2026 IL App (1st) 260913-U

THIRD DIVISION
Order filed: September 9, 2026

No. 1-26-0913B

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).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JUSTIN REDMOND, Defendant-Appellant.	)))))))))	Appeal from the Circuit Court of Cook County. 24 CR 0629101 Honorable Mary Margaret Brosnahan, Judge, presiding.

PRESIDING JUSTICE QUISH delivered the judgment of the court.
Justices Lampkin and Rochford concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's orders denying defendant pretrial release and denying his motion for relief are affirmed.

¶ 2 Defendant Justin Redmond appeals from the orders of the circuit court of Cook County denying him pretrial release pursuant to Section 110-6.1 of the Code of Criminal Procedure, commonly referred to as the Pretrial Fairness Act ("Act") (725 ILCS 5/110-6.1 (West 2026)), and denying his motion for relief. On appeal, he argues that the State failed to meet its burden to show

that he posed a real and present risk to the community or that no conditions of release could mitigate any risk that he posed. For the following reasons, we affirm.

¶ 3 In June 2024, defendant was arrested and charged with first degree murder and attempted armed robbery. He was charged with co-defendant Divonte Calhoun. The State filed a petition for pretrial detention, asserting that defendant should be detained before trial because he posed a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.

¶ 4 The circuit court held a detention hearing, where the State proceeded by proffer. Before the State's proffer, the circuit court heard a report from a pretrial services officer, who stated that defendant had a new criminal activity score of 4, a failure to appear score of 3, and a "yes" for a new violent criminal activity flag. Pretrial services recommended a supervision level of 3.

¶ 5 According to the State's proffer, on the morning of May 10, 2024, Chicago Police Department ("CPD") officers responded to a call of a person who had been shot on the 3800 block of North Pittsburgh Avenue in Chicago. When they arrived, they saw that the victim had sustained a gunshot wound to his chest. The victim was transported to the hospital, where he died from his injuries. A witness who lived nearby told officers that at around 7:00 a.m., she heard a loud noise and looked out of her window. She saw the victim and an unknown offender, a male wearing all black, running southbound on Pittsburgh.

¶ 6 CPD recovered multiple video recordings from the area of the shooting. According to the proffer, one video showed the victim walking on the sidewalk along Pittsburgh and a grey Chrysler vehicle drive past him. The video showed the vehicle stop and an individual exit the passenger's side door. The individual, later identified as Calhoun, wore a dark baseball cap and dark clothing.

After exiting the vehicle, Calhoun began fighting with the victim and the victim fled across the street. Calhoun shot the victim and searched the victim's pockets. In the video, Calhoun is heard demanding the victim give him "the [expletive] money." Calhoun fled southbound on Pittsburgh.

¶ 7 A separate video showed Calhoun using his cell phone while he fled the scene. Another video showed a gray Chrysler driving slowly in an alley just north of the scene. The same car appeared on multiple videos in the area before and after the shooting, including one video that showed the car picking up Calhoun shortly after the shooting. The vehicle had a distinctive sticker on the driver's side of the windshield that was visible in multiple videos.

¶ 8 While investigating this case, CPD learned that a white GMC sport utility vehicle was stolen in a vehicular hijacking earlier that morning on the 3600 block of North Laverne in Chicago. Surveillance video from a POD camera near the hijacking captured a gray Chrysler with a distinctive sticker on the driver's side of the windshield. A license plate reader detected the stolen GMC near the intersection of Harlem and Cullom in Norridge. The gray Chrysler was observed driving "in tandem" with the GMC near that intersection. CPD obtained the license plate number of the Chrysler, and a search of that number revealed that it was registered to Calhoun's mother.

¶ 9 The stolen GMC was equipped with OnStar, which allowed the owner to disable the vehicle so it could no longer be moved. The GMC was recovered in a garage near Harlem and Cullom. Surveillance video from near the garage showed the GMC entering the garage shortly after it was captured by the license plate reader. The same video showed an individual wearing similar dark clothing as Calhoun leaving the garage at 4:42 a.m.

¶ 10 Further investigation revealed that the Chrysler was observed by a license plate reader in Gurnee, Illinois at 1:17 p.m. later in the day. The Chrysler was located at the registered address of

Calhoun's mother. CPD conducted surveillance at the home. Officers observed two men cleaning the interior of the car for four hours. Officers saw the men get into the vehicle and drive it from Gurnee to Chicago. Officers stopped the vehicle and the driver, Calhoun, was arrested. Calhoun's brother was the passenger. Both were released without charges at that time.

¶ 11 Both Calhoun and defendant were on parole at the time of the shooting. Officers discovered the phone numbers that each used for parole purposes. CPD obtained phone records and cell location data for both numbers. Those records showed that Calhoun called defendant immediately after the shooting. The phones were located together from the time of the GMC hijacking to the garage where the GMC was located. The two phones then separated, with Calhoun's phone staying near the garage and defendant's phone returning to his parole address on Oriole Avenue. Shortly after the GMC was disabled, the two phones exchanged phone calls, and defendant's phone returned to the garage. The two phones then moved together to near the scene of the shooting. Calhoun's phone records showed that his phone disconnected with the infotainment system of the Chrysler immediately before the door of the car opened.

¶ 12 After the shooting, the two phones moved together to a gas station in Waukegan. Surveillance video from that gas station showed a gray Chrysler with a distinctive sticker on the windshield. Both defendants exited the vehicle and their faces are visible in the video. Calhoun wore the same clothing that he was wearing in the surveillance video near the scene of the shooting. Defendant used a Link card registered to him to make a purchase inside the gas station. A Gurnee police officer who was familiar with Calhoun identified him in a still image from inside the gas station, and identified an image of the Chrysler as a vehicle he previously stopped with Calhoun

as the driver. After defendant and Calhoun were arrested, they identified themselves in still photographs from the surveillance video inside the gas station.

¶ 13 The State next proffered defendant's background. At the time of the offense, defendant was on parole from a 2022 conviction for unlawful use of a weapon by a felon, for which he received 54 months in the Illinois Department of Corrections. Defendant had six additional prior felony convictions for which he was incarcerated: (1) a 2019 conviction for unlawful use of a weapon by a felon (5 years); (2) a 2012 conviction for armed habitual criminal (7 years); (3) a 2011 conviction for possession of cannabis (2 years); (4) a 2006 conviction for possession of a controlled substance with intent to deliver (6 years); (5) a 2004 conviction for possession of a controlled substance (2 years); and (6) a 2002 conviction for possession of a stolen motor vehicle (3 years).

¶ 14 Defense counsel argued that the State failed to establish by clear and convincing evidence that defendant committed the offense based on an accountability theory, as he was not alleged to have been the shooter and he was not identified at the scene of the shooting. Counsel argued that the cell phone location data did not indicate how close the phones were and asserted that defendant could have been blocks away at the time of the shooting. Counsel argued that the State failed to meet its burden that defendant posed a real and present threat, as there was no evidence that defendant was responsible for the shooting and his criminal history only involved possession offenses. Counsel finally argued that conditions of release were sufficient to mitigate any threat, as the incident was "over a month ago" at the time of the detention hearing, there was no allegation of any wrongdoing since then, and there were no charges of escape or tampering with an electronic monitoring device. Counsel stated that defendant had been on electronic monitoring as part of his parole, and was able to abide by those conditions.

¶ 15 The State argued that defendant was the getaway driver and there was sufficient circumstantial evidence to show that he aided Calhoun in committing the offense. The State argued that defendant posed a real and present threat due to his extensive criminal history and the violent nature of the crime, which occurred while he was on parole. The State finally argued that no conditions could mitigate the threat posed by defendant, given his multiple felony convictions and that he committed the present offense while being closely supervised on parole. The State argued that electronic monitoring was not as restrictive as parole and that the conditions of parole proved to be insufficient to mitigate the threat posed by defendant as he did not follow the conditions.

¶ 16 The circuit court found that the State met its burden to show by clear and convincing evidence that defendant committed a detainable defense. The court observed that an extensive investigation into the shooting tracked the movements of defendant's phone along with Calhoun's, suggesting that defendant and Calhoun acted in concert throughout the evening. The court found that the State met its burden to show that defendant posed a real and present danger because he was alleged to have committed the present offense while on parole and was involved in an "incredibly violent offense" against a stranger. The court also noted that he would be in custody on a parole hold as well. The court also pointed to defendant's history of firearm possession and "extensive violent background" as well as the new violent criminal activity flag by pretrial services. The court finally found that no condition or combination of conditions could mitigate the threat posed by defendant, as he had multiple felony convictions resulting in incarceration and continued to commit "offense after offense." The court noted that defendant had been convicted of possessing a weapon multiple times despite being prohibited from doing so, and that he was willing to commit the present violent offense while on parole, and thus, "there were no conditions

of pretrial release" the court could use to deter him. The court granted the State's petition and ordered defendant to be detained before trial. The court entered a written order consistent with its oral ruling.

¶ 17 In September 2025, defendant filed a "Petition to Grant Pretrial Release under New Law" seeking a continued detention hearing. Defendant recited 725 ILCS 5/110-6.1(i-5) (West 2024), and argued that defendant could live with his fiancé and his 10-year-old son, and wished to "find employment and provide for himself and his family." Defendant stated that he had strong ties to Cook County as he grew up in the area and most of his family lived in the area. Defendant denied that he was a flight risk. After a hearing, the court denied the petition, reiterating that it found the State met its burden as to each proposition of the detention inquiry.

¶ 18 On March 11, 2026, defendant filed a "Motion for Relief/Reconsideration to Release on Pre Trial Detention" under Supreme Court Rule 604(h) and 725 ILCS 5/110-6.1. Defendant argued that there were "many conditions of pretrial release that would mitigate the perceived risk to safety or flight for [defendant] such as electronic monitoring, home confinement, and gps monitoring." He also stated that he had family with whom he could live before trial, and that he was "cloaked in the presumption of innocence" and would be successful at trial.

¶ 19 On April 27, 2026, the circuit court held a hearing on defendant's motion jointly with a similar motion filed by Calhoun. The State provided substantially the same proffer as it did during the initial detention hearing and the hearing on defendant's petition for release. Defendant's counsel argued that defendant had significant ties to the community, was not a flight risk, and the State failed to meet its burden as to all three propositions of the detention inquiry. The circuit court denied the motion for relief, finding that the State met its burden. The court reiterated that the

offense occurred while defendant was on parole, which imposed significant restrictions on defendant, and found that no conditions of release would mitigate the risk he posed. This appeal follows.

¶ 20 Defendant elected to file a memorandum on appeal as a supplement to his motion for relief. See Ill. Sup. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). In his memorandum, defendant argues (1) the State failed to meet its burden to show that he posed a real and present threat to the safety of any person or the community; and (2) the State failed to meet its burden to show that no conditions were sufficient to mitigate any risk that he poses.

¶ 21 Pretrial release is governed by the Act, which presumes that a defendant is eligible for pretrial release, and that release may only be denied in certain limited situations. 725 ILCS 5/110-2(a); 725 ILCS 5/110-6.1 (West 2026). Upon the filing of a verified petition requesting the denial of pretrial release, the State has the burden to prove by clear and convincing evidence that: (1) the proof is evident or the presumption great that the defendant has committed a qualifying offense; (2) the defendant poses a real and present threat to the safety of any person or the community, based on the specific articulable facts of the case, by conduct which may include a forcible felony; and (3) no condition or combination of conditions of pretrial release set forth in section 110-10(b) can mitigate the real and present threat posed by the defendant to the safety of any person or persons or the community, based on the specific articulable facts of the case, for certain offenses, or the defendant's willful flight. 725 ILCS 5/110-6.1(e)(1)-(3) (West 2026).

¶ 22 The circuit court may order a defendant detained pending trial if it finds that the State has met its burden as to all three propositions. *People v. Morgan*, 2025 IL 130626, ¶ 41. When the State presents evidence by proffer rather than by live testimony, as in this case, we review the

circuit court's decision to detain the defendant *de novo*. *Id.* ¶ 54. We review the evidence proffered by the State and any other documentary evidence with "no deference to the decision of the circuit court." *Id.* ¶ 22.

¶ 23 Defendant does not challenge the first proposition, instead focusing on the second and third propositions. Defendant first argues that the State failed to establish that he posed a real and present threat to any person or the community. Defendant did not raise this argument in his motion for relief. Therefore, he has waived it. See Ill. Sup. Ct. R. 604(h)(2) (eff. Apr. 15, 2024) ("Upon appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived.").

¶ 24 Waiver aside, we would reject it. In making a determination of whether the defendant poses a real and present threat to any person or the community, the circuit court may consider, among other factors: (1) the nature and circumstances of any offense charged, including whether the offense is a crime of violence or involved a weapon; (2) the history and characteristics of the defendant, including any prior criminal history indicative of violent behavior; (3) whether the defendant is known to possess or have access to weapons; (4) whether defendant was on parole at the time of the current offense; and (5) any other factors including those listed in section 110-5 of the Act. 725 ILCS 5/110-6.1(g) (West 2026).

¶ 25 Here, the State proffered evidence of the facts of the offense, an attempted armed robbery and murder, defendant's role in assisting Calhoun in committing the offense, his criminal history, and the fact that he was on parole at the time. Defendant's prior convictions for unlawfully possessing weapons indicate that he is known to possess or have access to weapons. See 725 ILCS 5/110-6.1(g)(7). The fact that defendant was on parole is also a relevant factor in considering his

dangerousness. See 725 ILCS 5/110-6.1(g)(8). The combination of the facts of the offense, defendant's criminal history, and the fact that the offense occurred while defendant was on parole was sufficient to show that defendant posed a real and present threat to any person or the community.

¶ 26 Defendant argues that the State did not present any independent evidence of his dangerousness and that its proffer focused on Calhoun's violent actions. Citing *People v. Stock*, 2023 IL App (1st) 231753, he argues that the State presented no evidence that he engaged in violent or threatening conduct beyond the mere fact that he was charged with first degree murder. We disagree. This case is distinguishable from *Stock*, where this court held that the State could not rely on the mere fact that the defendant was alleged to have committed a detainable offense to establish the third proposition, that no conditions or combination of conditions could mitigate the threat posed by the defendant. *Id.* ¶¶ 17-19. Here, the State's proffer contained sufficient evidence beyond the mere fact that defendant was charged with first degree murder to support the second proposition, that defendant posed a real and present threat to any person or the community. We reject defendant's argument.

¶ 27 Defendant next argues that the State failed to meet its burden to show that no conditions or combination of conditions are sufficient to mitigate any risk he poses. In determining which, if any, conditions of pretrial release will reasonably ensure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of defendant's compliance with all the conditions of pretrial release, the court "shall, on the basis of available information, take into account such matters as: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant, except that the court may consider the admissibility

of any evidence sought to be excluded; (3) the history and characteristics of the defendant, including" his character, physical and mental condition, community ties, conduct and criminal history and "whether, at the time of the current offense or arrest, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence"; (4) the nature and seriousness of the real and present threat to the safety of any person or the community, based on the specific articulable facts of the case that would be posed by the defendant's release; and (5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the defendant's release. 725 ILCS 5/110-5(a) (West 2026).

¶ 28 We acknowledge defendant's argument that he was not alleged to have personally committed the murder and the proffered evidence of his involvement is circumstantial. However, "[c]ircumstantial evidence is sufficient to order a defendant detained pending trial because circumstantial evidence is even sufficient to sustain a murder conviction [citation] and the standard for pretrial detention is less than the standard for a conviction [citation]." *People v. Mitchell*, 2024 IL App (1st) 240274-U, ¶ 43.

¶ 29 Moreover, defendant is alleged to have committed the present offense while on parole and he has multiple prior felony convictions. Given that defendant was alleged to be involved in a murder while on parole, it does not inspire confidence that he would abide by any conditions of release. See 730 ILCS 5/3-3-7(a)(1) (West 2026) (one condition of parole is to "not violate any criminal statute of any jurisdiction during the parole or release term"); *People v. Lee*, 2024 IL App (1st) 232137, ¶¶ 32-35. Defendant's criminal history includes multiple convictions for possessing a weapon as a felon, which not only indicates defendant's dangerousness but also suggests that he is unwilling to abide by restrictions imposed upon him by law. See *People v. Lanier*, 2025 IL App

(1st) 242603, ¶ 79 ("Defendant has been told numerous times by different judges that he is not to possess guns and yet that has not stopped him, nor has his lengthy history of gun convictions and lack of licenses hindered his access."). Given these circumstances, we cannot find that conditions such as electronic monitoring or GPS are sufficient to mitigate the threat posed by defendant.

¶ 30 Defendant argues that he proffered significant evidence in mitigation that he "had significant community ties" and there were options other than detention that the court could have implemented. This argument is undeveloped and contains no citation to any authority, which hampers our review. See Ill. Sup. Ct. R. 604(h)(7) (eff. Apr. 15, 2024) (memorandum on appeal "must contain sufficient detail to enable meaningful appellate review, including the contentions of the appellant and the reasons therefore and citations of the record and any relevant authorities.").

¶ 31 Even if we consider this argument, we would reject it. We do not find that the mitigation evidence submitted by defendant suggests that conditions of release would be sufficient to mitigate the threat he poses, considering the facts of the offense, the fact that the offense occurred while he was on parole, and his significant criminal history. Defendant's contention that there is no evidence that he would not comply with conditions of release is rebutted by the record, as he is alleged to have been involved in a murder while on parole. Those allegations, if proven, show he necessarily violated the terms of his parole. See 730 ILCS 5/3-3-7(a)(1). Thus, we reject defendant's argument that conditions such as electronic monitoring would be sufficient to mitigate the risk he poses.

¶ 32 For the foregoing reasons, we affirm the orders of the circuit court denying defendant pretrial release and denying his motion for relief.

¶ 33 Affirmed.