IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION

ADRIAN ANTONIO JONES,

Petitioner,

v.

BRENDAN F. KELLY DIRECTOR ILLINOIS STATE POLICE, THE DEPARTMENT OF THE ILLINOIS STATE POLICE, AND EILEEN O'NEILL BURKE COOK COUNTY STATE'S ATTORNEY,

Respondents.

2026 CH 02349

Calendar 9
Courtroom 2008
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MEMORANDUM OPINION AND ORDER

The circuit court may direct the Illinois State Police to issue a Firearm Owner's Identification Card to an applicant whose application was denied if he establishes to the satisfaction of the court that he meets certain criteria. Here, the evidentiary hearing testimony demonstrated Mr. Jones satisfies this requirement. Accordingly, the Illinois State Police is directed to issue a Firearm Owner's Identification Card to Mr. Jones.

I. Introduction

Petitioner Mr. Jones ("Jones") applied for his Firearm Owner's Identification Card ("FOID Card") in August 2022. The Illinois State Police ("ISP") denied his application, stating Jones was convicted of possession of a controlled substance in 1993. In July 2025, ISP told Jones he must appeal to the circuit court for relief from his convictions in 1993. Jones timely petitioned the Court for this relief pursuant to 430 ILCS 65/10(c).

The Court held an evidentiary hearing on Jones' petition on October 22, 2026. Jones, ISP, and the Cook County State's Attorney's Office were all represented by counsel. A court reporter was present. Jones testified, along with his three character witnesses. The Court took the matter under advisement to issue a written ruling.

II. The law

All citizens of Illinois who wish to own or possess a firearm must have a FOID Card issued in their name by ISP under the provisions of the Firearm Owners Identification Card Act. 430 ILCS 65/2(a)(1). To obtain a FOID Card, an applicant must fill out an application and submit evidence to ISP that he is eligible to possess a firearm. 430 ILCS 65/4(a). Under the Act, an applicant is not eligible if he has been convicted of certain crimes, including any

felonies. *Id.* ISP may deny a FOID Card application, or revoke an existing FOID Card, if it finds that the applicant has been convicted of a felony. 430 ILCS 65/8.

If an application of a FOID card is denied under Section 8 of the FOID Card Act, as here, Sections 10(a)–(c) of the FOID Card Act provide for appeal of the ISP's decision directly to the circuit court. *See* 430 ILCS 65/10(a)-(c).

Section 10(a) governs the procedural requirements for requesting relief after a denial of a FOID Card application.

Under Section 10(b), if the court determines that in denying petitioner's application, "substantial justice has not been done, the court shall issue an order directing [ISP] to issue a Card." 430 ILCS 65/10(b).

Under Section 10(c), the court may order ISP to issue a FOID Card if it is established by the applicant to the court's satisfaction that:

> (1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;
>
> (2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;
>
> (3) granting relief would not be contrary to the public interest; and
>
> (4) granting relief would not be contrary to federal law.

430 ILCS 65/10(c)(1)-(4).

The Illinois Supreme Court in *Evans v. Cook County State's Attorney* rejected the government's argument that a felony conviction in itself disqualifies any applicant with a felony conviction from meeting the requirements of Section 10(c) for firearms restoration. 2021 IL 125513, ¶ 33. Rather, the Court held if a convicted felon can establish the requirements of Section 10(c)(1)-(3) above, he may be granted relief in a way that is not contrary to federal law under Section 10(c)(4). *Id.*

III. Facts and testimony

In January 1993, Jones was convicted of three felonies; in April 1993, he was convicted of another. Jones was sentenced to thirty months of probation for the January 1993 convictions. Jones satisfied this probation.

Jones was arrested numerous times from 1990 to 2004. Jones was seventeen and eighteen years old in 1991.

Jones; Richard Nelson, a long-time friend; Richard Lewis, another long-time friend; and Vera Jones, Jones' mom, testified at the evidentiary hearing. Their testimony was credible and rarely, if ever, conflicting.

Jones testified that at the time of his early arrests and convictions he had an aggressive attitude and was a troublesome child. His character witnesses corroborated this. Jones acknowledged he was hanging out with the wrong people during this part of his life. His 1992 convictions stemmed from Jones getting arrested after being caught with a colleague who was in possession of drugs. Jones pleaded guilty to several of the charges and completed his probationary period. His 1993 Calumet City conviction arose from being around others who were likely committing a crime; the police accused and arrested all of them. Jones again pleaded guilty and again completed probation. Multiple times Jones acknowledged that he takes responsibility for these incidents and regrets them to this day. He no longer sees this people and embraces what he learned from these arrests and convictions.

Later, in 1999 and 2004, Jones twice was arrested for domestic battery. He stated that by this time he was beginning to change into the person he is now; his witnesses agreed. In 1999, Jones' daughter's mother attempted to remove his daughter from his home.[1] The police were called and they arrested Jones. His daughter began living with her mom. A year later, Jones' daughter was returned to him and has been in his custody ever since.[2] Jones struck no one. Today, Jones maintains a cordial relationship with his daughter's mother for his daughter's sake. Jones' 2004 arrest resulted from an alcohol-fueled altercation that forced Jones to restrain his aggressor. He did not strike her. She called the police; they arrived and took Jones to jail.

Since being released from that stint in jail, Jones has had no arrests or convictions. He attends church and church activities with his mother. He goes fishing with his friend. He spends time with his family and friends. Jones has no alcohol- or drug-abuse struggles; at most he has a couple drinks with friends once a week. He has worked steadily as a general

[1] Jones had had custody of his daughter since she was a baby.
[2] Jones' daughter's mother voluntarily returned her to Jones.

contractor for longer than twenty years. He recently opened a restaurant that he operates with his daughter.

Jones testified he wants his FOID Card to legally obtain firearms for home safety and the opportunity to go hunting. He reminisced about going hunting with family members when he was a child. He noted he learned gun safety from them and remembers aspects of it to this day, though he stated he would take additional safety classes if he were to receive his FOID Card. He said he would store his firearm(s) in a safe out of reach of others in his home. He already has spoken to family members about firearm safety.

IV. Analysis

Section 10(c)(1) requires that twenty years have passed since a felony conviction or any felony conviction-related imprisonment. As Jones' most recent felony conviction was 1993, he meets this criterion.

Next, Section 10(c)(2) requires the Court to consider a petitioner's criminal history and convictions to determine whether the petition will not be likely to act in a manner dangerous to public safety. Here, Jones' early arrests and convictions stemmed from his youthful aggression and decision to occupy his time with other people who were up to no good. By the time of his later arrests, he already had begun to change. According to Jones and his witnesses' testimony,[3] Jones was not aggressive during any of his arrests except for one: When Jones was in a holding cell in relation to one of his 1993 arrests, he pushed an officer out of the way in an attempt to flee. Neither the 1999 nor 2004 arrests involved violence from Jones. The testimony at the hearing established Jones' unsafe actions remain solidly in his past such he is not likely to act in a manner dangerous to public safety. Accordingly, he meets this criterion.

Third, Section 10(c)(3) requires that the petitioner demonstrate to the Court that it would not be contrary to the public interest to grant relief. The legislative intent was for Section 10(c) to operate as a mechanism for restoring rights: "Sections 10(c)(1)-(3) of the FOID Card Act act as a mechanism to relieve an offender of some of the consequences of his conviction and extend a measure of forgiveness to certain qualified offenders." *Johnson v. Dep't of State Police*, 2020 IL 124213, ¶ 27. Jones' last arrest was more than twenty years ago; his last conviction more than thirty. The testimony confirmed he is no longer aggressive or hostile at all. He wants his FOID Card to obtain a firearm for home safety and, eventually, one for going hunting. He recognized that he needed to associate with different people—less destructive people—and made the change, even if it took many years. For all these reasons, Jones has demonstrated to the satisfaction of the Court that he meets this criterion.

[3] Jones' witnesses were present for at least one of the arrests and period leading up to it.

Finally, Section 10(c)(4) requires that granting Jones' relief would not be contrary to federal law. Illinois courts have stated a sufficient showing under Section 10(c)(1)–(3) means that granting Jones' requested relief necessarily would not be contrary to federal law. *See Evans*, 2021 IL 125513, ¶ 33. Thus, Jones meets this criterion.

V. Conclusion

Jones is prohibited from acquiring a FOID Card under 430 ILCS 65/8. He petitioned the Court to direct ISP to issue him one. The testimony demonstrated Jones established to the Court's satisfaction the four criteria in Section 10(c). Substantial justice has not been done by prohibiting Jones from obtaining his FOID Card.

Accordingly, ISP is directed to issue a FOID Card to Adrian Antonio Jones.

This is a final order. Case disposed.

ENTER:

John N Ehrlich

ENTERED
Judge John Ehrlich-2075
OCT 26 2026
MARIYANA T. SPYROPOULOS
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL