

2026 IL App (1st) 260914-U

Nos. 1-26-0914B, 1-26-0916B, 1-26-0917B, 1-26-0918B, 1-26-0929B, 26-0930B & 1-26-0931B

(cons.)

Order filed September 30, 2026

Fifth Division

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,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	Nos. 25 CR 0832601
	)	25 CR 0832001
MALIK JONES-EL,	)	25 CR 0832201
	)	25 CR 0833301
Defendant-Appellant.	)	25 CR 0833501
	)	25 CR 0834001
	)	25 CR 0834201
	)	
	)	Honorable
	)	James B. Novy,
	)	Judge, Presiding.

PRESIDING JUSTICE ODEN JOHNSON delivered the judgment of the court.
Justices C.A. Walker and Wilson concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in granting the State's motions for relief and detaining defendant when the record reveals that there was no condition or combination of conditions that could mitigate the real and present danger that defendant posed.

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¶ 2 Defendant Malik Jones-El appeals from an order of the trial court which confined him to pretrial detention under Illinois Supreme Court Rule 604(h) (eff. Sept. 18, 2023) pursuant to what is commonly known as the Pretrial Fairness Act.¹ The trial court entered detention orders on June 20, 2025, following a hearing in case number 25110963101. Defendant's original case, 25110963101, was indicted under seven separate case numbers: 25 CR 0832601, 25 CR 0832001, 25 CR 0832201, 25 CR 0833301, 25 CR 0833501, 25 CR 0834001, and 25 CR 0834201. In each case, defendant was charged with armed robbery with a firearm.

¶ 3 After defendant's June 18, 2025, arrest, the trial court held a simultaneous detention hearing with three codefendants on June 20, 2025. The State filed a detention petition, alleging that defendant committed a forcible felony, namely armed robbery; that he posed a real and present threat to the safety of any person or the community based on the specific articulable facts of the case and that no conditions could mitigate the risk.

¶ 4 The trial court reviewed all the evidence and found that defendant was preying on random individuals and it was premeditated. The court noted that defendant stole a car to commit the robberies quickly and concluded that the acts committed were extremely dangerous: armed robberies of random individuals with loaded firearms, including one that defendant discarded as he ran from police. The trial court further found that no condition or combination of conditions could mitigate the risk because defendant was on parole at the time of these offenses and had a

¹ In 2021, the General Assembly passed two separate acts that "dismantled and rebuilt Illinois's statutory framework for the pretrial release of criminal defendants." *Rowe v. Raoul*, 2023 IL 129248, ¶4 (discussing Pub. Act 101-652, § 10-255, 102-1104, § 70 (eff. Jan. 1, 2023) (amending 725 ILCS 5/art. 110) (the Pretrial Fairness Act) and Pub. Act 102-1104 (eff. Jan. 1, 2023) (the Follow-Up Act)).

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prior gun charge. The trial court granted the State's petition and denied defendant pretrial release in a written order.

¶ 5 Defendant subsequently filed a petition for relief on May 4, 2026, in all seven cases, which was denied following a hearing on May 6, 2026. Defendant filed timely notices of appeal for all seven cases on May 11, 2026. This court consolidated those appeals on July 7, 2026. For the reasons that follow, we affirm.

¶ 6 BACKGROUND

¶ 7 The State presented the following evidence during the hearing on its petitions for Pretrial Detention. The proffer involved eight separate incidents. The first incident occurred on June 17, 2025, at 10:45 p.m. A complaining witness left her Mitsubishi Outlander SUV outside a restaurant with the keys in the ignition to pick up a food order. While she was inside the restaurant, an unknown Black man entered the driver's seat of the car and drove it away. The State contended that the complaining witness did not know defendant and did not give him permission to have her car.

¶ 8 The next incident occurred on June 18, 2025, at 9:15 p.m. A second complaining witness parked his car at 16th and Morgan Streets when three men approached him. One of the men was holding a handgun, and the offenders took the witness' wallet, phone and keys. The offenders told him to lie down on the ground and to put his hood over his head and the witness complied. The witness' phone was later found down the street.

¶ 9 The third incident occurred close in time to the second one. The complaining witness saw the prior witness get robbed and he tried to run away. An offender wearing a ski mask and black and red Nike sneakers followed him and displayed a firearm. The witness gave him his belongings

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which included an iPhone, an HP laptop, air pods, and a wallet containing identification cards, credit cards and \$60.

¶ 10 The fourth incident, a robbery occurred at 9:45 p.m. on the same date near One City Tap in Chicago, located at 3115 South Archer Avenue. The complaining witness came out of the bar to smoke a cigarette. While outside, he was approached by three men, who pushed him to the back of the parking lot. The men went through his pockets and took his belongings.

¶ 11 The fifth incident allegedly occurred at 10 p.m. on June 18, 2025, when the complaining witness was walking near Trader Joe's at 54th Place and Harper Avenue in Chicago. A mid-sized gray and black SUV pulled up, three men jumped out, one of whom had a gun, and took the witness' backpack. They got back into the vehicle and drove off. Surveillance video from Trader Joe's captured the incident and showed that one of the men was wearing blue boxer shorts.

¶ 12 Incident six was an armed robbery that occurred at 10:13 p.m. that same night. The complaining witness was allegedly trying to enter the front door of a building. A young man with a firearm approached her and demanded her belongings, which she gave to him. The witness then saw two other people get into a dark-colored SUV. One of them was wearing black and red Jordan sneakers, a second wore dark-colored clothing with blue underwear, and the third had on white New Balance sneakers.

¶ 13 Incident seven occurred at 10:16 p.m. on June 18, 2025. The dark-colored SUV pulled into a parking lot and did a U-turn. A man in a black ski mask wearing blue underwear got out of the vehicle and pulled a gun on a nearby complaining witness. The witness turned around and two other people exited the vehicle. The witness was then pushed up against a vehicle and the men went through his pockets and took his wallet. They then got back into the SUV and drove away.

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Surveillance video captured the driver of the SUV, who was wearing a sweatshirt with white lettering; he never left the vehicle.

¶ 14 The final incident occurred at 10:30 p.m. that night. The complaining witness was climbing the steps on a porch when she felt a gun in her back. The witness saw three Black men, one with a gun pointed at her head. One of the men demanded her belongings and took her pink backpack, which contained her wallet. The witness's wallet was later recovered from one of defendant's codefendants when they were arrested.

¶ 15 Defendant and his three codefendants were arrested approximately 20 minutes after the last robbery. A police helicopter located the Mitsubishi SUV near Michigan and Garfield Avenues. The State contended that, beginning at 10:50 p.m., Chicago police officers pursued the SUV for approximately 10 minutes. Eventually defendant and his codefendants allegedly jumped out of the vehicle and fled on foot. The State alleged that defendant exited the vehicle from the driver's side and fell. Defendant allegedly dropped a firearm and was subsequently arrested. At the time, defendant was wearing a black sweatshirt with white lettering across the front. The codefendants were also arrested nearby.

¶ 16 The State also presented defendant's two prior felony convictions: a 2023 conviction aggravated unlawful use of weapon for which he was sentenced to three years' imprisonment, and a 2022 conviction for aggravated unlawful use of a weapon for which he was sentenced to one year imprisonment. At the time of the current arrest, defendant was on parole for the 2023 conviction.

¶ 17 The State argued that the proof was evident or the presumption was great that defendant committed the offense of armed robbery. According to the State, defendant was the driver of the

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stolen vehicle and was accountable when the other occupants robbed people using firearms. The State contended that defendant posed a real and present threat to the safety of any person or persons in the community because he and his codefendants came up with a plan to rob people with firearms who were just going about their days and he had a violent or gun-related background. The State further argued that no condition or combination of conditions could mitigate the risk because defendant was on parole for a gun conviction when he was arrested for an armed robbery spree.

¶ 18 The defense requested that the State's petition be denied, first arguing that no video had been reviewed and defendant was presumed innocent. The defense also argued that he did not pose a real and present threat to anyone in the community where he was only identified in one incident, and the other incidents involved two or three offenders, none of whom wore clothing connected to defendant. The defense maintained that defendant was accused of being the driver who never exited the vehicle, he made no statements and denied knowledge of the armed robberies. Additionally, defendant's pretrial services scores were three and two, and he did not have a new violent criminal activity flag. The defense also argued that there were conditions or a combination of conditions that would mitigate any safety risk, especially considering his low pretrial services score corresponding to a pretrial supervision level of three. Defendant, a lifelong resident of Cook County, was an assembly line worker who had completed the 11th grade. Defendant had one child that he financially supported, and he was a regular volunteer with the Dovetail Project.

¶ 19 The trial court reviewed the evidence presented and found that the State had met its burden to show that defendant committed the offense of armed robbery. As noted above, the trial court found that defendant stole a car to commit the robberies quickly and concluded that the acts committed were extremely dangerous: armed robberies of random individuals with loaded

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firearms, including one that defendant discarded as he ran from police. The trial court further found that no condition or combination of conditions could mitigate the risk because defendant was on parole at the time of these offenses and had prior gun charges. The trial court granted the State's petition and denied defendant pretrial release in a written order.

¶ 20 On July 24, 2025, defendant's original case was indicted under seven separate case numbers: 25 CR 0832601, 25 CR 0832001, 25 CR 0832201, 25 CR 0833301, 25 CR 0833501, 25 CR 0834001, and 25 CR 0834201.

¶ 21 On May 4, 2026, the defense filed a petition for relief, seeking pretrial release or reconsideration of the prior detention decision. In the motion, the defense argued that the State failed to meet its burden in proving that: (1) the proof was evident or the presumption great that defendant committed the offenses charged; (2) defendant was a real and present threat to the safety of any person or the community based on the specific articulable facts of the cases; and (3) there were no conditions that could mitigate any safety threat.

¶ 22 On May 6, 2026, the trial court held a hearing on defendant's petition. The defense noted at the hearing that defendant would reside with his aunt if he was released, and suggested release conditions: pretrial services level three and 24/7 curfew or electronic home monitoring. The State responded that defendant should remain detained, noting his seven pending armed robbery cases. Regarding the conditions proffered by the defense, the State reiterated that defendant had two prior gun convictions and had committed the offenses while on parole. The trial court denied the defense petition, finding that defendant could have hurt or injured a lot of people based on his conduct, and that the least restrictive means was detention according to the court. This appeal followed.

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¶ 23 Defendant's memorandum in support of his appeal was filed on August 7, 2026, and the State's response was filed on August 28, 2026. The original disposition deadline was August 19, 2026; however, this court entered a good cause order on August 19, 2026, extending the disposition deadline to September 30, 2026, based on the filing due dates of the supporting memorandums.

¶ 24 ANALYSIS

¶ 25 On appeal, defendant contends that the State failed to meet its burden of proving that no condition or combination of conditions of release could mitigate the safety risk defendant poses to any person or the community, and the trial court erred by denying defendant pretrial release without adequately considering conditions of such release. In support of his contention, defendant argues that his actions during the series of robberies suggest that he is less culpable than his codefendants and his other characteristics indicate the likelihood that he will comply with pretrial conditions.

¶ 26 Defendant states that he was allegedly the driver of the SUV and the State never alleged that defendant got out of the car, armed with a firearm and robbed people. Rather, defendant argues that the State only alleged that he got out of the car immediately before his arrest and did not allege that he threatened anyone with force or violence. Defendant further argues that his participation was so limited that he was not identified by any of the complaining witnesses and only allegedly appeared on surveillance video in one instance. He contends that his role as the driver is like the defendant in *People v. Clark*, 2026 IL App (1st) 260601-U, ¶ 36, where this court determined that the defendant's limited role as a driver in two robberies without any evidence that he orchestrated the events was one factor that weighed in his favor in releasing him with conditions. Defendant argues that there was no evidence that defendant planned the robberies and while the State argued

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that defendant led the police on a high-speed chase and was seen with a loaded weapon before his arrest, defendant stopped the car and was not arrested with a weapon on his person.

¶ 27 Defendant also contends that his other characteristics weigh in favor of releasing him with conditions. He is a lifelong resident of Chicago, has two young children and has a significant amount of family living in Chicago. Prior to his arrest, defendant was working two jobs, construction and an assembly line at a warehouse. Defendant was also working with a nonprofit organization, Dovetail Project, and recently completed a 12-week program on parenting and financial literacy. He also volunteered feeding the homeless through that nonprofit organization. Defendant acknowledges that he was on parole when he was arrested in this case, but his pretrial services scores were three for new criminal activity and two for failure to appear, without a new violent criminal activity flag. Defendant claims that he could live with his aunt where he could be on 24/7 electronic monitoring and points to the State's refusal to consider defendant's more limited role in the robberies and his significant mitigation. For all of these reasons, defendant contends that the State failed to meet its burden and as a result, the trial court erred in denying him pretrial release.

¶ 28 In response, the State argues that the nature and circumstances of the offenses are serious- defendant and his codefendants went on a crime spree and terrorized a community, robbing innocent people of their possessions. When viewed together, the evidence strongly implicates defendant in the crimes: defendant was identified by his clothing as an offender, he was driving the stolen car and seen fleeing from it, and he dropped a gun as he fled. Defendant's background includes gun offenses; which shows repeated violation of the laws. At the time of his arrest, defendant was on parole for his 2023 conviction, which demonstrates his willingness to disobey

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conditions. The State further contends that as argued in the trial court, defendant has access to weapons, associates with other people willing to commit crimes, has a complete disregard for the community as demonstrated by his crime spree, and has a complete disregard for the safety of the community as demonstrated by his possessing a firearm and dropping it as he fled. The State maintains that defendant has a disregard for the law and rules as shown by his continued possession of firearms and his committing the crimes in these cases while on parole.

¶ 29 The State further argues that the trial court considered relevant factors in determining that defendant's detention was warranted, which was not arbitrary or unreasonable in light of the totality of the facts and circumstances. The State acknowledges that electronic monitoring provides a defendant with limited movement, but that even with restricted movement, defendant could obtain and possess firearms, associate with other offenders, and commit more robberies. The State further contends that defendant is no less culpable than his codefendants because he is accountable for the actions of his codefendants. Further, defendant facilitated the offenses by driving his codefendants around and aided and abetted his codefendants by driving them from the scenes of the robberies and attempting to evade the police. The State also distinguishes *Clark*, noting that the court in that case found that there was nothing to indicate that the defendant would not comply with conditions, as opposed to this defendant. The State concludes that the trial court properly denied defendant pretrial release based on the specific articulable facts of this case.

¶ 30 Illinois law now presumes that all defendants are eligible for pretrial release. *People v. Fuller*, 2026 IL App (4th) 251329, ¶ 28; 725 ILCS 5/110-2(a), 110-6.1(e) (West 2024). However, the trial court is permitted to deny a defendant pretrial release when the State filed a verified petition and shows by clear and convincing evidence that (1) the proof is evident or presumption

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great that the defendant committed a detainable offense; (2) the defendant poses 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 (3) no condition or combination of conditions of pretrial release can mitigate this threat. 725 ILCS 5/110-6.1(e)(1)-(3) (West 2024).

¶ 31 At all pretrial hearings, the prosecution has the burden of proving by clear and convincing evidence that any condition of release is necessary. 725 ILCS 5/110-2(b) (West 2024). In any order for detention, the court shall make a written finding summarizing the court's reasons for concluding that the defendant should be denied pretrial release, including 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 the case, or prevent the defendant's willful flight from prosecution. 725 ILCS 5/110-6.1(h)(1) (West 2024).

¶ 32 Our supreme court recently defined the standard of review for initial detention hearings, which is dependent on whether live witness testimony was presented at the hearing. See *People v. Morgan*, 2025 IL 130626. Where live testimony is presented, the circuit court's ultimate detention decision under section 110-6.1 (725 ILCS 5/110-6.1 (West 2024)), in addition to any underlying factual findings supporting the decision, will not be disturbed on review unless found to be contrary to the manifest weight of the evidence. *Id.* ¶ 54. However, when the parties 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. *Id.*; *People v. Reyes*, 2026 IL App (1st) 252639, ¶ 43.

¶ 33 Here, the underlying detention hearings did not involve any live witness testimony, thus our standard of review is *de novo*. *People v. Opas*, 2025 IL App (1st) 250208, ¶ 34. Accordingly,

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we give no deference to the trial court's decision, meaning we stand in the same position as the trial judge. *Morgan*, 2025 IL 130626, ¶¶ 21-22.

¶ 34 After a review of the record, we find that the State proved by clear and convincing evidence that there were no conditions or combinations of conditions that could mitigate the threat posed by defendant for his collective seven cases.

¶ 35 As noted above, the State proffered evidence of a crime spree that began on June 17, 2025, with the theft of an SUV that was then used the following day to commit armed robberies of multiple individuals across Chicago. In at least one of the incidents, defendant was seen on video surveillance footage driving the vehicle. Further, after a high-speed chase, defendant exited the driver's side of the vehicle and dropped a handgun as he attempted to escape on foot before he was apprehended. In his memorandum, defendant apparently admits that he was the driver during the robberies, but that he is less culpable because he never exited the vehicle or pulled a handgun on anyone. Defendant's argument does not acknowledge the law of criminal accountability, which makes a person legally responsible for the conduct of another person when

“either before or during the commission of an offense, and with the intent to promote or facilitate that commission, he or she solicits, aids, abets, agrees, or attempts to aid that other person in the planning or commission of the offense. When 2 or more persons engage in a common criminal design or agreement, any acts in the furtherance of that common design committed by one party are considered to be the acts of all parties to the common design or agreement and all are equally responsible for the consequences of those further acts.” 720 ILCS 5/5-2(c) (West 2024).

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Finally, the State presented evidence that defendant had two prior felony gun convictions and was on parole at the time of these offenses.

¶ 36 The State argued that defendant posed a real and present threat to the safety of any person or persons in the community based on the specific articulable facts of the cases, namely that the nature and circumstances of the offenses are serious- defendant and his codefendants went on a crime spree and terrorized a community, robbing innocent people of their possessions. The State concluded that, when viewed together, the evidence strongly implicates defendant in the crimes: defendant was identified by his clothing as an offender, he was driving the stolen car and seen fleeing from it, and he dropped a gun as he fled. The evidence presented established that defendant's background includes gun offenses; which shows repeated violation of the laws. At the time of his arrest, defendant was on parole for his 2023 conviction, which demonstrates his willingness to disobey conditions. The State argued in the trial court that defendant has access to weapons, associates with other people willing to commit crimes, has a complete disregard for the community as demonstrated by his crime spree, and has a complete disregard for the safety of the community as demonstrated by his possessing a firearm and dropping it as he fled. The State concluded before the trial court that defendant has a disregard for the law and rules as shown by his continued possession of firearms and his committing the crimes in these cases while on parole. The State also acknowledged that electronic monitoring provides a defendant with limited movement, but that even with restricted movement, defendant could obtain and possess firearms, associate with other offenders, and commit more robberies.

¶ 37 The State's burden was to establish by clear and convincing evidence that no condition or combination of conditions could mitigate the safety risk of defendant's release. "Clear and

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convincing evidence” has been described as “that quantum of proof that leaves no reasonable doubt in the mind of the fact finder about the truth of the proposition in question,” although it is a less demanding standard than the beyond-a-reasonable-doubt standard necessary for a conviction. *People v. Davis*, 2026 IL App (1st) 260509, ¶ 22. At a pretrial detention hearing, the State need not comply with the evidentiary rules applicable at trial and may present evidence at the hearing by way of proffer based on reliable information. 725 ILCS 5/110-6.1(f)(2), (5) (West 2024). We conclude that the State met its burden of establishing by clear and convincing evidence that no condition or combination of conditions of release could mitigate the safety risk defendant poses to any person or the community.

¶ 38 Additionally, we conclude that the *Clark* case is distinguishable from the cases before us. In that case, the defendant was involved in similar circumstances but had no prior convictions or other pending cases, had a pretrial services score of 1, involved only 1 robbery victim and 1 attempt robbery victim, and was found with a pellet gun. The differences here are that defendant was also on parole for a gun conviction when these offenses were committed, plus had a second gun conviction; had a pretrial services score of 3; involved 8 robberies; defendant himself possessed a gun; and led the police on a high-speed chase before attempting to flee on foot after discarding the gun.

¶ 39 We further find that the trial court considered relevant factors in determining that defendant’s detention was warranted, which was not arbitrary or unreasonable in light of the totality of the facts and circumstances. We have considered the statutory factors, including the nature and circumstances of the charged offenses, which were forcible felonies. We also consider the facts that defendant was charged with seven armed robberies, he has been convicted of multiple

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gun felonies and has continued to commit felony offenses while on parole. We further agree with the trial court's assessment that no condition or combination of conditions could mitigate the risk because defendant was on parole at the time of these offenses and had prior gun charges. Thus, we must conclude that there are no less restrictive conditions that would avoid a real and present threat to the safety of any person or persons or the community.

¶ 40 On the facts of defendant's pending seven cases, we cannot say that the State did not present clear and convincing evidence that there were no alternatives to detention. We therefore reject defendant's challenges to his pretrial detentions.

¶ 41 CONCLUSION

¶ 42 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 43 Affirmed.