2026 IL App (2d) 240762-U
No. 2-24-0762
Order filed August 31, 2026

NOTICE: This order was filed under Supreme Court Rule 23(b) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,
v. DERRICK STANLEY, Defendant-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Mark L. Levitt, Judge, Presiding.
No. 24-CF-49

PRESIDING JUSTICE KENNEDY delivered the judgment of the court.
Justices Jorgensen and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: The evidence was sufficient to convict defendant of unlawful possession of a weapon by a felon, and the statute providing for unlawful possession of a weapon by a felon is not facially unconstitutional. Affirmed.

¶ 2 Defendant, Derrick Stanley, appeals from his conviction of unlawful possession of a weapon by a felon (UPWF) (720 ILCS 5/24-1.1(a) (West 2022)). He argues (1) that the State failed to prove that he was not acting in self-defense or out of necessity when he possessed a firearm and (2) that the UPWF statute is unconstitutional under the second amendment. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On January 31, 2024, defendant was indicted on four counts related to an altercation at the Sheridan Motel in Lake County on September 25, 2021, in which defendant allegedly possessed

and discharged a firearm. The four counts were (1) aggravated discharge of a firearm (720 ILCS 5/24-1.2(a)(1) (West 2022)), (2) UPWF (*id.* § 24-1.1(a)), (3) aggravated unlawful possession of a weapon (*id.* § 24-1.6(a)(1), (3)(A-5) (no valid license under the Firearm Concealed Carry Act)), and (4) aggravated unlawful possession of a weapon (*id.* § 24-1.6(a)(1), (3)(C) (no valid Firearm Owner's Identification Card)). Prior to trial, defendant disclosed to the State that he may rely on the affirmative defenses of self-defense and necessity.

¶ 5 A. Bench Trial

¶ 6 On September 3, 2024, the case proceeded to a bench trial. The parties offered various stipulations, including that defendant had previously been convicted of a felony offense in Illinois, which satisfied the element of a prior felony conviction for UPWF (the stipulation did not name the felony offense). The parties also stipulated that the police recovered a "black SCCY 9mm handgun, serial number 891947" from the north side of the Sheridan Motel near a small shed. Police officers for the State would testify at trial to the recovery of the black, semi-automatic handgun near the motel.

¶ 7 The State called Timothy Taylor, who testified as follows. He was at the Sheridan Motel on September 25, 2021, at 3 a.m. to see some female friends. He and his friends were in a room with a crowd of people, "like three, four set [*sic*] of guys and they kept getting loud." Someone asked them to leave the motel room. He and at least some other people were eventually kicked out of the room.

¶ 8 Outside of the motel room, Taylor had a confrontation with a young man, who police later identified to Taylor as defendant. He and defendant were "arguing back and forth," and then defendant pointed a weapon at Taylor's chest; the gun clicked but did not fire. Taylor "froze for a second" and then took off running. While running, he heard four or five gunshots from behind him.

Around a corner, he checked himself for blood to make sure he was not hit. He kept running all the way to his home. He testified that defendant had pulled the gun from defendant's back pocket.

¶ 9 Taylor had a pending criminal case against him, but he stated that he was not being offered anything for his testimony at trial, including with respect to his pending case.

¶ 10 On cross-examination, Taylor testified that he remembered being interviewed by Detectives Hill and Gonzalez of the Zion Police Department in June 2024, in which interview he talked about the instant case. He agreed that, at the interview, he did not immediately recognize defendant from the photo that the detectives showed him and that he told them that he did not remember defendant having his shirt off at the motel. He did, however, tell detectives that defendant's gun "had to be in his back pocket," and that defendant pulled the gun out of his back pocket before pointing it at him.

¶ 11 Taylor further answered that he did not tell the detectives that defendant pointed a gun at him until he asked whether someone had pulled a gun on him. Taylor agreed that he told the detectives that he never actually saw defendant shoot at him and that he did not mention until the end of the interview that there had been an argument outside. Taylor was on probation at the time of the incident, and he admitted he should not have been drinking beer at the motel.

¶ 12 Piotr Jamka was an officer with the Zion Police Department, and he testified that, on September 25, 2021, he responded to a radio call of shots fired at the Sheridan Motel. There, he located a gunshot victim, who he identified at trial as defendant. At the motel, he asked defendant what had happened. Defendant identified himself as "Chris" and did not provide him with any more information. Jamka requested medical assistance, and defendant was transported to a medical facility.

¶ 13 After defendant was transferred, Jamka canvassed the Sheridan Motel area. He found shell casings on site along with bullet holes in multiple vehicles. Along a path around the motel, he located what he believed were blood drops on the northeast side of the property. As part of his canvassing, he and Detective Hill contacted the management of the motel and reviewed the motel's video surveillance. Defendant appeared in the video footage.

¶ 14 Anthony Spadafora was a forensic scientist in the firearm section of the Northeastern Illinois Regional Crime Laboratory in Mundelein, and he testified as follows. He examined the black SCCY 9mm handgun and shell casings associated with the Sheridan Motel investigation and generated a lab report. He opined that the recovered handgun had been used to fire at least six times and was linked to six cartridge cases recovered from the scene. Spadafora also explained that there are several reasons why a firearm, like the recovered handgun, "might not operate the way you expect it to operate," including that it would not fire without a cartridge in the chamber. Semi-automatic weapons such as the handgun needed to be manually charged by pulling the slide back before the first trigger pull.

¶ 15 In addition to the live witness testimony, the State introduced into evidence various video and photographic exhibits. We discuss this evidence, as relevant to this disposition, within the analysis section below.

¶ 16 At the close of the State's case-in-chief, defendant moved for a directed finding, arguing in part that the State had not put forth any evidence about a FOID card or concealed carry license to support counts III and IV for aggravated unlawful use of a weapon. The State conceded on counts III and IV. The trial court granted the motion for a directed finding as to counts III and IV, but it denied the motion as to counts I and II.

¶ 17 Defendant testified in his defense as follows. He was 35 years old and had completed high school. Regarding the events of September 25, 2021, he remembered going to the Sheridan Motel with a friend named John, who wanted to meet a woman there. Defendant did not bring a gun with him to the motel. At the motel, he and John first met with a woman named Sierra. The three of them got into a car to go to a house of one of her friends, after which they returned to the motel. Defendant did not have a gun when he returned to the motel.

¶ 18 Back at the motel, defendant went to a party in one of the rooms with a "bunch of people standing around drinking and smoking." There were 10 or more people present at the party. Defendant was flirting with a woman in the room when Timothy Taylor punched him. At the time, he had not met Taylor before nor did he know who Taylor was, but he later learned his identity. Defendant's friends got between him and Taylor after Taylor threw his punch. Then, a woman asked them not to fight and to "take the shit outside." Defendant left the room with John, whereafter defendant took off his shirt because he and Taylor were about to fight. Defendant testified that, at that point in time, he still did not have a gun.

¶ 19 Taylor came out of the motel room with two individuals. Defendant approached them and swung. Taylor hit him "with something" on the left side of his head, and defendant fell. Defendant got back up, pulled up his pants, and walked "back into the crowd." Then, a man next to Taylor pulled a gun on defendant. Defendant did not know who the person was. In response, defendant "pulled the gun off my friend's hip." He knew his friend (presumably John, although defendant's testimony did not identify the friend) had a gun "[b]ecause [he] felt it when [he] was standing next to him."

¶ 20 After grabbing the gun off his friend, defendant ran toward the parking lot and heard a gunshot while running. Defendant did not continue running away from the motel because "[t]here

were individuals in the parking lot with guns aiming at [him]." The individuals were positioned behind a Cadillac. Defendant then ran "on the side of one of the cars back towards the motel." The individuals were shooting at him, and he testified that he returned fire.

¶ 21 Defendant continued that he tried to flee, first returning to the room in the motel where the fight began, but he found the door was locked. He then "took cover" and ran toward the front of the motel. While he was running, he got shot in the foot, and he fell and dropped his gun. He was shot a total of three times. He got up and kept running, hearing gunshots with bullets whizzing past his head. He reached the back of the motel and threw the gun away. Defendant reiterated that he had possessed the gun only after he saw an individual pull a gun on him outside the motel room.

¶ 22 Defendant admitted that he lied to police at the motel about his name. He did so because, at the time, he had an active failure to appear warrant.

¶ 23 On cross-examination, defendant admitted that he was drinking at the motel, but he denied pulling a gun on Taylor. He explained that he discarded the gun behind a shed at the motel because he "had no use of it after [he] was out of danger."

¶ 24 In closing argument, the State argued that defendant had taken the gun to the party at the motel and pulled the gun on Taylor. The State continued that neither the affirmative defenses of necessity nor self-defense applied to this case. To wit, the evidence showed that defendant possessed the gun and pointed it at Taylor before any similar threats against defendant existed.

¶ 25 The defense responded by replaying various videos from the motel, arguing that these videos corroborated defendant's version of events and supported the affirmative defenses of necessity and self-defense. Defense counsel argued that self-defense applied because defendant testified that someone pulled a gun on him and that his testimony from that night was corroborated by the video footage from the motel. Counsel also argued that necessity applied because he did not

have an option other than to possess a weapon. Counsel reiterated defendant's testimony that he got the weapon from his friend, arguing that he did not possess the weapon before he was threatened by another person with a gun. In short, defendant's position was that he was unarmed until he was justified to possess a firearm in self-defense or out of necessity.

¶ 26 B. Guilty Finding

¶ 27 On September 10, 2024, the trial court found as follows. On the evening of September 25, 2021, defendant attended a gathering at the Sheridan Hotel in Zion, where various groups were present and drinking. At some point during the gathering, an altercation occurred between several individuals, resulting in those attendees being asked to leave the room. It was undisputed that an altercation occurred between defendant and Taylor. Defendant, who claimed that he was unarmed, testified that Taylor initiated the altercation by punching him in the mouth. Although defendant admitted "to taking off his shirt in anticipation of an altercation, he portray[ed] himself as the victim and not the aggressor."

¶ 28 The trial court continued that, according to defendant, he removed a gun from the waistband of a friend, which gun he knew to be loaded, only after he observed other individuals with firearms. The court stated that defendant's account of events was "certainly not borne out by the evidence that was adduced at trial," including the video and photographs. It was believable that an incident occurred in the room, but the court believed that defendant "sought to take control of the altercation" after it moved outside of the hotel room, which was supported by the video accounts. The court noted that the footage was "grainy and far from the best video," but "what was clear from the video" was that the altercation spilled out of the room and was escalated by defendant arming himself, leading to a shootout.

¶ 29 The trial court found Taylor's account clear, convincing, and credible. On the other hand, it found defendant's testimony to be "wholly self-serving" and incredible.

¶ 30 The trial court found that the State had proved every element of UPWF beyond a reasonable doubt, and it found defendant guilty of UPWF (count II). Regarding the remaining count for aggravated discharge of a firearm (count I), the court found defendant not guilty because the State had failed to prove beyond a reasonable doubt that defendant had discharged a firearm in the direction of a person.

¶ 31 On October 9, 2024, defendant moved to vacate judgment or, in the alternative, for a new trial, arguing that the State did not disprove his affirmative defenses of self-defense and necessity. The trial court denied the motion on October 31, 2024, after which it proceeded to defendant's sentencing hearing. Following the hearing, the trial court sentenced defendant to five-and-a-half years in the Illinois Department of Corrections, to be served at 50 percent. Defendant moved to reconsider on November 14, 2024, and the trial court heard and denied the motion on December 10, 2024. Defendant filed a timely appeal that same day.

¶ 32 II. ANALYSIS

¶ 33 Defendant raises two issues on appeal: (1) The State failed to prove he committed UPWF beyond a reasonable doubt because the evidence demonstrated that he was acting in self-defense and out of necessity when he possessed and discharged a firearm at the motel, and (2) the UPWF statute is unconstitutional in violation of the second amendment of the United States Constitution. We address his arguments in turn.

¶ 34 A. Sufficiency of the Evidence

¶ 35 Defendant argues that, in possessing a handgun at the Sheridan Motel on September 25, 2021, the State failed to disprove that he was acting in self-defense and that he was acting out of

necessity. He contends, therefore, that the evidence was insufficient to prove his guilt beyond a reasonable doubt.

¶ 36 As to self-defense, defendant argues that he established his need to act in self-defense because the evidence showed that he was not the aggressor in the conflict at the motel and that he was threatened by another person pointing a gun at him before he possessed a firearm. Defendant argues that the State's only evidence showing that he possessed a firearm before he was threatened came from Taylor's testimony, which he contends was rebutted and impeached by the video exhibits. Defendant highlights the footage of defendant falling backwards in the motel walkway, which he contends is the only video evidence presented of a physical altercation.

¶ 37 As to the justification of necessity, defendant argues that, for the same reasons that established his need to act in self-defense, he was without blame in occasioning or developing the situation that required his possession of a firearm. Defendant again argues that the State failed to prove that he was in possession of the handgun before a gun was pointed at him.

¶ 38 The State responds that defendant's argument improperly requests that this court reweigh the evidence and the credibility of the witnesses. The State contends that the trial court was not required to accept defendant's version of events and reasonably concluded that defendant's testimony was unbelievable. The State also asserts that the evidence established that defendant possessed the handgun before his confrontation with Taylor. We agree with the State.

¶ 39 On a challenge to the sufficiency of the evidence, the question is whether, after reviewing the evidence in the light most favorable to the State, any rational trier of fact could have found all the essential elements of the crime beyond a reasonable doubt. *People v. Hardman*, 2017 IL 121453, ¶ 37. The essential elements of UPWF are (1) the knowing possession of a firearm and (2) a prior felony conviction. *People v. Walker*, 2020 IL App (1st) 162305, ¶ 19; see 720 ILCS

5/24-1.1(a) (West 2022) ("It is unlawful for a person to knowingly possess *** any firearm *** if the person has been convicted of a felony ***.").

¶ 40 In reviewing the sufficiency of the evidence, the reviewing court will not substitute its judgment for the judgment of the trier of fact on questions involving the weight of the evidence, the credibility of the witnesses, or the resolution of conflicting testimony. *People v. Johnson*, 2017 IL App (2d) 141241, ¶ 33. The trier of fact is in the best position to judge the credibility of the witnesses, and their credibility findings are accorded great weight. *People v. Wheeler*, 226 Ill. 2d 92, 114-15 (2007). Despite this deference to the trier of fact, credibility determinations must still be reasonable. *Id.* at 115. In short, a reviewing court will not retry a defendant (*id.* at 114) and will not reverse a defendant's conviction "unless the evidence is so unreasonable, improbable, or so unsatisfactory as to justify a reasonable doubt of the defendant's guilt" (*People v. Campbell*, 146 Ill. 2d 363, 375 (1992)).

¶ 41 Where the defense has sufficiently raised an affirmative defense, the State has the burden of proving the defendant's guilt beyond a reasonable doubt as to the affirmative defense in addition to all the elements of the charged offense. *People v. Hari*, 218 Ill. 2d 275, 297 (2006). That is, the State must also disprove the applicability of the affirmative defense beyond a reasonable doubt. *People v. Perez*, 97 Ill. App. 3d 278, 280 (1981). Both self-defense (*i.e.*, use of force in defense of person (720 ILCS 5/7-1 (West 2022)) and necessity (*id.* § 7-13) are affirmative defenses. *People v. Martinez*, 2019 IL App (2d) 170793, ¶ 70 (self-defense); *Perez*, 97 Ill. App. 3d at 280 (necessity).

¶ 42 We reject defendant's argument that the State failed to prove his guilt beyond a reasonable doubt. Even if, *arguendo*, we were to accept defendant's argument that he was legally justified to possess a firearm in self-defense or out of necessity after observing another man with a gun, he was not legally justified to possess a firearm before such a threat arose. *Cf. People v. Crowder*,

2018 IL App (1st) 161226, ¶¶ 1, 8, 31-32, 35 (reversing the defendant's conviction for aggravated unlawful possession of a weapon (720 ILCS 5/24-1.6(a) (2014)) where the defendant possessed the firearm in self-defense by removing it from his father's lawful possession only after a genuine fear of injury to himself or his father). As we explain below, the evidence reasonably supported the trial court's finding that defendant possessed a firearm prior to brandishing it at the motel during the altercation, and therefore defendant had already committed the offense of UPWF before any alleged justification arose.

¶ 43 At trial, Taylor testified that defendant pulled a gun from his back pocket, establishing that defendant was in possession of a firearm before any alleged justification to possess a firearm arose. Although defendant testified that he pulled the gun off his friend John's hip, it was the trial court's job as the trier of fact to resolve inconsistencies in the evidence. We bear in mind that the testimony of a single witness, if positive and credible, is sufficient to support a conviction even where the testimony is contradicted by the defendant. *People v. Johnson*, 2026 IL 131337, ¶ 77. Taylor's trial testimony was positive as to defendant's prior possession of the handgun, and the court found his testimony credible.

¶ 44 Defendant relies on the video exhibits from trial to argue that the trial court's credibility determinations were unreasonable. This line of argument is unpersuasive. Our review of the video exhibits from the motel neither corroborates defendant's testimony nor rebuts Taylor's in any significant way. Most of the video footage is low quality and poorly angled, and the footage fails to definitively show what fully transpired at the motel between Taylor and defendant. For example, there is no footage of what happened inside the room before the men exited. More importantly, there is no clear footage that shows from where defendant obtained the gun. Although there is no footage that clearly shows that defendant possessed a handgun prior to falling backward in the

walkway, there is also no footage that clearly shows defendant did not possess a handgun before brandishing it or that he pulled the handgun off the hip of another person. Even the camera footage with a close view of defendant after he stumbled backwards in the walkway before reapproaching the group outside the motel room is unhelpful, because it shows only the left side of defendant's body and pants. The motel footage submitted at trial merely corroborates the undisputed narrative of an altercation taking place at the motel involving defendant, Taylor, and others, but it does not definitively resolve the inconsistencies between Taylor's and defendant's conflicting testimonies regarding defendant's prior possession of a firearm. We therefore cannot say that the motel footage rendered the trial court's resolution of the inconsistent testimonies unreasonable.

¶ 45 As to the argued inconsistencies between Taylor's trial testimony and his interview with detectives in June 13, 2024, nothing shows that the trial court's belief in his trial testimony was unreasonable. Taylor's initial hesitation at the interview to talk candidly with police about the shooting does not mean he necessarily answered untruthfully about the shooting later in the interview, much less testified untruthfully at defendant's trial. Furthermore, Taylor's failure to recall certain details at the interview like that defendant was shirtless, as well his answer on cross-examination that he told the detectives that he did not see people carrying guns before the shooting began, do not render his relevant trial testimony unbelievable.[1] Importantly, during Taylor's interview with police, he told them that defendant pulled a gun on him from what had to have been defendant's back pocket (demonstrating for the detectives with his arm how defendant pulled the

[1]We note that, in the recording of Taylor's interview, Taylor acknowledges that people other than defendant may have had guns. To wit, after Taylor answers the detectives that he heard four or five shots come from defendant, he says "shit, I guess CT or someone else might have had some guns on them, so."

gun on him), which is fully consistent with his trial testimony that defendant pulled a gun on him from defendant's own back pocket.

¶ 46 Here, it is undisputed that defendant possessed a firearm during his altercation with Taylor outside the motel room, and the dispositive inquiry is whether defendant possessed the firearm prior to the escalation of the altercation. There were only two alternative witness accounts presented to resolve this issue: defendant either pulled the handgun from his own clothing or pulled it from the hip of one of his friends. Neither account has clear video support that corroborates or rebuts the account. Therefore, the trial court had to exercise its judgment to decide which witness's account to believe, and we will not substitute our judgment where Taylor's positive testimony directly supported that defendant already possessed the handgun on his person before pulling it from his back pocket, and where defendant's testimony was certainly self-serving and was uncorroborated by any other evidence. Moreover, defendant's testimony inherently strains credulity, in that his purported knowledge of his friend's loaded gun was from feeling the gun on his hip by standing next to him at some unspecified time prior, and that he reached for and pulled the gun after someone else was already pointing a gun at him instead of trying to deescalate the conflict, grabbing for the antagonist's gun, or being shot at in response to grabbing for his friend's gun. Because the trial court's findings were based on Taylor's reasonably credible evidence that defendant already possessed the handgun before any justification to possess it may have arisen, we hold that the evidence was sufficient to convict defendant of UPWF beyond a reasonable doubt.

¶ 47 B. Constitutional Challenge

¶ 48 For the first time in this litigation, defendant argues on appeal that the UPWF statute is facially unconstitutional. The argument is not forfeited, because a facial challenge to the constitutionality of a statute may first be raised at any time. *People v. Huff*, 2025 IL App (4th)

240762, ¶ 12 (citing *People v. Thompson*, 2015 IL 118151, ¶ 32 (explaining that when a statute is declared facially unconstitutional, it means the statute was constitutionally infirm from the moment of its enactment and is unenforceable)).

¶ 49 Defendant argues that, under the Supreme Court's decision in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), the UPWF statute violates the second amendment of the United States Constitution because its permanent, flat ban on felons possessing firearms is inconsistent with the historical tradition of firearm regulation in the United States and that he is part of "the people" whose right to bear arms the second amendment protects. The State responds that the doctrine of *stare decisis* compels us to reject defendant's constitutional challenge, that felons are not part of "the people" under the second amendment, and that historical analogues exist for disarming felons.

¶ 50 We presume statutes are constitutional, and the party challenging the statute's constitutionality has the burden of rebutting that presumption by establishing a clear constitutional violation. *People v. Bochenek*, 2021 IL 125889, ¶ 10. A party raising a facial challenge must show that the statute is unconstitutional under any possible set of facts. *People v. Harris*, 2018 IL 121932, ¶ 38. Thus, the burden on a facial challenge is particularly heavy. *Bochenek*, 2021 IL 125889, ¶ 10. The constitutionality of a statute, whether challenged facially or as applied, is a question of law reviewed *de novo*. *People v. Rizzo*, 2016 IL 118599, ¶ 23.

¶ 51 This court has recently heard and rejected facial challenges to the constitutionality of the UPWF statute. See *People v. Rodgers*, 2025 IL App (2d) 240327-U, ¶¶ 41-48 (rejecting both a facial and as-applied constitutional challenge under *Bruen* to the UPWF statute); *People v. Martinez*, 2024 IL App (2d) 230305-U, ¶¶ 18-49 (concluding on a facial challenge to the UPWF statute that felons are not included in "the people" under the second amendment, and that even if

felons were included, the statute is consistent with the historical tradition of firearms regulation in the United States); see also *People v. Gross*, 2024 IL App (2d) 230017-U, ¶¶ 16-29 (rejecting an as-applied constitutional challenge to the UPWF statute where the underlying felony did not contain an element involving violence). Nothing presented by or argued on defendant's appeal warrants a reversal in this court's position holding the UPWF statute facially constitutional, and we stand by our recent decisions, which cogently addressed the constitutional issue raised again here. See *Chicago Bar Ass'n v. Illinois Board of Elections*, 161 Ill. 2d 502, 510 (1994) (the doctrine of *stare decisis* ensures the law will not change erratically and contributes to the integrity of our constitutional system; courts should depart from what is decided only for articulable reasons, when experience and newly ascertained facts require change). Therefore, we reject defendant's constitutional challenge to the UPWF statute and hold, once again, that the UPWF statute is facially constitutional.

¶ 52 III. CONCLUSION

¶ 53 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 54 Affirmed.