

APPELLATE COURT OF ILLINOIS, FOURTH DISTRICT

People v. Kelly

2026 IL App (4th) 260002 · No. 4-26-0002 · Decided April 29, 2026

SUMMARY

The Illinois Appellate Court, Fourth District, held that the State failed to prove by clear and convincing evidence that no condition or combination of conditions could mitigate Toni R. Kelly’s alleged threat to the community. The court conducted de novo review because the circuit court relied on proffered evidence and concluded that conditions such as home confinement, GPS monitoring, and inpatient treatment could mitigate the threat. The court reversed the detention order and remanded for determination of appropriate conditions of release.

CASE DETAILS

COURT	Appellate Court of Illinois, Fourth District
WRITING FOR THE COURT	Justice Knecht; Justice Doherty; Justice DeArmond
JURISDICTION	Illinois Appellate Court, Fourth District
DECIDED	April 29, 2026
DOCKET	4-26-0002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed an order of the Livingston County Circuit Court denying her pretrial release under section 110-6.1(a)(1) of the Illinois Code of Criminal Procedure.
STANDARD OF REVIEW	De novo review applies when the circuit court's detention decision was based solely on proffered or documentary evidence and the court did not assess live-witness credibility or weigh live testimony against the statutory detention factors. Under People v. Morgan, manifest-weight review applies when live witness testimony is presented and considered at the detention hearing.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Toni R. Kelly v. The People of the State of Illinois

TOPICS

- bail
- criminal procedure
- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

Criminal procedure

Pretrial detention

Appellate procedure

Remedies

QUESTIONS PRESENTED

1. Whether Kelly waived her argument that the State failed to prove she posed a real and present threat to the safety of a person or the community by failing to raise that issue in her Rule 604(h)(2) motion for relief.
2. Whether the appellate court should apply de novo or manifest-weight review when the circuit court heard live testimony at a later preliminary hearing but expressly considered only the proffered evidence from the original detention hearing.
3. Whether the State proved by clear and convincing evidence that no condition or combination of conditions could mitigate the real and present threat allegedly posed by Kelly.
4. Whether the circuit court could consider newly available inpatient-treatment evidence at the hearing on Kelly's motion for relief.

HOLDINGS

1. Kelly waived her argument that the State failed to prove she posed a real and present threat because she did not raise that ground in her motion for relief as required by Illinois Supreme Court Rule 604(h)(2).
2. De novo review was appropriate because the circuit court expressly limited its consideration to the proffered evidence from the initial detention hearing and did not assess the credibility of the witness who later testified at the preliminary hearing.
3. The State failed to prove by clear and convincing evidence that no condition or combination of conditions could mitigate the real and present threat allegedly posed by Kelly.
4. A circuit court may consider new information relevant to the defendant's current detention status at a hearing on a Rule 604(h) motion for relief; *People v. Williams*, 2024 IL App (1st) 241013, ¶ 28, was wrongly decided to the extent it prohibited consideration of new evidence and proffers.

KEY QUOTATIONS

“Because the circuit court considered only proffered evidence, we stand “in the same position as the circuit court and may therefore conduct [our] own independent review of the proffered evidence.”” (¶ 31)

“On the record before us, we find the State’s evidence leaves a reasonable doubt that no condition or combination of conditions could mitigate the threat defendant poses.” (¶ 38)

“We see no reason why the hearing on the motion for relief—which is itself a hearing at which the court determines whether the defendant’s detention status should continue or be changed—cannot also be a place at which information relevant to the detention decision might be received.” (¶ 44)

FACTUAL BACKGROUND

Kelly was charged with three methamphetamine-delivery offenses arising from controlled buys totaling approximately 28.6, 58.2, and 104.8 grams, together with additional possession-with-intent-to-deliver charges. She had no criminal history, was receiving substance-abuse and counseling services, and expressed willingness to comply with release conditions, including treatment, drug testing, and GPS monitoring. The State argued that the quantity and repeated nature of the transactions made Kelly a danger and that no conditions could mitigate the risk. The record contained no evidence of weapons, violent or assaultive behavior, prior noncompliance with court orders, or drug transactions conducted from Kelly's home.

PROCEDURAL HISTORY

The State charged Kelly with multiple methamphetamine-delivery and possession-with-intent-to-deliver offenses and petitioned for detention. The circuit court found probable cause, denied pretrial release, and later denied Kelly's motion for relief. The circuit court declined to consider newly available inpatient-treatment evidence at the motion-for-relief hearing. The appellate court reversed and remanded for a determination of appropriate release conditions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for the circuit court to determine the appropriate conditions of Kelly's pretrial release under sections 110-5(c) and 110-10(b) of the Illinois Code of Criminal Procedure.

CASES CITED

- People v. Romine, 2024 IL App (4th) 240321, ¶¶ 16, 20
- People v. Atterberry, 2023 IL App (4th) 231028, ¶ 18
- People v. Morgan, 2025 IL 130626, ¶¶ 38, 51, 54
- Chaudhary v. Department of Human Services, 2023 IL 127712, ¶ 74
- People v. Thomas, 2025 IL App (4th) 251082-U, ¶ 30
- People v. Sorrentino, 2024 IL App (1st) 232363, ¶ 32
- People v. Williams, 2024 IL App (1st) 241013, ¶ 28
- People v. Simmons, 2019 IL App (1st) 191253, ¶ 8
- People v. Harris, 123 Ill. 2d 113, 128 (1988)
- People v. Fuller, 2026 IL App (4th) 251329, ¶ 36
- People v. Walton, 2024 IL App (4th) 240541, ¶ 29