NOTICE
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2026 IL App (5th) 260527-U

NO. 5-26-0527

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	St. Clair County.
	)	
v.	)	No. 26-CF-301
	)	
DEVION J. MOORE,	)	Honorable
	)	Robert B. Haida,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Justices Boie and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's orders granting the State's verified petition to deny pretrial release and denying the defendant's motion for relief are affirmed.

¶ 2 The defendant, Devion J. Moore, appeals from the St. Clair County trial court's March 20, 2026, order granting the State's petition to deny pretrial release, along with the court's May 12, 2026, order denying his motion for relief. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On February 17, 2026, a warrant of arrest was issued for the defendant, who was subsequently charged with one count of attempted first degree murder (720 ILCS 5/8-4(a), 9-1(a)(1) (West 2024)), a Class X felony, and two counts of aggravated battery with a firearm (*id.* § 12-3.05(e)(1)), a Class X felony, after he allegedly shot the victim, Eric Cobbins, in the back

twice with a firearm. The same day, the State filed a verified petition to deny the defendant pretrial release, alleging the defendant was charged with forcible felonies, being attempted first degree murder and aggravated battery, and that his pretrial release posed a real and present threat to the safety of any person or persons or the community. 725 ILCS 5/110-6.1(a)(1.5) (West 2024). On March 19, 2026, the trial court ordered that the defendant be detained pending his pretrial detention hearing.

¶ 5 A pretrial detention hearing followed on March 20, 2026. The State proffered that at approximately 8:38 p.m. on February 10, 2026, officers from the Washington Park and Caseyville Police Departments received a report of shots fired near a home on Hallows Street in Washington Park. One of the responding officers was Officer Terry Pruitt from the Washington Park Police Department. When officers arrived at the location, they observed a 2021 silver Dodge Charger in the driveway with the driver's door open. Police made contact with a man, later identified as Eric Cobbins, lying on the ground with blood all over his shirt.

¶ 6 When police began rendering aid to Cobbins, they cut open his shirt and observed two gunshot wounds on his back. Police also observed "one projectile protruding from [Cobbins'] chest just below his sternum." Cobbins was conscious, breathing, and able to speak. Cobbins identified himself and provided his date of birth to the officers. According to Cobbins, he was going to enter his vehicle to leave the residence when a man walked over from a neighboring house and shot him twice in the back. The man then proceeded to walk away.

¶ 7 Cobbins' girlfriend, Memorie Tally-Brown, was sitting inside Cobbins' vehicle in the driveway. Tally-Brown told police that she was sitting in the passenger seat when she heard two gunshots. She was unable to provide police with either a description of the suspect or the vehicle that he fled in after the shooting. However, she believed the suspect was involved with the next-

door neighbor's house, telling officers she believed he was the neighbor's grandson. Meanwhile, Med-Star EMS arrived on the scene and transported Cobbins to St. Louis University Hospital for further treatment.

¶ 8 During the crime scene investigation, officers noted visible blood on the ground around the Dodge Charger, as well as inside the vehicle. The vehicle was later impounded and taken in for evidence, but the forensics were not available at the time of the hearing. The State further proffered that police canvassed the area and spoke to several people in the vicinity who heard multiple gunshots. Those people gave police descriptions of the vehicle that the suspect used to flee the scene (likely an Audi), but nobody could identify the suspect. Among those people were the defendant's grandmother and various neighbors.

¶ 9 The investigation revealed the following. The defendant hired Cobbins to do some work around his home over several weeks, including the construction of a fence. During that time, Cobbins and the defendant exchanged various phone calls and text messages. According to Cobbins, he performed the work for the defendant, whom he had known since approximately 2018. The defendant apparently was unhappy with Cobbins' work and had texted Cobbins "very close to the date and time of the incident," asking him to come outside so they could discuss the matter further. When Cobbins went outside to meet the defendant, "that's when the shooting happened."

¶ 10 The State asserted the investigation was still ongoing as no forensics had been completed and the weapon had not been recovered. The State told the trial court that all of that information would be provided to defense counsel as part of routine discovery "as the information [was] supplemented." Moreover, the State noted that warrants were issued for the defendant's cell phone, and it believed that text messages on the phone would show the defendant asked Cobbins to come outside right before he was shot. Cobbins also positively identified the defendant as the shooter in

an interview with police six days after the shooting. The State acknowledged the defendant's pretrial investigation report revealed that he did not report any history of drug abuse or mental health issues, and that it did not appear he had any prior criminal history. Additionally, he scored a one on the Virginia Risk Assessment Score, placing him on the lowest end of the risk scale. Finally, the defendant turned himself in, which is why there were "no Mirandized statements that [were] part of the record in this case."

¶ 11 The State proceeded to argument, emphasizing the violent nature of the offenses in this case and that the defendant was charged with three Class X offenses after he allegedly shot Cobbins in a dispute over some work that Cobbins did for the defendant. The State argued that nothing short of detention would be appropriate given the nature of the offenses and that they involved weapons and a shooting. The State averred, "we were very lucky that there was not loss of life in this situation." For those reasons, the State asked the trial court to deny pretrial release.

¶ 12 In response, defense counsel initially noted that the alleged text messages from the defendant to Cobbins were not provided to the defense in the pretrial or predetention hearing discovery. Additionally, every defendant was eligible for pretrial release under the statute. Defense counsel argued the defendant in this case was an ideal candidate for pretrial release given that he was 21 years old, had no prior criminal history, and had turned himself in. The defendant also had not gotten into any trouble since the shooting occurred more than a month earlier. Defense counsel argued that neither the proof was evident nor presumption great that the defendant committed the offenses in this case where there were inconsistent witness statements, no ballistics, no video, and no weapon had been recovered. Defense counsel further argued that less restrictive conditions, like house arrest, were more appropriate, noting that the defendant had a strong support group,

including a girlfriend and six-month-old son who lived with him. The defendant's mother also offered to let him stay with her.

¶ 13 Following arguments from the parties, the trial court first noted that all three offenses in this case were detainable, nonprobational Class X felonies, under the statute. The court stated that it considered the proffered evidence, which showed that on February 10, 2026, the defendant "performed a substantial step toward the commission of the offense of first degree murder in that he shot [Cobbins] in his back with a firearm." Further, the defendant knowingly discharged a firearm, causing injury to Cobbins. This information was provided to police by Cobbins. The court stated the proffered evidence showed that a third-party witness also provided a statement to police, and police observed two apparent gunshot wounds to Cobbins' back. Cobbins was treated for his injuries at a local hospital. The court noted that the proffered evidence also included cell phone data, and there was an ongoing investigation concerning potential forensic information for vehicles and cell phone content, among other things.

¶ 14 In determining whether pretrial detention was appropriate, the trial court stated that it considered the nature and circumstances of the current offense, the weight of the evidence proffered by the State, as well as defense counsel's proffered argument. The court further considered the history and characteristics of the defendant, including his age, employment history, drug and alcohol abuse history (or lack thereof), and that he had no prior criminal history. With regard to the defendant's employment history, the court noted that he was unemployed but received a monthly check from an injury settlement. Finally, the court considered the nature and seriousness of the real and present threat to the safety of any person or the community that would be posed by the defendant's release.

¶ 15 The trial court then granted the State's petition, finding, by clear and convincing evidence, that the proof was evident or presumption great that the defendant committed a qualifying offense; he posed a real and present threat to the safety of any person, persons, or the community, based on the specific articulable facts of the case; and no condition or combination of conditions could mitigate that threat. The court noted the charges in the case alleged that the defendant fired a firearm toward another person (Cobbins) with the intent to batter him to cause injury. Given the foregoing, the court found that the defendant's detention was necessary to avoid the real and present danger or threat to any persons or the community and that no less restrictive conditions, like electronic monitoring, would "ensure the safety of the community at this time." The court subsequently ordered the defendant to be remanded to the custody of the St. Clair County Sheriff's Department for confinement in the county jail until further order of the court.

¶ 16 The trial court entered a written order for detention the same day. That order generally contained the same findings from the detention hearing, emphasizing that the defendant performed a substantial step toward the commission of first degree murder in that he shot Cobbins in the back with a firearm. The defendant knowingly discharged a firearm, causing injuries to Cobbins by shooting him in the back. This was consistent with Cobbins' statement to police, as well as the statement of a third-party witness. Accordingly, the trial court's order stated that the defendant's detention was necessary to avoid the real and present threat to any person or persons or the community.

¶ 17 On April 24, 2026, the defendant filed a motion for relief "under the Pretrial Fairness Act pursuant to Illinois Supreme Court Rule 604(h)(2)" (eff. Apr. 15, 2024). The motion generally alleged that the trial court erroneously granted the State's petition to deny pretrial release because the State failed to meet its burden of proving, by clear and convincing evidence, that the proof was

evident or presumption great that the defendant committed a detainable offense, and that no condition or combination of conditions could mitigate the threat he may have posed to the safety of any person, persons, or the community. As will be discussed below, the defendant also argued the court did not comply with section 110-6.1(h)(1) of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6.1(h)(1) (West 2024)), which requires the trial court to make a written finding summarizing why less restrictive conditions would not avoid a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of this case, or prevent the defendant's willful flight from prosecution. Defendant argued the trial court's written detention order did not contain that language, and the transcript of the court's detention hearing did not contain any specific reasons why less restrictive conditions would not avoid the potential threat he posed to the safety of any person and/or the community.

¶ 18 The trial court held a hearing on the motion on May 8, 2026.[1] At the hearing, defense counsel argued the trial court erred in finding the State proved that the defendant committed a qualifying offense, emphasizing that while the victim identified the shooter, he was shot in the back, so "he did not actually see the shooting." Moreover, a witness who was on the scene was unable to give a description of either the suspect or the vehicle the suspect fled in after the shooting. The State also admitted that forensics had not been completed. The State issued warrants for the defendant's cell phone and proffered that text messages on the phone would show that the defendant asked Cobbins to come outside right before he was shot. Defense counsel argued, however, that this piece of evidence was never provided to the defense prior to the detention hearing.

[1]The Honorable Sara Rice presided over the defendant's March 20, 2026, detention hearing, while the Honorable Robert B. Haida presided over the May 8, 2026, hearing on the defendant's motion for relief.

¶ 19 Defense counsel further argued that the trial court erroneously found the State showed, by clear and convincing evidence, that there were no conditions that could have mitigated the real and present threat to the safety of any person or the community. Defense counsel provided the same factual proffer that the defendant received the lowest score on the Virginia Risk Assessment, that he had no mental health or substance abuse issues, and that he had no prior criminal history. Additionally, the defendant turned himself in, and there were no allegations of any wrongdoing by him between the incident on February 10, 2026, and when he turned himself in on March 18, 2026. Moreover, there was no evidence adduced that the defendant could not comply with pretrial conditions or that he had previously failed to comply with any such conditions.

¶ 20 Defense counsel argued that neither the State nor the trial court sufficiently explained why any safety threat posed by the defendant could not be mitigated, such as by ordering the removal of weapons, or why he could not comply with any conditions of pretrial release. Instead, according to defense counsel, the State made conclusory statements that no condition or combination of conditions could mitigate the threat posed by the defendant "because of the nature of the offense and that it involved weapons." Defense counsel reiterated the argument set forth in the motion for relief that the trial court's detention order did not comply with section 110-6.1(h)(1) of the Code. *Id.* The trial court then asked defense counsel what less restrictive conditions would be appropriate, to which defense counsel responded that electronic monitoring and ordering the surrender of any firearms would keep the community safe. In response to further questioning by the court, it was revealed that the defendant had a valid Firearm Owners Identification (FOID) card and owned one weapon. The State asserted that no weapon had yet been seized as part of the investigation. The State informed the court that a .40-caliber Smith & Wesson casing was found on the scene. The

State further informed the court that after Cobbins was transported to the hospital, he communicated with Detective Michael Baxton from the Washington Park Police Department.

¶ 21 The State provided the same factual proffer from the detention hearing, adding that when police arrived on the scene, Cobbins told them that "the man from the next door house shot him in the back." Further, Cobbins' girlfriend, Memorie Tally-Brown, told police that when she and Cobbins arrived at the residence, Cobbins went inside "real quick to change his shoes," while she waited in the front passenger seat of the vehicle. When Cobbins came back outside, he and "an individual she knew as D.J.," the next-door neighbor's grandson, began having a conversation. Cobbins subsequently opened the car door to leave when Tally-Brown heard the gunshots. According to Tally-Brown, Cobbins exclaimed, "he shot me in the back." Tally-Brown then saw "this defendant" come over to her side of the vehicle, before he eventually left in "a vehicle at the next door neighbor's house." Following the shooting, Tally-Brown positively identified the defendant in a photograph lineup.

¶ 22 The State also proffered that six days after the shooting, Cobbins gave an account to Detective Baxton that was consistent with Tally-Brown's description of what had happened regarding the shooting. Cobbins identified the defendant as the next-door neighbor's grandson and stated that he had known him "since about 2018 or 2019." Cobbins had performed work at the defendant's residence in Missouri,[2] including helping remove a tree from the house and laying asphalt on the driveway. Cobbins indicated there was another ongoing project involving building a fence for the defendant. The State proffered that on the night of the shooting, there was "some kind of disagreement about the work that had been done or not done by Mr. Cobbins." According

[2]Defense counsel later clarified that the defendant lived in Missouri, but the incident occurred at his grandmother's house on Hallows Street in Washington Park.

to Cobbins, at the conclusion of that disagreement, he turned away from the defendant and began getting into his car to leave when he got shot twice.

¶ 23 The State further proffered that Detective Baxton had reviewed the defendant's cell phone on which he found a text message telling Cobbins to come outside, sent from a contact called "D.J." Cobbins then identified the defendant as that individual, whom "had sent him that text moments prior to the shooting." While Cobbins had not seen that text message at the time, the State argued it was highly probative that the defendant was texting Cobbins "saying, come outside, and then this disagreement and then shooting occurred." For those reasons, the State argued there was sufficient proof that the defendant committed these detainable offenses. While the State acknowledged the defendant was only 21 years old and had no prior criminal history, it argued that these offenses were violent. The State noted there was no allegation that the defendant had a weapon and no weapon had been located, but one fired cartridge casing was found on the scene. The State conceded it did not have evidence "necessarily of a flight risk," but argued that given the severity of the violent charges against the defendant, he presented a danger to the community and asked that he remain detained.

¶ 24 Following arguments from the parties, the trial court found there was clear and convincing evidence that the defendant committed one or more detainable offenses, and that given his "contacts with the State of Missouri," he potentially posed a flight risk. The court further found that the defendant posed a threat to Cobbins and/or the community as the shooting appeared to be an unprovoked, life-threatening attack with two shots. The court then found there were no other

alternatives that would protect Cobbins and/or the community and ensure the defendant would not pose a flight risk.[3] The court thus ordered the defendant remain detained.

¶ 25 The trial court subsequently entered a written order denying the defendant's motion for relief on May 12, 2026, and he appealed.

¶ 26 II. ANALYSIS

¶ 27 On appeal, defendant filed a notice in lieu of memorandum. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024) (stating, an "appellant may file, but is not required to file, a memorandum" on appeal). Accordingly, defendant's motion for relief in this case serves as his argument on appeal. See *id.* ("Issues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed.").

¶ 28 Pretrial release—including the conditions related thereto—is governed by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023). See Pub. Act 102-1104, § 70 (eff. Jan. 1, 2023) (amending various provisions of the Act); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023). A defendant's pretrial release may be denied only in certain statutorily limited situations. 725 ILCS 5/110-6.1 (West 2024). Upon filing a timely verified petition requesting denial of pretrial release, the State has the burden to prove by clear and convincing evidence that the proof is evident or the presumption great that the defendant has committed a qualifying offense, that the defendant's pretrial release poses a real and present threat to the safety of any person or the community or a flight risk, and that less restrictive conditions would not avoid a real and present threat to the safety of any person or the community and/or prevent the defendant's willful flight from prosecution. *Id.* § 110-6.1(e), (f). The parties may

[3]While the trial court did not expressly deny the defendant's motion for relief at the May 8, 2026, hearing, the court thereafter entered a written order denying the motion on May 12, 2026, which stated that his motion was "heard on May 8, 2026."

present evidence to the trial court by way of proffer based upon reliable information. *Id.* § 110-6.1(f)(2). Likewise, the trial court may order a defendant detained pending trial if the defendant is charged with a qualifying offense, and the trial court concludes the defendant poses a real and present threat to the safety of any person or the community (*id.* § 110-6.1(a)(1)-(7)) or there is a high likelihood of willful flight to avoid prosecution (*id.* § 110-6.1(a)(8)).

¶ 29 In determining whether a defendant poses a real and present threat to the safety of any individual(s) or the community, courts may consider

> "(1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon, or a sex offense.
>
> (2) The history and characteristics of the defendant including:
>
> (A) Any evidence of the defendant's prior criminal history indicative of violent, abusive, or assaultive behavior, or lack of such behavior. Such evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations, or other proceedings.
>
> (B) Any evidence of the defendant's psychological, psychiatric or other similar social history which tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.
>
> (3) The identity of any person or persons to whose safety the defendant is believed to pose a threat, and the nature of the threat.
>
> (4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them.
>
> (5) The age and physical condition of the defendant.
>
> (6) The age and physical condition of any victim or complaining witness.

(7) Whether the defendant is known to possess or have access to any weapon or weapons.

(8) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release, or other release from custody pending trial, sentencing, appeal, or completion of sentence for an offense under federal or State law.

(9) Any other factors, including those listed in Section 110-5 of this Article deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of such behavior." *Id.* § 110-6.1(g)(1)-(9). No one factor is determinative, and the court must base its decision on an individualized assessment. *People v. Atterberry*, 2023 IL App (4th) 231028, ¶ 15 (citing 725 ILCS 5/110-6.1(f)(7) (West 2022)).

¶ 30 We review the trial court's pretrial release determination in this case *de novo*. See *People v. Morgan*, 2025 IL 130626, ¶ 54 (stating, where, as here, the "parties to a pretrial detention hearing proceed solely by proffer, the reviewing court is not bound by the circuit court's factual findings and may therefore conduct its own independent *de novo* review of the proffered evidence and evidence otherwise documentary in nature").

¶ 31 As stated, the defendant's motion for relief in this case serves as his argument on appeal since he elected not to file the optional memorandum. The defendant's motion for relief first argued that the trial court erred in granting the State's petition to deny pretrial release because the State failed to meet its burden of proving, by clear and convincing evidence, that the proof was evident or presumption great that he committed a detainable offense. We disagree.

¶ 32 Initially, while the defendant pleaded not guilty to the charged offenses, he still turned himself in following the shooting. Likewise, as set forth, Cobbins positively identified the defendant, whom he had known for several years, as the shooter. Although defense counsel argued that Cobbins did not see the shooting since he was shot in the back, Cobbins' girlfriend, Memorie Tally-Brown, also positively identified the defendant in a photograph lineup. Moreover, when police first arrived on the scene, Cobbins told officers that a man walked over from the neighboring house and shot him twice in the back. This was consistent with Tally-Brown's description of what had happened, which was that she believed the suspect was the neighbor's grandson, known as "D.J."

¶ 33 Additionally, the State proffered that warrants had been issued for the defendant's cell phone, which it believed would contain text messages showing the defendant asked Cobbins to come outside right before he was shot. The State further proffered that Detective Baxton had reviewed the defendant's cell phone on which he found a text message telling Cobbins to come outside, sent from a contact called "D.J." While defense counsel claimed the alleged text messages were never provided to the defense before the detention hearing, the State asserted that all the information would be provided to defense counsel as part of routine discovery "as the information [was] supplemented." Based on the foregoing, we agree with the trial court that the proof was evident or presumption great that the defendant committed a qualifying offense in this case.

¶ 34 Next, the defendant argued in his motion for relief that the State did not meet its burden of proving, by clear and convincing evidence, that he posed a real and present threat to the safety of any person or persons or the community and that no condition or combination of conditions could mitigate that threat. After considering the relevant factors, we cannot say the trial court erred in finding the State met its burden.

¶ 35 First, the trial court considered the nature and circumstances of the offenses charged, being attempted first degree murder and aggravated battery with a firearm, both of which are violent offenses involving a weapon. The court stated that the proffered evidence showed that on the day of the shooting, the defendant "performed a substantial step toward the commission of the offense of first degree murder in that he shot [Cobbins] in his back with a firearm." He also knowingly discharged a firearm, causing injury to Cobbins. This information was provided to police and was consistent with statements from both Cobbins and Tally-Brown.

¶ 36 The trial court also considered the history and characteristics of the defendant, including that he was only 21 years old, lived with his girlfriend and six-month-old son, was unemployed but received a monthly settlement check, had no history of drug or alcohol abuse or mental health issues, and that he had no prior criminal history. Notwithstanding, the court considered that the defendant posed a risk to Cobbins and the community as the shooting appeared to be an unprovoked, life-threatening attack with two shots. The court further considered that the defendant had a FOID card and owned at least one weapon, but that weapon had not yet been seized.

¶ 37 Given these factors, and the particularly violent nature of the charged offenses in this case, we agree with the trial court that the State proved, by clear and convincing evidence, that the defendant posed a real and present threat to Cobbins specifically, as well as the community. We also agree with the court that there were no other alternatives, like electronic monitoring or home confinement, that would protect Cobbins and ensure the safety of the community.

¶ 38 To the extent the defendant argued in his motion for relief that the trial court failed to comply with section 110-6.1(h)(1) of the Code insofar as it did not make a written finding summarizing why less restrictive conditions would not avoid a real and present threat to any person or persons or the community, we find that the court's oral rulings at both hearings, in conjunction

with its written rulings in the detention order, sufficiently complied with the statute's requirements. See *People v. Andino-Acosta*, 2024 IL App (2d) 230463, ¶ 19 (stating that "in assessing the sufficiency of a trial court's findings, its written findings must be read in conjunction with its oral pronouncements"). The trial court's ruling in this case considered the dangerousness factors pursuant to section 110-6.1(g) of the Code, and, although brief, articulated the court's reasons why less restrictive conditions would not avoid the threat to the safety of Cobbins in particular, as well as the community. As stated, the offenses in this case involved a violent shooting that appeared to be unprovoked, and no weapon had been recovered. It is also important to note that two different trial court judges reached the same conclusion that detention was warranted in this case (see *supra* ¶ 18).

¶ 39 Accordingly, we find no error in the trial court's ruling that no condition or combination of conditions could mitigate the threat posed by the defendant in this case.

¶ 40 III. CONCLUSION

¶ 41 For the foregoing reasons, we affirm the trial court's orders of March 20, 2026, and May 12, 2026.

¶ 42 Affirmed.