

2026 IL App (1st) 260660-U
No. 1-26-0660B

Fifth Division
July 17, 2026

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.	)	No. 2026 CR 0248101
	)	
PARISH STEWART,	)	Honorable
	)	John Wilson,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE WILSON delivered the judgment of the court.
Justices Mikva and Oden Johnson concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the circuit court's order denying defendant's pretrial release.
- ¶ 2 Defendant Parish Stewart appeals from the circuit court's order denying his pretrial release under article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110 *et seq.* (West 2022)), as amended by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023), commonly known as the

Pretrial Fairness Act (Act). On appeal, defense counsel argues that she did not have an adequate opportunity to confer with Stewart before the detention hearing. In addition, Stewart argues that the State failed to show by clear and convincing evidence that he posed a real and present threat to the safety of any person or the community, and no condition or combination of conditions could mitigate his threat to the community. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 Stewart was charged on January 24, 2026, with five felony counts, including armed robbery, arising out of an incident that occurred on January 14, 2026. He was ordered detained that same day. Those charges were dismissed on February 11, 2026, and Stewart was released on that case.

¶ 5 On March 5, 2026, Stewart was indicted on two counts of armed robbery with a dangerous weapon and unlawful possession of a weapon by a felon, for the incident that occurred on January 14, 2026. At the first appearance following indictment on March 13, 2026, Stewart was in IDOC custody and was not brought to court. At the next court date, on April 3, 2026, Stewart had been released from IDOC and appeared in court of his own volition. The State filed a detention petition alleging that Stewart committed a forcible felony – armed robbery – under section 110-6.1(a)(1.5) (720 ILCS 5/110-6.1(a)(1.5) (West 2024)), that he posed a real and present threat to the safety of any person, and that no conditions could mitigate that risk.

¶ 6 At the detention hearing on April 3, 2026, the defense noted that it had not yet received the State's detention petition or any discovery. The case was passed to allow the defense to prepare for the hearing. The hearing occurred about 20 minutes later. The State proffered the facts of the case: on January 14, 2026, at 2:30 a.m., the victim was standing at a bus stop when he was

approached by Stewart. Stewart allegedly produced a knife and robbed him. A Cicero police officer on routine patrol observed the robbery. She approached Stewart, stopped him, and searched him, recovering a knife. She asked Stewart about the robbery, and he said he was hungry. The State alleged that after Stewart was Mirandized, he told the officer that he knew the victim and was “just fucking around.” The victim did not know Stewart.

¶ 7 The State informed the court of Stewart’s criminal history. He had six prior misdemeanor convictions, including for domestic battery, two for aggravated assault with a deadly weapon, and assault. Stewart also had felony convictions for possession of a false registration, aggravated vehicular hijacking, possession of a controlled substance and manufacture/delivery of a controlled substance. The State noted that Stewart’s most recent felony conviction was for aggravated battery in a public place. He received two years’ imprisonment and was on parole when this incident occurred.

¶ 8 The State argued that the proof was evident and the presumption was great that Stewart committed the detainable offense of armed robbery. The offense was witnessed by a Cicero police officer. The State further argued that Stewart was violent as evinced by his criminal history and the fact that he was willing to “rob anyone on the street that he just happens to encounter at any time with a weapon.” The State informed the court that Stewart was on parole when he committed this offense, and ended by stating “he is violent, he is dangerous, and he should be detained.”

¶ 9 In response, defense counsel argued that she only “had a brief amount of time to review the numerous reports” that she was tendered. She further argued that Mr. Stewart’s statement that he was hungry was not an admission. She noted that the officer that allegedly witnessed the armed robbery did not actually see Stewart with a knife; rather, the knife was recovered after the fact.

According to the defense, this was merely panhandling at a bus stop. Moreover, the complaining witness was told to report to the police station, and he did not do so. Defense counsel further noted that the case was dismissed on February 11, 2026, and Stewart was released from his parole hold on March 17, 2026, and still showed up to court. Stewart had been experiencing homelessness but at the time of hearing was staying at the Eva Mae Recovery Home, and was attending the clinic five days a week. For those reasons, defense counsel asked that the petition to detain be denied and that Stewart be placed on certain conditions.

¶ 10 The circuit court found that the State had met its burden of showing that the proof was evident or the presumption great that Mr. Stewart committed a detainable offense. The court further found that based on specific and articulable facts alleged at the detention hearing, Stewart was alleged to have threatened a stranger with a knife to give him money. The court further found that Stewart posed a real and present threat to the safety of any person, persons, or the community based on the facts of the case. In addition, the court found that there was no condition or combination of conditions that would mitigate the real and present threat to the safety of any person, persons, or the community based upon the specific and articulable facts of this case given that Stewart, “while just released from IDOC and on parole took it upon himself to again rob somebody, per the proffer made by the State, with a knife, as well as the fact that the Defendant in open court states that folks keep messing with him.” The court ordered Stewart detained.

¶ 11 Defense counsel objected again, stating she only had 20 minutes to prepare for the hearing, and she was not given an ample opportunity to speak with her client or follow up on any of the information he gave her. The court then admonished Stewart of his rights for relief.

¶ 12 On April 8, 2026, Stewart filed a motion for relief pursuant to Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024) arguing that the circuit court erred at the detention hearing on April 3, 2026, in ordering Stewart detained. In the motion, defense counsel argued that she did not have adequate time to confer with Stewart before the detention hearing and that continued detention was not necessary to 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 to prevent Stewart's willful flight from prosecution. A hearing on the motion for relief was held the same day.

¶ 13 At the hearing, defense counsel argued that she was not given an adequate opportunity to confer with her client prior to the detention hearing and now that she had thoroughly conferred with Stewart, she would like to have another hearing. In addition, defense counsel stated that Stewart was 44 years old, had strong family ties, and took care of his wheelchair-bound aunt prior to his incarceration. He previously worked at a local YMCA and volunteered by picking up trash. Because he had a pass for free bus rides, he would be able to get to court. Defense counsel argued that this was "not a typical armed robbery" because it occurred at a bus stop and only \$8 was taken. Defense counsel also repeated her argument from the detention hearing on April 3, 2026, including that the police officer never saw him with a knife, the complaining witness was uncooperative, and Stewart was in recovery and was able to get to court on April 3 on his own volition. Defense counsel argued that Stewart should receive "less restrictive conditions" to allow for his release.

¶ 14 The State again argued that Stewart should be detained. It noted that the charges were dismissed on February 11, 2026, because it was term and IDOC had not brought Stewart to court. The State then reviewed Stewart's criminal background and the alleged facts of the current case, highlighting that this was a crime of opportunity and Stewart took advantage of the complaining

witness being alone at night. The State contended that Stewart was violent and dangerous to the complaining witness and the community.

¶ 15 Defense counsel responded that the State had not met its term, as Stewart was arrested on January 23, 2026, and the case was dismissed 19 days later on February 11, 2026. Instead, the State decided to dismiss and later indict. Defense counsel argued that most of Stewart's prior offenses were drug related and that he was currently getting treatment, so he did not pose a flight risk. Defense counsel again argued that Stewart should be released on conditions so he could get the support of his aunt and get drug treatment.

¶ 16 The circuit court denied Stewart's motion for relief. It concluded that the State had proven that the proof was evident or presumption was great that Stewart committed the detention-eligible offense of armed robbery. The court recognized that Stewart was seeking treatment but nonetheless found that he was a real and present threat to the safety of any person or the community because he pulled a knife on someone at a bus stop. In addition, the court found:

“A class -- committing a Class X offense while on parole -- and, again, when the Defendant was released on parole, the Defendant was given multiple conditions to follow on parole and warned that if any of those conditions were not followed that he would effectively end up back in custody.

The Court found, and the Court still finds, that there's nothing as far as conditions that this Court can place on this Defendant that carry with it a more stronger deterring weight than being placed on parole in this case.

And so the Court does find -- while the Court acknowledges that he did appear in court on his own behalf, who knows what will happen at trial, at this juncture, in viewing

the evidence, the -- and hearing the proffers, the Court does find that the State has shown by clear and convincing evidence that there is no condition or combination of conditions set forth to be a less restrictive condition outside of the detention based on those specific and articulable facts, that being the Defendant's background, the Defendant's actions while on parole.

And, therefore, your motion for relief is denied.”

¶ 17 On April 10, 2026, Stewart filed a notice of appeal indicating that he was appealing from the order detaining him on April 3, 2026, and the court’s denial of his motion for relief on April 8, 2026. On June 8, 2026, Stewart filed a Memorandum in Support of 604(h) Appeal stating that he elected to stand on the arguments in the motion for relief filed in the trial court. Defense counsel further stated that she was “writing a memorandum to expound on the argument from the motion for relief related to whether the State had met its burden as to conditions.” On July 7, 2026, this court granted the State's motion for leave to file its memorandum in response.

¶ 18 I. ANALYSIS

¶ 19 Standing on the argument he raised in his motion for relief, Stewart first argues that he is entitled to a new detention hearing because “[i]n holding a detention hearing only 13 minutes after counsel received a lengthy packet of discovery, the circuit court did not give defense counsel an adequate opportunity to confer with [defendant] before the hearing” which was inadequate under subsection 6.1(f)(3) of the Act. 725 ILCS 5/110-6.1(f)(3) (West 2024).

¶ 20 Subsection 6.1(f)(3) states in relevant part that “[d]efense counsel shall be given *adequate* opportunity to confer with the defendant before any hearing at which conditions of release or the detention of the defendant are to be considered***.” (Emphasis added). *Id.* Adequate is not defined

in the Act. The cardinal rule of statutory construction is to ascertain and give effect to the legislature's intent, of which its language is the best indicator. *People v. Jurisec*, 199 Ill. 2d 108, 118 (2002). We consider the statute as a whole and give the words used by the drafters their plain and ordinary meaning, thereby ensuring that no part is rendered meaningless or superfluous. *People v. Hilton*, 2023 IL App (1st) 220843, ¶ 16. We further do not depart from the plain language of the statute by reading into it any unexpressed exceptions, limitations, or conditions, and we presume that the legislature did not intend absurd, inconvenient, or unjust results. *Id.*

¶ 21 Applying ordinary principles of statutory construction, we presume the legislature intended the phrase to carry its ordinary and commonly understood meaning, which we may ascertain by consulting the dictionary. *Landis v. Marc Realty, L.L.C.*, 235 Ill. 2d 1, 88 (2009). Merriam-Webster defines “adequate” as: (1) “sufficient for a specific need or requirement”; and (2) “lawfully and reasonably sufficient.” Adequate, Merriam-Webster Online, <https://www.merriam-webster.com/dictionary/adequate> (last visited July 8, 2026).

¶ 22 In this case, at the start of the April 3rd hearing, the case was passed for defense counsel to confer with Stewart and prepare for the detention hearing. See *People v. Freeman*, 2024 IL App (5th) 240167-U, ¶ 42 (“[N]o argument is presented that defendant was not given an opportunity to speak with his appointed counsel prior to the hearing.”). During argument, counsel presented multiple details about Stewart’s circumstances that were not contained in the State’s proffer or in any other part of the record. *Id.* (where defense counsel argued using “facts not found elsewhere in the record, it is clear to this court that defense counsel conferred with defendant prior to the hearing”). Defense counsel stated Stewart had given her “some information from a recovery home. It looks like he’s been experiencing homelessness. But he is currently staying at Eva Mae Recovery

Home, Inc., which is on Halsted Street in Chicago, Illinois, where he attended the clinic five days a week. Defense counsel further stated that Stewart was “attending prescribed activities scheduled at the clinic,” which was verified by a signature on the document. Counsel not only presented mitigating facts but emphasized weaknesses in the State’s proffer, arguing, for example, that the officer never saw Stewart with a knife and that the incident could be characterized as panhandling. She also raised the dismissal of the prior charges, Stewart’s release from parole hold, and his voluntary appearance in court.

¶ 23 Even if we were to assume that counsel’s opportunity to confer with Stewart before the April 3rd detention hearing was not adequate, Stewart was nevertheless afforded a second detention hearing on his motion for relief on April 8th. As defense counsel has acknowledged, “the motion for relief hearing at which the court addressed all three prongs of an initial detention hearing amounted to a new detention hearing. 725 ILCS 5/110-6.1(e)(1)(3).” Stewart has already been granted the relief he requested here.

¶ 24 Stewart next argues that the State did not meet its burden of proving by clear and convincing evidence that no condition or combination of conditions could mitigate any real and present safety threat based on the specific articulable facts of the case. He also argues that the State failed to meet its burden to prove by clear and convincing evidence that no condition or combination of conditions would suffice to mitigate that threat. Stewart does not challenge that he committed a detainable offense.

¶ 25 Pretrial release is governed by article 110 of the Code, as recently amended by Public Act 101-652 (eff. Jan. 1, 2023). Under article 110 of the Code, a defendant’s pretrial release may only be denied in certain situations. 725 ILCS 5/110-2(a), 110-6.1 (West 2022). The Act provides that

a defendant may be denied pretrial release if the State proves by clear and convincing evidence that (1) the proof is evident or the presumption is great that the defendant has committed a qualifying detainable offense, (2) the defendant poses a real and present threat to the safety of any person or persons or of the community, and (3) no condition or combination of conditions can mitigate the threat to the safety of any person or persons or of the community. 725 ILCS 5/110-6.1(e) (West 2024). Once a defendant has been detained pursuant to section 110-6.1(e), the Act requires that, “[a]t each subsequent appearance of the defendant before the court, the judge must find that continued detention is necessary to 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 to prevent the defendant’s willful flight from prosecution.” *Id.* § 110-6.1(i-5).

¶ 26 When the State files a petition requesting denial of pretrial release, the State has the burden to show by clear and convincing evidence that the proof is evident or the presumption is great that a defendant has committed a qualifying offense, that the defendant’s pretrial release poses a real and present threat to the safety of another person or the community, 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. *People v. Vingara*, 2023 IL App (5th) 230968, ¶ 7; 725 ILCS 5/110-6.1(e) (West 2024). The clear-and-convincing standard “requires proof greater than a preponderance, but not quite approaching the criminal standard of beyond a reasonable doubt.” *In re D.T.*, 212 Ill. 2d 347, 362 (2004). Because there was no live witness testimony offered in this case, and the evidence presented below was solely documentary in nature, we review the trial court’s decision *de novo*. *People v. Morgan*, 2025 IL 130626, ¶¶ 21, 54.

¶ 27 We agree with the State that the trial court’s finding that Stewart posed a real and present threat to the safety of any person or persons or the community was not against the manifest weight of the evidence. Stewart points to his court appearances and participation in treatment, but as courts have recognized, “the nature and circumstances of the offense charged [are] the prime consideration in determining the conditions of release, if any ([725 ILCS 5/] § 110-5(a)(1)), and in denying pretrial release (id. § 110-6.1(a)), including in making the dangerousness determination (id. § 110-6.1(g)(1)).” (Emphasis in original.) *People v. Carpenter*, 2024 IL App (1st) 240037, ¶ 14. The State presented evidence that Stewart robbed an innocent victim, who was waiting for a bus, at knifepoint. Stewart was on parole for another violent offense when he was arrested for this offense and had other violent convictions in his background. His behavior, as alleged, shows that at a bare minimum that he is dangerous.

¶ 28 The record also supports the circuit court’s finding that the State proved by clear and convincing evidence that no condition or combination of conditions could mitigate the real and present threat posed by Stewart. “[T]he court is tasked with considering not just whether conditions short of detention exist, but also whether a defendant is likely to comply with them.” *People v. Bueno*, 2024 IL App (2d) 240053, ¶ 13. The State established that in addition to being a convicted felon, Stewart was on parole for a violent offense at the time he committed the instant offense. Stewart has clearly shown an unwillingness or inability to abide by the law. As the court stated, “[i]f parole is not a deterrent, then EHM [electronic home monitoring] would not be either.” Accordingly, we find that the State met its burden of proof by clear and convincing evidence that less restrictive means other than detention would not mitigate the threat that Stewart poses to the community.

¶ 29 Stewart further argues that because the State “did not address conditions of release in general or any specific conditions of release” at either the April 3rd or April 8th hearings, that it failed to meet its burden. He cites *People v. Stock*, 2023 IL App (1st) 231753, in support.

¶ 30 In *Stock*, the defendant was charged with one count of the detainable offense of aggravated battery/discharge of a firearm for allegedly having discharged a firearm at the time that the complaining witness, his estranged wife, was packing up their residence to leave him and pursue a divorce. *Id.* ¶ 5. At the defendant's detention hearing, pretrial services rated the defendant a “1 out of 6” on the “new criminal activity scale,” and a “1 out of 6” on the “failure to appear scale.” *Id.* ¶ 7. The record further reflected that the defendant had no other criminal history prior to the alleged offense. *Id.* ¶ 6. The circuit court granted the State's detention petition finding that no conditions could mitigate the defendant's real and present threat because, per the written order, he had “shot a firearm at the complaining witness.” *Id.* ¶ 8.

¶ 31 On appeal, this court found that the State had met its burden on the first two elements of its petition, it failed on the conditions prong. *Id.* ¶¶ 13-15 The court noted that the State had presented “no evidence” on that element and had merely proffered the facts of the incident. *Id.* ¶ 17. In addition, the court pointed out that the defendant had no prior criminal history and thus otherwise appeared to be an “upstanding and law-abiding member of the community.” *Id.* ¶ 19. Finally, the court noted that the circuit court’s ruling did not comply with the express requirement that the court provide a written summary as to why less restrictive conditions could not mitigate the threat posed by the defendant. *Id.* ¶ 20. Ultimately, the court reasoned that, “[i]f the base allegations that make up the *sine qua non* of a violent offense were sufficient on their own to establish this element, then the legislature would have simply deemed those accused of violent

offenses ineligible for release.” *Id.* ¶ 18. However, the court cautioned, although “more [was] required” as to both the State's proffer and the court's analysis on this element, its holding was not to be interpreted to mean that “alleged facts stating the basic elements of an offense are not relevant or part of the proof that no conditions could mitigate the threat posed by a defendant.” *Id.*

¶ 32 We acknowledge that the State did not specifically mention the applicable statutory provision governing the conditions analysis in its argument before the circuit court but nevertheless find *Stock* distinguishable. The defendant in *Stock* had no prior criminal history to consider against appropriate release conditions. Here, Stewart had a lengthy criminal history and was on parole for a violent offense at the time of the instant offense. The State used Stewart’s criminal history and parole status to argue both his dangerousness and his inability to comply with release conditions. Finally, the court’s consideration of the State’s proffer was more substantive than that considered in *Stock*. In this case, the court indicated that it did not believe that Stewart would comply with conditions of EHM when he could not comply with the conditions of his parole. See *People v. Atterberry*, 2023 IL App (4th) 231028, ¶ 19 (noting the importance of courts articulating the reason as to why a particular defendant would not comply with any conditions of release, versus a general threat posed by anyone).

¶ 33 Accordingly, we find that there is clear and convincing evidence that no condition or combination of conditions can mitigate the threat posed by Stewart.

¶ 34 CONCLUSION

¶ 35 For the reasons explained above, we affirm the judgment of the circuit court.

¶ 36 Affirmed.