

2026 IL App (2d) 260368-U
No. 2-26-0368
Order filed October 16, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

DIAMOND C. HENRY, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Tiffany Davis, Judge, Presiding.
No. 26-CF-1324

JUSTICE MULLEN delivered the judgment of the court.
Justices Hutchinson and Schostok concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in granting the State's petition to deny defendant pretrial release and ordering defendant detained.

¶ 2 Defendant, Diamond C. Henry, appeals from orders of the circuit court of Kane County granting the State's verified petition to deny her pretrial release pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)), as amended by Public Acts 101-652, § 10-255 (eff. Jan. 1, 2023) and 102-1104, § 70 (eff. Jan. 1, 2023) (we will refer to

these public acts collectively as the “Acts”).¹ On appeal, defendant argues that the State failed to meet its burden of proving by clear and convincing evidence that: (1) she poses 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; and (2) no condition or combination of conditions can mitigate the real and present threat to the safety of any person or persons or the community based on the specific, articulable facts of the case. We affirm.

¶ 3

I. BACKGROUND

¶ 4

A. Statement of Facts

¶ 5 On June 5, 2026, defendant was charged by complaint with one count of stalking (causing fear for one’s physical safety) (720 ILCS 5/12-7.3(a)(1) (West 2024)), a class 4 felony; one count of criminal intimidation (720 ILCS 5/12-6(a)(3) (West 2024)), a class 3 felony; and one count of stalking (causing distress) (720 ILCS 5/12-7.3(a)(2) (West 2024)), a class 4 felony. That same day, the trial court issued a probable cause warrant for defendant’s arrest.

¶ 6 On June 15, 2026, defendant filed a *pro se* motion to quash the arrest warrant. A hearing on the motion was held on June 24, 2026. Defendant appeared via Zoom and moved to quash the warrant on the grounds that she resided in Cook County and was in Wisconsin at the time of the hearing. The motion was denied.

¶ 7 On July 6, 2026, the State filed a petition to detain. In support of its petition, the State alleged that defendant was charged with the detainable offenses of intimidation and stalking. See 725 ILCS 5/110-6.1(a)(2) (West 2024). The State further provided a summary of defendant’s

¹ Public Act 101-652 (eff. Jan. 1, 2023), which amended article 110 of the Code, has been referred to as the “Pretrial Fairness Act” and the “Safety, Accountability, Fairness, and Equity-Today (SAFE-T) Act.” However, neither title is official. *Rowe v. Raoul*, 2023 IL 129248, ¶ 4 n.1.

criminal history which included: a pending 2025 case in which defendant was on pretrial release, charging defendant with failure to give information or render aid at the scene of a car accident and leaving the scene of a personal injury car accident; a 2023 charge of obstructing a police officer, for which defendant successfully completed a term of court supervision; a 2023 order of protection issued against defendant by a different complaining witness; and two prior charges of domestic battery and a charge of violating an order of protection, all of which were dismissed for want of prosecution.

¶ 8

B. Detention Hearing

¶ 9 That same day, the matter proceeded to a hearing on the State's petition. Defendant appeared in person after turning herself in on the warrant. At the hearing, the State proffered a police synopsis drafted by the arresting agency. The proffer offered the following information.

¶ 10 On Monday, June 1, 2026, an officer spoke with Judge Kathryn Karayannis at the Kane County Judicial Center regarding "concerning behavior" by defendant. Judge Karayannis had recently presided over court proceedings wherein defendant lost custody of her children. Defendant caused a disturbance in the court room and referred to Judge Karayannis by her first name. After being removed from the court room, defendant went to the Karayannis law firm, where Judge Karayannis's husband and son are employed. Defendant asked to speak with Judge Karayannis's husband or son. When the staff declined her request, defendant sat in the lobby of the law office before taking a business card for Judge Karayannis's son.

¶ 11 Defendant also emailed Judge Karayannis and an assistant state's attorney. The email referenced Judge Karayannis's children and grandchildren. It further stated that defendant "Will get justice" and that recipients "will reap what [they] sow in the name of Jesus." Defendant later

attempted to add Judge Karayannis's husband as a friend on his personal Facebook and changed her social media profile picture to a picture of Judge Karayannis.

¶ 12 Additionally, defendant called another assistant state's attorney and requested to speak with her. This assistant state's attorney is Judge Karayannis's daughter, although she uses her married name and her maiden name is not listed in the office directory.

¶ 13 The reporting officer spoke with defendant. She admitted to contacting Judge Karayannis and her family members but denied that she was threatening anyone. She advised that she was merely seeking legal assistance.

¶ 14 On June 3, 2026, the reporting officer received a screenshot of a Facebook post written by defendant. It was unclear what day the Facebook post was published. The post stated: "Serial Killer who keep dumpin bodies in the Pond, IF U CAN SEE THIS GO BACK TO AURORA KANE COUNTY IL & DUMP THE WHOLE CPS STAFF THERE & THE JUDGE. Thank you," and ended with a heart eyes emoji.

¶ 15 In support of its petition, the State argued that defendant poses a real and present threat to the safety of Judge Karayannis as defendant had "made every effort to find out information about Judge Karayannis, not only by doing things on social media but [also by] physically going to the business office of Judge Karayannis' [sic] husband." Additionally, defendant's comments about reaping justice and appealing to a serial killer demonstrated a threat to Judge Karayannis's safety. That State further argued that no conditions would mitigate this threat, as GPS or electronic home monitoring (EHM) would not restrict defendant to her home at all times. Further, the State alleged that defendant was unlikely to abide by conditions of release, as evidenced by her prior charge for violating an order of protection.

¶ 16 In response, defense counsel noted that defendant's term of supervision in her 2023 obstructing case was terminated satisfactorily. Additionally, defendant turned herself in on the warrant in this matter. At the time of the hearing, defendant was eight weeks pregnant and experiencing health complications. Further, defense counsel argued that defendant had not contacted Judge Karayannis since June 3, 2026. Moreover, defense counsel argued that none of defendant's actions constituted a "direct threat[] of physical harm." The Facebook post was "clearly an attempt at sarcasm." Accordingly, defense counsel argued that the State had not proven that defendant posed a real and present threat to Judge Karayannis or that defendant would not comply with any conditions of pretrial release.

¶ 17 Following argument by the parties, the trial court granted the State's petition to detain. In issuing its oral ruling, the trial court determined by clear and convincing evidence that defendant committed a detainable offense, that defendant's pretrial release poses a real and present threat to the safety of the community, and that no conditions were available to mitigate this threat. In coming to its decision, the trial court noted that although defendant had not been convicted of any crimes, she was on pretrial release conditions when she committed the instant offenses. The court additionally indicated that it had considered factors such as defendant's employment and her strong family ties. Further, nothing indicated that defendant would not appear in court. However, the court did consider the nature and seriousness of the offenses, including the fact that defendant "expressed homicidal ideations of the judge." In considering factors that have a reasonable bearing upon defendant's propensity for violence, abusive, or assaultive behavior, the trial court noted that defendant had a prior stalking/no contact order issued against her, two prior charges for domestic violence, and a charge for violating an order of protection. The trial court further highlighted the seriousness of defendant's actions, including finding Judge Karayannis's family members and their

locations. Moreover, the trial court noted that it had considered defendant's mental health. The court noted that on different occasions, defendant had displayed various emotions, including "crying" and becoming "upset and angry when the Court wasn't going to quash the warrant." The trial court noted that as it was issuing its ruling, defendant was crying.

¶ 18 Regarding conditions, the trial court noted that GPS monitoring and EHM would not be sufficient. It also determined that a no contact order would not be enough to counter a real and present threat to Judge Karayannis's safety, as "[n]othing could prevent a defendant, whether at home, confined on GPS, et cetera, anyway from soliciting others to harm individuals," as defendant did via her Facebook post.

¶ 19 C. Motion for Relief

¶ 20 On July 14, 2026, defendant filed a motion for relief from the order detaining her. See Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). In her motion, defendant argued that the State failed to prove that she posed a real and present threat to the safety of Judge Karayannis because there were no allegations of stalking or intimidation from June 3, 2026, to the detention hearing on July 6, 2026. Additionally, defendant argued, the dangerousness factors outlined in the statute were not met. Further, defendant rejected the trial court's assertion that the threats against Judge Karayannis were "severe," as defendant had made no "actionable threats." Finally, defendant argued that the State failed to prove that she would not follow conditions of pretrial release such as a no contact order.

¶ 21 A hearing on defendant's motion was held on July 17, 2026. At the hearing, defense counsel emphasized its argument that the State failed to prove that there were no less restrictive conditions available to mitigate the threat posed by defendant's pretrial release. Defense counsel argued that defendant's criminal history resulted in no convictions, and that she had found a residence in Kane

County that would make GPS monitoring or EHM a feasible option. Defense counsel further argued that defendant was not a real and present threat to Judge Karayannis’s safety, as there was no allegation of additional threats from June 3, 2026, to the present.

¶ 22 The trial court denied defendant’s motion. In issuing its oral ruling, the trial court noted that it “really seriously consider[ed] releasing” defendant. However, it did not believe that “any of the possible conditions for pretrial release conditions in this case would avoid a real and present threat to the safety of any persons or the community based on the specific articulable facts of the case.”

¶ 23 On July 20, 2026, defendant filed a notice of appeal. The court appointed the Office of the State Appellate Defender (OSAD) to represent defendant.

¶ 24 II. ANALYSIS

¶ 25 On appeal, defendant argues that the trial court erred in granting the State’s petition to detain and denying her motion for relief because the State failed to prove by clear and convincing evidence that her pretrial release posed a real and present threat to the safety of any person or the community, and that no condition or combination of conditions could mitigate the risk posed by her pretrial release.

¶ 26 Article 110 of the Code, as amended by the Acts, abolished traditional monetary bail in favor of pretrial release on personal recognizance or with conditions of release. 725 ILCS 5/110-1.5, 110-2(a) (West 2024). In Illinois, all persons charged with an offense are eligible for pretrial release. 725 ILCS 5/110-2(a), 110-6.1(e) (West 2024). To detain a defendant, the State has the burden to prove by clear and convincing evidence that the proof is evident or the presumption great that the defendant has committed a detainable offense (725 ILCS 5/110-6.1(e)(1) (West 2024)), that the defendant’s pretrial release poses 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 (725 ILCS 5/110-6.1(a)(1)-(7), (e)(2) (West 2024)) or a high likelihood of willful flight to avoid prosecution (725 ILCS 5/110-6.1(a)(8), (e)(3) (West 2024)), and that no condition or combination of conditions can mitigate the real and present threat to the safety of any person or the community or the risk of the defendant's willful flight (725 ILCS 5/110-6.1(e)(3) (West 2024)). "Evidence is clear and convincing if it leaves no reasonable doubt in the mind of the trier of fact as to the truth of the proposition in question." *Chaudhary v. Department of Human Services*, 2023 IL 127712, ¶ 74. The Code further requires that "[d]ecisions regarding release, conditions of release, and detention prior to trial must be individualized, and no single factor or standard may be used exclusively to order detention." 725 ILCS 5/110-6.1(f)(7) (West 2024).

¶ 27 In this case, no live testimony was presented. The parties proceeded solely by proffer. Accordingly, our review of the trial court's factual findings and its detention orders is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54. Under *de novo* review, a reviewing court "perform[s] the same analysis that the trial [court] would perform using the proper standards." *People v. Ruhl*, 2021 IL App (2d) 200402, ¶ 69.

¶ 28 Defendant argues that the trial court erred in finding that she poses a real and present threat to the safety of any person or persons or the community and that there were no less restrictive conditions than detention available to mitigate any threat posed by her release. Section 6.1(e)(2)-(3) of the Act requires a court to find not only that a defendant subject to a detention petition "poses a real and present threat to the safety of any person or persons or the community" but that "no condition or combination of conditions" can mitigate that threat. 725 ILCS 5/110-6.1(e)(2)-(3) (West 2024). Although listed as separate findings in the statute, the two issues are inseparable. "[D]angerousness and conditions of release are two sides of the same coin; the nature and severity

of the threat necessarily determine the nature and severity of the conditions that could—or could not—mitigate the threat.” *People v. Romine*, 2024 IL App (4th) 240321, ¶ 16.

¶ 29 Under the Code, factors that a court may consider in making a determination of dangerousness, *i.e.*, that a defendant poses a real and present threat to any person or the community, include, but are not limited to: (1) the nature and circumstances of any offense charged, including whether the offense is a crime of violence, involved a weapon, or was a sex offense; (2) the history and characteristics of the defendant, including whether he or she has a prior criminal history indicative of violent, abusive, or assaultive behavior or any evidence of the defendant’s psychological, psychiatric or other social history which tends to indicate a violent, abusive, or assaultive nature; (3) the identity of any person to whom the defendant is believed to pose a threat and the nature of the threat; (4) any statements made by or attributed to the defendant, together with the circumstances surrounding the statements; (5) the age and physical condition of the defendant; (6) the age and physical condition of the victim or complaining witness; (7) whether the defendant is known to possess or have access to any weapons; (8) whether, at the time of the current offense or any other offense, the defendant was on probation, parole, or any other form of supervised release from custody; and (9) any other factors, including those in section 110-5 of the Code (725 ILCS 5/110-5 (West 2024)), the court deems to have a reasonable bearing on the defendant’s propensity or reputation for violent, abusive, or assaultive behavior, or lack of such behavior. 725 ILCS 5/110-6.1(g) (West 2024).

¶ 30 Here, the nature and circumstances of the offense included an implied threat of violence and stalking. 725 ILCS 5/110-6.1(g)(1) (West 2024). Defendant found the locations and telephone numbers of Judge Karayannis’s family members, wrote a Facebook post appealing to a serial killer, and sent emails warning Judge Karayannis that she “will reap what [she] sow[s] in the name of

Jesus.” Defendant admitted to sending the email. 725 ILCS 5/110-6.1(g)(4) (West 2024). Additionally, while defendant did not have prior criminal convictions, she was granted supervision for obstructing a police officer. 725 ILCS 5/110-6.1(g)(2)(A) (West 2024). The trial court noted that respondent was emotional in court when things did not turn out in her favor, as she would become distressed and cry. 725 ILCS 5/110-6.1(g)(2)(B) (West 2024). The alleged victim of the current charge is Judge Karayannis, who presided over a case where defendant’s parental rights were terminated. 725 ILCS 5/110-6.1(g)(3) (West 2024). Additionally, at the time of the alleged offenses, defendant was on pretrial release for a motor vehicle case where she was charged with leaving the scene and failing to render assistance. 725 ILCS 5/110-6.1(g)(8) (West 2024). Defendant argues that she does not have a history of criminal convictions (725 ILCS 5/110-6.1(g)(2), (8) (West 2024)) and is pregnant and ill due to her pregnancy (725 ILCS 5/110-6.1(g)(5) (West 2024)). She further contends that she has made no “actionable threats” against Judge Karayannis and refrained from contacting her after June 3, 2026, but the repeated, intrusive, and bizarre behavior alleged supports a finding that defendant is dangerous and that defendant’s pretrial release does, in fact, pose a real and present threat to Judge Karayannis’s safety.

¶ 31 Defendant further argues that the trial court could have imposed conditions that would mitigate any purported danger. She contends that GPS monitoring or EHM would be sufficient conditions and that she agreed to the entry of a no contact order with Judge Karayannis.

¶ 32 In determining which conditions of pretrial release, if any, will ensure the safety of any person or persons or the community, the trial court may consider: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant; (4) the nature and seriousness of the real and present threat that would be posed by the defendant’s release; and (5) the nature and seriousness of the risk of

obstructing or attempting to obstruct the criminal justice process that would be posed by the defendant's release. 725 ILCS 5/110-5(a)(1)-(5) (West 2024). The history and characteristics of a defendant include his or her "character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, *** criminal history, and record concerning appearance at court proceedings" as well as "whether, at the time of the current offense or arrest, [he or she] was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for any offense under federal law, or the law of this or any other state." 725 ILCS 5/110-5(a)(3)(A)-(B) (West 2024).

¶ 33 Here, the nature and circumstances of the charged detainable offenses include stalking, intimidation, and threats, including soliciting a hypothetical serial killer in a Facebook post. While defendant does not have a history of criminal convictions, the proffer as well as defendant's emotional status as observed by the trial court supports the conclusion that no combination of release conditions would adequately mitigate the danger to the alleged victim posed by defendant's pretrial release.

¶ 34 Hence, we conclude that the State met its burden of proving by clear and convincing evidence that no condition or combination of conditions would mitigate the real and present threat defendant poses to the community.

¶ 35 III. CONCLUSION

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

¶ 37 Affirmed.