2026 IL App (2d) 260232-U
No. 2-26-0232
Order filed August 3, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

KRISTOPHER I. CROSS, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Julia A. Yetter, Judge, Presiding.
No. 23-CF-286

PRESIDING JUSTICE KENNEDY delivered the judgment of the court.
Justices Jorgensen and Birkett concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in revoking defendant's pretrial release. There was sufficient evidence to show that no conditions could prevent defendant from committing further offences as defendant allegedly attempted to stab two police officers who responded to a domestic incident at defendant's home and later, while on pretrial release, he allegedly attacked hospital security staff while seeking medical treatment. Affirmed.

¶ 2 Defendant, Kristopher I. Cross, appeals from the revocation of his pretrial release under section 110-6 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6 (West 2024)). For the following reasons we affirm.

¶ 3 I. BACKGROUND

¶ 4 On February 8, 2023, defendant was charged via complaint with two counts of attempted first degree murder (720 ILCS 5/8-4(a), 9-1(a)(1) (West 2022)); one count of unlawful restraint (*id.* §10-3); two counts of aggravated assault of a peace officer (*id.* § 12-2(b)(4.1)); and two counts of aggravated assault with a deadly weapon (*id.* § 12-2(c)(1)) arising out of an incident on February 5, 2023, in which defendant charged towards police officers while armed with two knives.

¶ 5 On March 4, 2023, defendant's bond was set at $100,000. On September 19, 2023, defendant posted bond and was released pretrial on maximum conditions.

¶ 6 On April 4, 2026, the State filed a motion to revoke or increase bail on the grounds that defendant had committed new offenses while on pretrial release, namely two counts of aggravated battery of a security officer arising out of an incident that occurred on April 1, 2026, in which defendant attacked hospital security staff while seeking medical treatment at Mercy Hospital. On April 7, 2026, the State filed a verified application to revoke defendant's pretrial release pursuant to section 110-6(a) of the Code, on the same basis as its previous motion.

¶ 7 A hearing was held on the State's motions on June 8, 2026. At the hearing there was some discussion of whether the matter should proceed under the previous version of the Code or under the newly amended version commonly known as the Pre-Trial Fairness or SAFE-T Act. The State believed that the newly amended version of the Code should apply and proceeded under its latter motion, citing section 110-7.5(c)(5) of the Code. The State offered as evidence the police synopsis from the instant case and the police synopsis from the April 1, 2026, incident. The State also proffered that defendant's criminal history included a 2017 juvenile delinquency adjudication for aggravated battery. The State could not recall the precise details of the 2017 incident, but the State and defendant agreed that the incident involved police being called to defendant's residence for an

"acute behavioral health issue" which involved restraint and the administration of medication, and that the aggravated battery involved spitting the medication out of defendant's mouth. Defendant proffered a police report from the April 1, 2026, incident which somewhat differed from the police synopsis.

¶ 8 According to the police synopsis from the instant case, police responded to a 911 call from defendant's grandmother, who advised that defendant was fighting with his girlfriend over their baby. She advised that defendant had armed himself with several knives and threatened to kill everyone in the house. Defendant had also stated he would die that day and that police would have to shoot him.

¶ 9 When police arrived, they spoke with defendant through a glass screen door while he was armed with a large knife. Defendant was confrontational and yelled at the officers that they were going to die today. Defendant then grabbed a second large knife. As the officers were trying to get the rest of the residents out of the home through the attached garage, defendant shut the front door and made his way out of the home into the garage. Defendant was still armed with the two knives and refused officers' commands to drop the knives. While standing at the threshold of the garage, defendant yelled that he was going to show the officers how fast he was. Officers were approximately 20-25 feet away from defendant. Officers attempted to subdue defendant by firing less-lethal pepper ball rounds. Defendant initially turned away from the rounds, but then immediately turned toward the officers, charging towards two officers while still holding the two knives. The officer who had fired the pepper ball round drew his service weapon and fired at defendant, who was struck by the gunfire and fell to the ground. A third knife was discovered concealed in defendant's pant-leg/shoe. Officers rendered medical aid and defendant was transported to the hospital for treatment.

¶ 10 The police later learned that prior to the officers' arrival, defendant and his girlfriend were having an argument in the basement bedroom they shared. While holding their infant child, defendant blocked the doorway of the bedroom preventing the girlfriend from leaving. Defendant's father had to physically remove him from the doorway, at which point defendant went upstairs and armed himself with multiple knives and threatened to kill everyone in the home, prompting the 911 call.

¶ 11 The synopsis and report from the April 1, 2026, incident vary somewhat but generally report that police responded to a call from Mercy Hospital in reference to a battery that occurred when hospital security staff were attempting to gain control of a patient. According to hospital staff, defendant, who was a patient at the hospital, was being combative and refusing to take his medication. When security staff arrived, defendant was upset and verbally aggressive. They attempted to reason with defendant and get him to take his medication, but he refused. Darin Northern, the security supervisor, believed that if they tried to grab or restrain defendant, he would fight them.

¶ 12 Darin and his team entered defendant's room with Darin in front armed with a capture shield. Defendant got onto a hospital bed and leapt onto the shield, knocking Darin into another hospital bed. Defendant then stood on the hospital bed and began stomping on Darin's lower leg above the ankle. The responding officer did not observe any injuries to Darin's leg, but he was walking with a limp and reported a golf ball sized lump on the outside of his lower left shin. Three other security staff moved in to restrain defendant and, as they did so, defendant punched one of them, Hugo Andrade, several times in the face and head before a nurse was able to administer a sedative. The responding officer did not observe any injuries to Hugo's face, but Hugo reported being evaluated by medical staff and being diagnosed with a concussion.

¶ 13 The State argued that given defendant's violent history relating to his unregulated behavioral issues, there were no conditions which could prevent defendant from committing additional felonies or Class A misdemeanors. Defendant argued that each incident involved defendant suffering from an acute behavioral health episode, and that the court could implement a treatment regimen as a condition of release to prevent further incidents. Defendant did not elaborate on what this treatment regimen would entail. The trial court ultimately granted the State's petition to revoke defendant's pretrial release.

¶ 14 On April 14, 2026, a hearing was held on "Defendant's Emergency Motion to Reconsider Order Revoking Pretrial Release, And to Reinstate Pretrial Release with Modified Coordinated Conditions." Defendant maintains that his motion was filed on April 14, 2026, but it does not appear in the record on appeal. At the hearing, defendant argued that the controlling question was whether the State had proven by clear and convincing evidence that no condition or combination of conditions would reasonably ensure defendant's appearance. Defendant went on to discuss a conditions package intended to mitigate another violent outburst. Defendant also proffered that the public safety assessment from the hospital incident recommended pretrial release rather than detention. The State argued the conditions set forth by defendant largely already existed and would do little to prevent defendant from committing further offenses. The trial court ultimately denied defendant's motion and defendant appealed.

¶ 15 II. ANALYSIS

¶ 16 On appeal defendant argues that the State failed to prove by clear and convincing evidence that no set of conditions could reasonably prevent him from being charged with a subsequent felony or Class A misdemeanor. Defendant argues that his proposed coordinated conditions package which "included therapist and psychiatrist coordination, medication-compliance

monitoring, family support and notification, treatment community, crisis protocol, and related safeguards" combined with the public safety assessment from the April 1, 2026, case, which recommended pretrial release rather than detention, demonstrates that there were conditions which could reasonably prevent defendant from committing further offenses.

¶ 17 Defendant further argues that the trial court relied on a juvenile matter from 2017 and the as yet unproven allegations from the instant case and the April 1, 2026, case in reaching its decision. Further, the trial court stated that it had no concerns about defendant's continued appearance in court.

¶ 18 The State argues that defendant has failed to include his motion for relief in the record on appeal, effectively forfeiting all arguments, and that even if defendant's arguments were not forfeited there was sufficient evidence to support revoking defendant's pretrial release. We agree with the State.

¶ 19 As a prerequisite to an appeal from an order entered under section 110-6 of the Code, "the appealing party shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief." Ill. S. Ct. R. 604(h) (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." *Id.* From the record, defendant apparently made such a motion, which was heard and denied by the trial court. However, that motion does not appear in the record on appeal; as such we do not know if the arguments made on appeal were waived by failing to include them in defendant's motion for relief. "[A]n appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis. Any doubts

which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391–92, 459 (1984). "[F]orfeiture is a limitation on the parties and not the reviewing court, and we may overlook forfeiture where necessary to obtain a just result or maintain a sound body of precedent." *People v. Holmes*, 2016 IL App (1st) 132357, ¶ 65. To the extent that the contents of defendant's motion can be gleaned from the report of proceedings we shall consider those corresponding arguments on appeal to the extent allowed by the incomplete record.

¶ 20 When a defendant who has been previously released pretrial on the condition of the deposit of security is alleged to have violated the conditions of that pretrial release, the court shall follow the procedures for revocation of pretrial release and sanctions set forth in section 110-6 of the Code. 725 ILCS 5/110-7.5(c)(5) (West 2024). "When a defendant has previously been granted pretrial release under this Section for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release after a hearing on the court's own motion or upon the filing of a verified petition by the State." *Id.* §110-6(a). At a hearing on a petition to revoke pretrial release, "[t]he court shall consider all relevant circumstances, including, but not limited to, the nature and seriousness of the violation or criminal act alleged. The State shall bear the burden of proving, by clear and convincing evidence, that no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor." *Id*.

¶ 21 When parties to a pretrial detention hearing proceed solely by proffer and documentary evidence, the reviewing court's standard of review is *de novo*. *People v. Morgan*, 2025 IL

130626, ¶ 51. Under a *de novo* standard, the reviewing court performs the same analysis as the trial court, determining whether the trial court's decision was correct as a matter of law. *People v. McDonald*, 2016 IL 118882, ¶ 32.

¶ 22 In the instant case, defendant was released on bond after being charged with numerous felonies. Defendant was subsequently charged with two counts of aggravated battery (Class 2 felonies) which are alleged to have occurred while defendant was on pretrial release. We agree that defendant's appearance in court is not an issue in the instant case, so the question becomes whether conditions exist which could reasonably prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.

¶ 23 Defendant has forfeited his primary argument regarding his proposed coordinated conditions package, as his motion for relief was not included in the record on appeal, and thus we have no way of reviewing defendant's proposed conditions. *Foutch*, 99 Ill. 2d 389, 392-93.

¶ 24 Further, while we agree that defendant's criminal behavior appears to be the result of some kind of mental health issue, the record contains little information demonstrating what triggers these outbursts of violence and whether or how they can be regulated. One of the most restrictive pretrial release conditions the court can impose is electronic home monitoring, which does little to alleviate our concerns in the instant case, as the most serious incident at issue occurred at defendant's home. Further, the incident with hospital security staff is alleged to have occurred while defendant was seeking treatment during a mental health crisis. In light of the violent and uncontrolled nature of the offenses at issue and the fact that they occurred at defendant's home and at a hospital, we do not believe that conditions of pretrial release exist which would reasonably prevent defendant from having another violent outburst and being charged with a subsequent felony or Class A misdemeanor.

¶ 25 III. CONCLUSION

¶ 26 For the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 27 Affirmed.