v. Kelly*, 2025 IL App (4th) 230662. Defendant argues the categorical disqualification of those with juvenile adjudications has not been specifically addressed. He notes the appellate court in *People v. McCorkle*, 2025 IL App (5th) 230238, ¶ 25, upheld a similar provision within the aggravated unlawful possession of a weapon statute as facially constitutional. See 720 ILCS 5/24-1.6(a)(1), (3)(D) (West 2024) (stating a person commits aggravated unlawful use of a weapon by satisfying one of the carrying provisions [*e.g.*, (a)(1) or (a)(2)] and "was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony"). However, he argues the *McCorkle* court did not address the distinction between an adult felony conviction and juvenile adjudications, wherein the former is achieved through an adult criminal process, including the right to a jury trial, unlike juvenile proceedings.

He contends the second amendment's (U.S. Const., amend. II) plain text protects his status, and the State cannot show a historical analogue that prohibits minors adjudicated delinquents for what would be a felony if committed as an adult to be categorically disarmed. In support, he cites *People v. Taylor*, 221 Ill. 2d 157, 164 (2006), and this court in *People v. Williams*, 2026 IL App (4th) 250612, ¶ 30, as standing for the proposition that juvenile adjudications are not felony convictions.

¶ 18 The State argues defendant's contentions are meritless because he does not meet the definition of a law-abiding citizen for whom the second amendment's plain text applies. For instance, this court, in *People v. Burns*, 2024 IL App (4th) 230428, ¶ 21, held the defendant—who was a convicted felon—was definitionally not a law-abiding citizen and, thus, did "not fall within the scope of *Bruen*" and the second amendment's protections. The State also argues there are historical analogues prohibiting juvenile from possessing of firearms.

¶ 19 "Statutes are presumed to be constitutional, and the party challenging the validity of the statute has the burden to clearly establish the constitutional invalidity." (Internal quotation marks omitted.) *Bright v. Yenchko*, 2026 IL 132015, ¶ 14. This court is required to construe a statute as constitutional where "reasonably possible." (Internal quotation marks omitted.) *Id.* To show a statute is facially unconstitutional, the challenging party must show the statute is unconstitutional under any possible set of facts. *Id.* ¶ 17. This is no small task, as the challenging party would be required to show the statute as "invalid under *any* imaginable set of circumstances." (Emphasis in original.) *In re M.T.*, 221 Ill. 2d 517, 536 (2006). We review a *de novo* whether a statute is constitutional on its face. *Bright*, 2026 IL 132015, ¶ 14.

¶ 20 As defendant concedes, the FOID Card Act has been upheld as constitutional on its face in both *Thompson* and *Kelly*. This alone creates a gaping hole in his argument because it

concedes a set of circumstances where the statute is constitutional. See, *e.g.*, *Kelly*, 2025 IL App (4th) 230662, ¶¶ 50-73 (Cavanagh, J. specially concurring) (explaining how the plaintiff could not maintain the FOID Card Act was facially unconstitutional under the second amendment in all of its applications.). Defendant attempts to circumnavigate this problem by narrowing his contention to a single provision of the FOID Card Act: section 65/8(p) (430 ILCS 65/8(p) (West 2024)), which provides an "adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 (Juvenile Court Act) [(705 ILCS 405/1-1 *et seq.* (West 2024))] for the commission of an offense that if committed by an adult would be a felony" as a grounds for the denial or revocation of a FOID card.

¶ 21 We agree with the State that defendant has failed to show *Bruen* applies to him, as he is not a law-abiding citizen. *Burns*, 2024 IL App (4th) 230428, ¶ 21. We explained in *Kelly* that the "objective criteria used to deny applications for a FOID card are clearly aimed at preventing the possession of firearms by those whose firearm use is likely to pose a danger to the public, *i.e.*, felons, those who otherwise commit crimes of violence, and the mentally ill." *Kelly*, 2025 IL App (4th) 230662, ¶ 34. This criteria and the purpose of the FOID Card Act dovetails with the purpose of Juvenile Court Act to "protect citizens from juvenile crime" and "[p]rotect the community from crimes committed by minors" 405 ILCS 5-101(1)(a), (2)(c) (West 2024). Additionally, the offense for which defendant had been adjudicated a delinquent—residential burglary—is one of a finite number of offenses that are considered a forcible felony and uniquely dangerous. See 720 ILCS 5/2-8 (West 2024); see also *People v. McCormick*, 332 Ill. App. 3d 491, 496 (2002) (discussing the increased risk of danger from the offense of residential burglary). Moreover, we also agree with the State that restrictions on the possession of firearms by juveniles are historically evident. In *Kelly*, we discussed the historical restrictions for not just

minors under the age of 18 but those under the age of 21. *Kelly*, 2025 IL App (4th) 230662, ¶ 38. Accordingly, we find the FOID Card Act's provision prohibiting persons with juvenile adjudications that would be felony convictions if committed as an adult from possessing firearms does not violate the second amendment on its face.

¶ 22 B. Insufficient-Evidence Claim

¶ 23 Defendant next argues the evidence was insufficient to show the firearms he was holding in photos and on video were real firearms within the meaning of the FOID Card Act. In particular, he points to the facts that (1) the firearms were never recovered, (2) Sergeant Raisbeck's testimony was not based on any personal interaction or direct observation of the firearms, and (3) Hollins's testimony undercut the State's evidence.

¶ 24 When examining the sufficiency of the evidence, we must determine "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (Emphasis in original and internal quotation marks omitted.) *People v. Collins*, 106 Ill. 2d 237, 261 (1985). The trier of fact has the responsibility to assess the witnesses' credibility, weigh their testimony, resolve inconsistencies and conflicts in the evidence, and draw reasonable inferences from the evidence. *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006). We will not reverse a criminal conviction based on insufficient evidence unless the evidence is so unreasonable, improbable, or unsatisfactory that it creates a reasonable doubt of the defendant's guilt. *People v. Murray*, 2019 IL 123289, ¶ 19.

¶ 25 Pursuant to the FOID Card Act, the State was required to prove (1) defendant knowingly possessed a firearm and (2) at the time of possessing said firearm, he failed to have in his possession a FOID card issued in his name by the Illinois State Police. 430 ILCS 65/2(a)(1)

(West 2024). The only issue in contention is whether the evidence depicting defendant holding a firearm was sufficient to show he possessed a firearm within the meaning of the FOID Card Act. The Act defines a firearm as "any device, by whatever name known, which is designed to expel a projective or projectiles by the action of an explosion, expansion of gas or escape of gas." *Id.* § 65/1.1. This definition excludes numerous weapons that could appear to be a firearm, such as certain kinds of BB guns, antique guns, signal guns, and paintball guns. *Id.*

¶ 26 Defendant concedes the State was not required to recover either of the firearms he was alleged to have possessed and that the testimony of a single eyewitness could be sufficient to show the firearms were real. *People v. Wright*, 2017 IL 119561, ¶ 76. Nonetheless, he argues the State's evidence fails for different reasons. He cites numerous cases relying on personal observations from witnesses for sufficient firearm identification and *People v. Clifton*, 2019 IL App (1st) 151967.

¶ 27 In *Clifton*, the appellate court stated, "[a]bsent some physical evidence, it seems almost impossible to prove that an item alleged to be a firearm meets the technical statutory definition unless fired." *Id.* ¶ 45. The court went on to say, "[n]o lay witness would ever be able to testify to this feature unless the gun was fired or the witness somehow had an opportunity to examine the gun." *Id.* Pointing to this language from *Clifton*, defendant notes Hollins could not distinguish whether the firearms discharged at the shooting were the same as the firearms he observed defendant possess. Additionally, he notes Raisbeck was not an occurrence witness and never personally examined the firearms because they were never recovered. Rather, Raisbeck simply made observations from Hollins's video recording.

¶ 28 We are unpersuaded by defendant's arguments. Hollins testified to both observing defendant possess firearms in person and in photos from the video he had recorded. Raisbeck

identified defendant possessing firearms in the video evidence Hollins had recorded. While Hollins admitted to his technical ignorance regarding firearms, he did not offer any testimony suggesting the firearms were not real. Similarly, Hollins's uncertainty as to whether the firearms defendant possessed were the same as the firearms used in the subsequent shooting does not mean the firearms were not real. Raisbeck's testimony offered the jury numerous reasons to believe the firearms defendant possessed were real and comported with the definition of a firearm pursuant to the FOID Card Act. While Raisbeck's observations were based off of Hollins's video recordings, we find no reason to conclude this evidence was insufficient or so unsatisfactory as to not support a reasonable inference that the firearms were real. The photos reviewed by Raisbeck were high-quality images clearly showing multiple features of two different firearms. Raisbeck's description of these technical features could be viewed, in a light most favorable to the State, as describing technical features of a firearm as outlined in the FOID Card Act's definition. This is precisely what the *Clifton* court discussed as sufficient for firearm identification. *Id.* ¶ 47. In fact, the *Clifton* court lamented what it described as a rather low threshold for the identification of a firearm. *Id.*

¶ 29 The jury found the State had proven beyond a reasonable doubt that defendant possessed a real firearm. It was the jury's responsibility to "resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). "[A] reviewing court will not substitute its judgment for that of the trier of fact on issues involving the weight of the evidence or the credibility of the witnesses." *Murray*, 2019 IL 123289, ¶ 19. "[T]he appellate court should not usurp the function of the jury and substitute its judgment on questions of fact fairly submitted, tried, and determined from the evidence which did not greatly preponderate either way." *Maple*

v. Gustafson, 151 Ill. 2d 445, 452-53 (1992). After reviewing the evidence at trial, we find nothing so unreasonable, improbable, or unsatisfactory as to create a reasonable doubt of defendant's guilt. Therefore, we find a jury could reasonably and rationally conclude beyond a reasonable doubt that defendant possessed a real firearm as defined under the FOID Card Act.

¶ 30 C. Unqualified Expert Testimony Claim

¶ 31 Next, defendant argues the trial court committed reversible error by permitting Raisbeck to testify the objects defendant was holding in the video were firearms when Raisbeck was not qualified as an expert witness. Defendant concedes this issue was forfeited due to his failure to contemporaneously object to Raisbeck's testimony or raise the issue in a posttrial motion. He requests we review this issue under the first prong of the plain-error doctrine.

¶ 32 The plain-error doctrine provides a "narrow and limited exception" to forfeiture, permitting courts of review to address forfeited claims. *People v. Reese*, 2017 IL 120011, ¶ 72. Under the plain-error doctrine, a reviewing court may disregard a defendant's forfeiture and consider an unpreserved claim of error where:

> " '(1) a clear or obvious error occurred and the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant, regardless of the seriousness of the error, or (2) a clear or obvious error occurred and that error is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence.' " *People v. Thompson*, 238 Ill. 2d 598, 613 (2010) (quoting *People v. Piatkowski*, 225 Ill. 2d 551, 565 (2007)).

Under either prong of the plain-error doctrine, the defendant bears the burden of persuasion. *People v. Wilmington*, 2013 IL 112938, ¶ 43. "The first step of plain-error review is determining

whether any error occurred." *Thompson*, 238 Ill. 2d at 613.

¶ 33 Defendant argues the trial court permitted Raisbeck to offer expert knowledge on firearms without having been qualified as an expert witness pursuant to Illinois Rule of Evidence 702 (eff. Jan. 1, 2011). He notes Raisbeck offered expert testimony (1) regarding rifling and ballistics, (2) explaining hollow point rounds, and (3) explaining how he knew the firearms depicted in photos being held by defendant were operable and not replicas. He argues Raisbeck's testimony was improper for lay opinion testimony and prejudicial because it went to ultimate questions of fact to be decided by the jury. Citing *People v. Suggs*, 2021 IL App (2d) 190420, defendant contends Raisbeck's unqualified expert testimony on ultimate questions of fact was inadmissible as lay opinion testimony pursuant to Illinois Rule of Evidence 701 (eff. Jan. 1, 2011).

¶ 34 Rule 701 governs the requirements of "opinion" or "inference" witness testimony offered by a witness not testifying as an expert. *Id.* Lay opinion testimony pursuant to Rule 701 states "a witness must have personal knowledge of the matter to testify to it." *People v. Novak*, 163 Ill. 2d 93, 102-03 (1994), *abrogated on other grounds by People v. Kolton*, 219 Ill. 2d 353 (2006). "The opinion or inference must also be 'helpful to a clear understanding of the witness' testimony or the determination of a fact in issue,' and 'not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.' " *People v. Loggins*, 2019 IL App (1st) 160482, ¶ 79 (quoting Ill. R. Evid. 701 (eff. Jan 1, 2011)).

¶ 35 Expert testimony, however, permits a witness "to testify as an expert if that person's experience and qualifications afford him or her knowledge that is not common to laypersons, and where such testimony will aid the fact finder in reaching its conclusion." *Novak*, 163 Ill. 2d at 104. "The expert may gain his or her knowledge through practical experience rather

than scientific study, training, or research." *Id.* "There is no precise requirement as to how the expert acquires skill or experience." *Id.* "The burden of establishing the qualifications of an expert witness is on the proponent of the expert's testimony." *Id.* The trial court has discretion to determine whether a witness has been qualified as an expert. *People v. Jordan*, 103 Ill. 2d 192, 208 (1984).

¶ 36 Rules 701 and 702 do not distinguish between lay and expert witnesses. Rather, the rules distinguish between lay and expert testimony. *Loggins*, 2019 IL App (1st) 160482, ¶ 82. Thus, a witness may provide both lay and expert testimony and "an expert *may* base an opinion (as a lay witness *must*) on facts that the expert has personally observed." (Emphases in original.) *Id.* "While it is improper for [a police] officer to express an opinion as to a defendant's present credibility or guilt, 'statements of past opinions, rather than present ones, do not constitute improper lay opinion testimony.' " *People v. Collins*, 2025 IL App (4th) 240364-U, ¶ 74 (quoting *People v. Whitefield*, 2018 IL App (4th) 150948, ¶ 58).

¶ 37 In *Suggs*, a police officer providing lay testimony offered his opinion as to whether a crime had occurred. *Suggs*, 2021 IL App (2d) 190420, ¶¶ 17-18. The appellate court stated a police officer's testimony referring to the past but understood by the jury to be the officer's present opinion would be improper. *Id.* ¶ 18. In *Suggs*, the prosecutor asked the officer if he had formed an opinion as to whether a crime occurred and, in his opinion, what crime had occurred. *Id.* The court said the admissibility of the officer's testimony hinged on whether his testimony should be viewed "as a statement of his prior opinion or of an opinion held at the time of trial." *Id.* ¶ 17. The court concluded the officer's opinion testimony was improper where it represented a present opinion as to an ultimate fact—that the alleged crime occurred—for the jury. *Id.* ¶ 18.

¶ 38 We find *Novak* instructive here. In *Novak*, the State called two rebuttal witnesses to testify explicitly as lay witnesses regarding the defendant's alleged training methods. *Novak*, 163 Ill. 2d at 99. The trial court permitted the witnesses to offer lay testimony following an offer of proof. *Id.* The *Novak* court concluded the witnesses' testimony went beyond the scope of lay opinion testimony because they lacked firsthand knowledge as the bases of their testimony. *Id.* at 103. Because their testimonies were based on secondhand knowledge and their experiences and qualifications were not common to laypersons, their testimonies were deemed expert testimonies. *Id.* at 104. The *Novak* court said that "the test is whether the expert has knowledge and experience beyond the average citizen that would assist the jury in evaluating the evidence." *Id.* The court concluded the witnesses' testimonies met the qualification of expert testimonies and aided the jury in reaching its conclusion. *Id.* The court concluded the trial court did not abuse its discretion in admitting their testimonies. *Id.*

¶ 39 In the case at bar, Raisbeck was never offered as an expert witness, and the trial court was not expressly asked to rule that he was qualified as an expert. However, as noted above, Rules 701 and 702 distinguish between lay and expert testimony, not lay and expert witnesses. Rule 702 does not require the court "qualify or certify a witness as an expert where the witness's qualifications have not been challenged by the opposing party." *People v. Pingelton*, 2022 IL 127680, ¶ 62. A timely objection to the foundation for a witness's opinion is especially important because such errors are often easily cured. *People v. Korzenewski*, 2012 IL App (4th) 101026, ¶ 7. Regardless, *Novak* demonstrates the qualification of expert testimony is permissible after the fact. The question before this court is whether Raisbeck's testimony was based on knowledge and experience beyond the average citizen and assisted the jury in evaluating the evidence. We agree the basis of his testimony was premised on his experience and

training regarding firearms from his more than two decades as a police officer. "There is no precise requirement as to how the expert acquires skill or experience." *Novak,* 163 Ill. 2d at 104.. Therefore, Raisbeck's testimony regarding rifling, hollow point rounds, and the operability and/or realness of the firearms falls under the scope of expert testimony. The remaining question is whether it aided the jury in evaluating the evidence. We find Raisbeck's analysis of the photos and videos of the firearms *did* aid the jury in its ultimate decision on the issue of the genuineness of the firearms depicted. Raisbeck was the lead detective investigating the case at the time. It would have been part of his duties investigating the offense defendant was later charged with to determine if the firearms were real. Raisbeck offered his expert testimony to describe features of the firearms to explain why he had determined the firearms were real. The jury was still tasked with the ultimate decision of whether to accept Raisbeck's testimony as credible. We also find this case distinguishable from *Suggs* because Raisbeck was not providing the ultimate legal conclusion of whether defendant had committed the alleged crime but asked for his opinion—albeit his expert opinion—regarding specific facets of the firearms depicted in the evidence. Therefore, we cannot say the trial court abused its discretion in admitting his testimony. Because the court did not abuse its discretion in admitting his testimony, we conclude there was no clear error, and thus, no plain error. *People v. Sebby,* 2017 IL 119445, ¶¶ 48-49.

¶ 40 D. Unfairly Prejudicial Evidence Claim

¶ 41 Lastly, defendant argues the trial court abused its discretion by admitting evidence of the shooting incident where the probative value was substantially outweighed by the danger of unfair prejudice. Citing *People v. Pikes,* 2013 IL 115171, ¶ 20, he argues the ordinary rules of evidence apply. He notes the State did not allege he was one of the shooters, but it did rely on that shooting to establish the firearms were real. He contends the inferential chain, as argued by

the State at trial, was speculative, and any probative value of admitting the shooting occurred was substantially outweighed by a danger of unfair prejudice.

¶ 42 Defendant argues no witnesses stated the firearms depicted in Hollins's videos were used in the shooting and that no firearms were ever recovered. He also contends there was no evidence establishing the firearms he was holding were operable, given there was no evidence showing the same firearms were used in the shooting. In support, he cites *People v. Lopez*, 2014 IL App (1st) 102938-B. He concedes this issue was not preserved and requests we review it under the first prong of a plain-error analysis.

¶ 43 As we explained earlier, the plain-error doctrine permits a reviewing court to disregard a defendant's forfeiture of an unpreserved claim of error. *Thompson*, 238 Ill. 2d at 613. First, however, the defendant must show whether any error occurred. *Id.*

¶ 44 In *Pikes*, the defendant and a codefendant were charged with first degree murder for a drive-by shooting against a rival gang. *Pikes*, 2013 IL 115171, ¶ 3. The State sought to admit evidence of a prior incident, wherein the codefendant, days earlier, had been struck by a car. *Id.* The basis for introducing this evidence was to show the codefendant had "recruited [the] defendant to assist him in exacting revenge for the incident." *Id.* The trial court admitted the evidence, finding it relevant and more probative than prejudicial. *Id.* Our supreme court concluded the appellate court had erred when analyzing the evidence for admissibility as other-crimes evidence under Illinois Rules of Evidence 404(b) (eff. Jan. 1, 2011). *Pikes*, 2013 IL 115171, ¶ 16. Rather, the *Pikes* court said the incident in question should have been analyzed under the ordinary principles of relevance as discussed in Rules 401, 402, and 403 (Ill. R. Evid. 401, 402, 403 (eff. Jan. 1, 2011)). The court held the trial court did not err when admitting the evidence because it was relevant to show motive for the defendant's subsequent conduct for

which he was tried. *Pikes*, 2013 IL 115171, ¶ 26. The court reasoned "[t]he two events were intertwined and there was no reason to separate them, particularly where [the] defendant was not involved in them. Any prejudice to [the] defendant, if it existed, was far outweighed by the probative value of this evidence to show [the] defendant's motive." *Id.*

¶ 45 In *Lopez*, the defendant and five other codefendants were charged with murdering a man in the parking lot of a factory. *Lopez*, 2014 IL App (1st) 102938-B, ¶ 3. The State sought to introduce evidence that three of the codefendants—but not the defendant himself—had "beat[en] a man in the [same] factory parking lot" several weeks earlier. *Id.* The trial court admitted the evidence as more probative than prejudicial. *Id.* The *Lopez* court analyzed the evidence under the ordinary principles of relevance. *Id.* ¶ 22. The court found the circumstances inapposite to *Pikes*, stating the "State presented no evidence at trial showing the *** murder was tied to the prior incident outside the factory." *Id.* ¶ 24. Furthermore, the State failed to "present testimony or evidence showing the second crime [for which the defendant was charged] was in retaliation for the first or that they were otherwise related." *Id.* The court noted the "problem with admitting evidence about other crimes or bad acts is that it may overpersuade the jury that a defendant is a bad person who deserves punishment." *Id.* ¶ 30. Because the State failed to show the earlier incident had relevance to the murder incident, the court reversed the defendant's conviction and remanded for a new trial. *Id.*

¶ 46 When the State seeks to introduce evidence of another crime in which the defendant did not participate, admissibility is determined under the ordinary principles of relevance. *Pikes*, 2013 IL 115171, ¶ 20. " 'Relevant evidence' is defined as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Ill. R. Evid. 401

(eff. Jan. 1, 2011)." *Id.* ¶ 21. Relevant evidence may be excluded, nevertheless, if its probative value is substantially outweighed by the danger of unfair prejudice. Ill. R. Evid. 403 (eff. Jan. 1, 2011). The admissibility of evidence rests within the sound discretion of the trial court and will not be reversed absent an abuse of that discretion. *Pikes*, 2013 IL 115171, ¶ 12. The abuse-of-discretion-standard is the "most deferential standard" and requires a reviewing court to question "whether the trial court's decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it." (Internal quotations marks omitted.) *People v. Morgan*, 2025 IL 130626, ¶ 23.

¶ 47 We find *Lopez* is not analogous to the case at bar. In *Lopez*, the appellate court correctly noted the fact that the State had failed to put forward any evidence of a relationship between the prior incident and the subsequent incident weeks later for which the defendant had been charged. In this case, the shooting incident almost immediately followed the music video. Hollins testified that, after he had filmed the music video showing defendant holding firearms, he and several individuals in the video left and walked to a nearby eye clinic, where the shooting occurred. Hollins testified the intent was to continue filming more scenes for the music video. His testimony provided evidence of a relationship between the two events. The State sought to introduce the shooting as relevant to show the firearms depicted during the music video were, in fact, real firearms because they were used shortly thereafter. We agree this would be relevant evidence to show the firearms were genuine. No evidence was presented to show defendant was alleged to have participated in the shooting. Accordingly, we find evidence of the shooting was probative and not substantially outweighed by a danger of unfair prejudice. Therefore, we conclude the trial court did not abuse its discretion in admitting the evidence. Because defendant has failed to show error occurred, there can be no plain-error finding.

¶ 48 III. CONCLUSION

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

¶ 50 Affirmed.