2026 IL App (1st) 261442-U
No. 1-26-1442B
Order filed October 30, 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**NOTICE:** This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

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

v.

ARTHUR WEATHERS, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Andreana A. Turano, Judge, Presiding.
No. 26 CR 0753601

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JUSTICE HOWSE delivered the judgment of the court.
Justices Fitzgerald Smith and Cobbs concurred in the judgment.

ORDER

¶ 1 *Held*: We reverse the trial court's grant of the State's petition to deny pretrial release and remand with instructions. While the alleged conduct is very serious, and the harm alleged significant, the State did not prove by clear and convincing evidence that defendant poses a present threat. The charged offenses occurred decades ago, no similar allegations have been made, and defendant no longer coaches minors. Further, available conditions of release, including requiring his contact with minors other than his own children be supervised, are sufficient to mitigate any potential risk.

¶ 2 Defendant Arthur Weathers was charged with multiple counts of aggravated criminal sexual assault causing bodily harm (720 ILCS 5/12-14(a)(2) (West Supp. 1997)), criminal sexual assault of a victim aged 13-17 years old by someone 17 years old or older who holds a position of trust over the victim (*Id.* § 12-13(a)(4) (West 1998)), and aggravated criminal sexual abuse of a

minor by a person at least 17 years old who holds a position of trust over the minor (*Id.* § 12-16(f) (West 1996)). The State filed a verified petition to deny his pretrial release under section 110-6.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-6.1 (West Supp. 2025)) (Code). The trial court granted it. Defendant filed a motion for relief, which the court denied.

¶ 3 On appeal, defendant contends that the State did not prove that he poses a real and present threat because over two decades have passed since the charged offenses and he has no other criminal history or accusations of misconduct. He further argues that conditions short of pretrial detention exist that would mitigate any risk he poses, such as prohibiting unsupervised contact with minors other than his own children. For the following reasons, we reverse and remand with instructions.

¶ 4 I. BACKGROUND

¶ 5 On May 19, 2026, Kane County issued an arrest warrant for defendant alleging he had committed multiple counts of criminal sexual assault and aggravated criminal sexual abuse from 1999 to 2001, all concerning the same minor whom defendant had coached. Defendant surrendered to Kane County authorities that evening.

¶ 6 The State filed a verified petition to deny defendant pretrial release on May 20, 2026, and the Circuit Court for the 16th Judicial Circuit of Kane County, Illinois held a hearing the same day (Case No. 2026 CF 1199).

¶ 7 The Kane County court denied the State's petition. It concluded that the proof was evident and the presumption great that defendant had committed the detainable offenses. However, the State had not shown that he posed a real and present danger because (1) the victim was now 42 years old, and "the same fear of taking advantage of that person" no longer existed; (2) defendant had not contacted the victim since 2001; (3) and he no longer coached. The court conditioned

defendant's pretrial release on his having no unsupervised contact with minors other than his own children. It additionally ordered that he have no contact with the victim and that he refrain from going to her residence.

¶ 8 Defendant complied with these conditions until he surrendered to Cook County authorities on June 17, 2026.

¶ 9 The next day, the State filed a felony complaint in Cook County alleging defendant had committed aggravated criminal sexual assault causing bodily harm to the same minor between 1998 and 2003, and the State filed a verified petition to deny his pretrial release. It also filed a public safety assessment (PSA), which scored defendant three out of six on its potential for new criminal activity scale, two out of six for failure to appear, and it did not flag him for new violent criminal activity.

¶ 10 At the June 18 hearing, the State proffered the following, which partially occurred in Cook County. Defendant met the victim when she joined the club volleyball team he coached. He was then 26 years old, and she was 15 years old. Defendant and the players communicated via instant messenger, and at some point, defendant began messaging the victim individually. When the victim was still 15, defendant and the victim drove to an airport, and that interaction ended with a hug. He later wrote her a letter inviting her on "a second date."

¶ 11 Defendant and the victim began dating, and they had penis-to-vagina sexual intercourse when she was 15 years old. He also digitally penetrated her vagina multiple times and would do this so vigorously in an attempt to make her "squirt" that she would urinate to make him stop. Their sex, which was often "forceful[,]" was so frequent that her genitals became extremely swollen on multiple occasions.

¶ 12 Defendant was employed as a forensic scientist for the Illinois State Police (ISP). The State proffered that he used a badge on multiple occasions to gain access to certain locations with the victim despite her being a minor, including adult stores. He attended the victim's senior prom, which was confirmed through pictures, and afterwards used his badge to gain entry to a bar for her and two of her underage friends.

¶ 13 When the victim was 16 to 17 years old, she and defendant continued to have digital sex, penis-to-vagina sex, and they engaged in other sexual activities, which included watching pornography, using sex toys, and playing a sexual game. The State proffered that defendant and the victim engaged in this conduct at his home, in her residence, and in public.

¶ 14 The victim spent time at defendant's home, and he spent nights in her bedroom. Both of their parents knew the two had more than a coach/player relationship, and the victim's older sister saw them together in bed when the victim was 16. Defendant's parents did not approve of the relationship, but the victim's did, and defendant and the victim acted like a "normal couple" in front of her family. When the victim was 17 years old, her parents signed a letter of guardianship allowing defendant to take her on a cruise. Defendant falsified his age on documents related to this cruise so that he appeared younger on paper.

¶ 15 Defendant and the victim ended their relationship when she was 19 years old.

¶ 16 During their relationship, defendant was "mentally controlling" of the victim, as confirmed by her high-school friends. She became anorexic. At some point, the victim applied SPF50 sunscreen around her areolas because defendant was "obsessed" with dark areolas. Defendant inflicted "psychological trauma" on the victim that led to her taking a year off in college and struggling with eating disorders, body dysmorphia, suicidal ideation, and relationship difficulties.

¶ 17 Defendant kept a journal, which confirmed that they had a "relationship" when she was 16 to 17 years old. During an interview on April 17, 2026, defendant admitted at least in part to multiple incidents described above. As additional confirmation, the State proffered that the victim had described defendant's genitals and his prosthetic eye.

¶ 18 The State argued that defendant posed a real and present threat based on the proffered facts—even though he had no criminal history besides the present Kane County and Cook County charges and the charged offense occurred two decades ago. The State asserted that defendant abused his position of authority as the victim's coach and falsified documents to make him appear younger, showing that he knew what he was doing was wrong, but he continued to do it anyway.

¶ 19 Defendant stated that he had served as an ISP forensic scientist for over 25 years and was married with five children and a supportive family. He contested some of the State's proffer, positing that he had only admitted to a relationship with the victim beginning when she was 17. He argued that he did not pose a real and present threat because he had no contact with the victim for more than two decades, he no longer coached, he had an otherwise spotless criminal record, and no other similar allegations had been made. Defendant highlighted that he had surrendered to Kane and Cook Counties and was on pretrial release in Kane County for charges arising from the same relationship and based on the same allegations.

¶ 20 The trial court granted the State's petition, denying defendant's pretrial release. The court found that the proof was evident and the presumption great that he had committed aggravated criminal sexual assault causing bodily harm.

¶ 21 The trial court also found that the State had proven by clear and convincing evidence that defendant posed a real and present threat to others because his sexual contacts with the victim were so frequent and intense that he physically injured her. The court also highlighted several sexual

incidents from the State's proffer, the guardianship letter, and defendant's falsified cruise documents. It further noted that defendant made the victim darken her areolas and caused her to suffer anorexia. The court concluded that defendant's "controlling, abusive, assaultive [and] grooming behavior caused" the victim to experience "mental illness, body imagery, [and] self-awareness issues."

¶ 22 Finally, the trial court found that no condition or combination of conditions could mitigate the real and present threat defendant posed. It characterized defendant's apparent belief that the relationship was "normal" as "troublesome" and said it showed "a lack of insight" and "disregard for the laws." The court was concerned that defendant had "used his employment to demand respect" and had falsified his age on the cruise documents, the latter of which demonstrated that he knew the age gap was inappropriate and possibly "unlawful." The court did not think electronic monitoring or home confinement would prevent further inappropriate or unlawful conduct by defendant because he had engaged in the relationship with the victim in his home, in her residence, and in public.

¶ 23 Defendant subsequently moved for relief from the pretrial detention order and attached multiple exhibits to his motion. One exhibit consisted of 56 letters in support of defendant's character written by his family members, friends, coworkers, and several former members of the volleyball team he had coached. Relevantly, one letter writer, a coworker and friend of defendant, stated that her daughter was a similar age to defendant's eldest daughter, and both girls played club sports. She and defendant had discussed their daughters' activities, and she "could tell he was very passionate about his daughter's athletics."

¶ 24 Defendant asserted in his motion and during the June 29, 2026, hearing that he did not pose a real and present threat, raising similar arguments to those made at the pretrial detention hearing and clarifying that he had not coached minors "for quite some time."

¶ 25 Defendant additionally contended that conditions existed that could mitigate any risk he posed and proposed several options: no contact with the victim; no unsupervised contact involving minors other than his own children; GPS, electronic monitoring, and/or home confinement; passport surrender; and Pretrial Services supervision. Defendant emphasized that he had complied with the conditions of his pretrial release in Kane County for approximately a month before surrendering to Cook County.

¶ 26 Finally, defendant further disputed portions of the State's proffer.

¶ 27 The trial court denied defendant's motion. It began by commenting that it was not bound by another circuit court's decision. The court also noted the letters attached to defendant's motion.

¶ 28 However, based on defendant's having five children aged 9 to 16, the trial court thought it "important" that he would have contact with minors the same age as the victim was during the charged offense. It highlighted the letter stating that defendant was "very passionate about his daughter's athletics" and opined that whether he was coaching or involved in minors' sports, he would continue having contact with minors. The court referenced several sexual incidents from the State's proffer, including one that had allegedly occurred in public, and stated that defendant's "manipulative behavior has no bounds." That he no longer coached did not matter because he still could "have contact with young women." The court stated that "nothing has changed" since the detention hearing.

¶ 29 While in pretrial detention, defendant was charged with further counts of aggravated criminal sexual assault, criminal sexual assault, and aggravated criminal sexual abuse.

¶ 30 Defendant now appeals his detention.

¶ 31 II. ANALYSIS

¶ 32 All defendants in Illinois are presumed eligible for pretrial release. 725 ILCS 5/110-2(a) (West 2024).

¶ 33 Upon a verified petition by the State, a court may deny pretrial release after a hearing only if the State proves by clear and convincing evidence that (1) the proof is evident or the presumption great that the defendant committed a qualifying offense, (2) the defendant poses a real and present threat to the safety of any person or the community, and (3) no condition or combination of conditions can mitigate that threat. *Id.* ¶ 110-6.1(e). Clear and convincing evidence is that which "leaves no reasonable doubt in the mind of the fact finder about the truth of the proposition in question." (Internal quotation marks omitted.) *People v. Sorrentino*, 2024 IL App (1st) 232363, ¶ 32.

¶ 34 Because the parties proceeded by proffer, we review *de novo* the evidence contained in the proffers and supporting materials. *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 35 Defendant does not challenge the trial court's finding that the proof is evident and the presumption great that he committed a detainable offense. Accordingly, the issues before us are whether the State proved by clear and convincing evidence that defendant poses a real and present threat and, if so, whether no available conditions could mitigate that threat.

¶ 36 A. Real and Present Threat

¶ 37 As noted, the Code requires that the State prove that a defendant poses a real and present threat based on the specific articulable facts of the case to obtain pretrial detention. *Id.* § 110-6.1(e)(2). The Code provides considerations for determining dangerousness such as the nature and circumstances of the charged offenses, including whether any are sex offenses; the defendant's

history and characteristics; and the identity of any persons whose safety is threatened by defendant and the nature of that threat. *Id.* § 110-6.1(g).

¶ 38 The allegations against defendant are exceptionally serious. According to the State's proffer, defendant exploited a position of trust as a volleyball coach and engaged in a years-long sexual relationship with a minor, causing both physical and psychological harm. See *People v. Dugan*, 237 Ill. App. 3d 688, 701 (1992) ("any sexual abuse *** causes harm to the victims"). If proved, the conduct demonstrates a profound abuse of authority and justifies substantial concern regarding the nature of the charged offenses.

¶ 39 The question before us, however, is not whether the alleged conduct was grave. It is whether the State established by clear and convincing evidence that defendant currently poses a real and present threat to the safety of others. The Code requires a forward-looking assessment grounded in present circumstances, not solely the seriousness of past conduct. See *Sorrentino*, 2024 IL App (1st) 232363, ¶ 40 (the "admittedly brutal" facts of the case that would normally justify pretrial detention did not justify detaining the defendant because of "the massive passage of time and the changes brought about in" him).

¶ 40 The State relies principally on the severity of the allegations, defendant's alleged grooming behavior, the duration of the relationship, and the resulting harm to the victim. Those facts strongly support the conclusion that the charged offenses are serious. They do not, standing alone, establish that defendant presently poses a danger more than two decades after the conduct allegedly occurred.

¶ 41 Several undisputed circumstances materially undermine a finding of present dangerousness. First, the charged conduct allegedly occurred between approximately 1998 and 2003, more than twenty years before the detention proceedings. Second, the relationship at issue

ended more than two decades ago, and there is no indication that defendant has had contact with the victim since that time. See *People v. Johnson*, 2026 IL App (1st) 260116, ¶ 32 (reversed dangerousness finding because the charged offense arose out of a particular relationship that ceased to exist when the defendant killed the victim). Third, the record reflects defendant has no prior criminal history and no other allegations of similar misconduct. Fourth, the State's own PSA did not flag defendant for new violent criminal activity.

¶ 42 Equally significant is the context in which the charged offenses allegedly occurred. The State's theory is that defendant exploited a position of authority and trust as the victim's coach. The record reflects that defendant no longer serves in that role. While the absence of a coaching position does not eliminate every conceivable risk, it substantially diminishes the relevance of the particular circumstances through which the alleged offenses were committed. The State offered no evidence that defendant presently occupies a comparable position of authority over minors or that he has engaged in similar conduct since the charged offenses.

¶ 43 The trial court emphasized defendant's alleged manipulation of the victim and misuse of official credentials. Those considerations are relevant and were properly considered. Nevertheless, they remain evidence of *past* misconduct. Without additional evidence connecting that conduct to a current and articulable risk, they do not satisfy the State's burden to prove a *present* threat by clear and convincing evidence.

¶ 44 Considering the record as a whole, we conclude that the State proved the seriousness of the allegations but did not prove through clear and convincing evidence that defendant presently poses a threat to the safety of any person or the community.

¶ 45 B. Conditions of Release

¶ 46 Even assuming the State had established some continuing risk, it was also required to prove by clear and convincing evidence that no condition or combination of conditions could mitigate that risk. 725 ILCS 5/110-6.1(e)(3). It did not do so.

¶ 47 The Code requires consideration of whether available conditions can reasonably mitigate a defendant's risk to others. *Id.* It provides an inexhaustive list of available conditions for pretrial release and specifies that any conditions imposed "shall include the least restrictive means and be individualized." *Id.* § 110-10(b) (West 2024). The "bare allegations" that a defendant has committed some violent offense are insufficient to demonstrate this requirement. *People v. Stock*, 2023 IL App (1st) 231753, ¶ 18.

¶ 48 The statute does not require courts to determine that conditions will eliminate all risk. *People v. Lopez*, 2025 IL App (2d) 240709, ¶ 17. Rather, the question is whether less restrictive alternatives to detention can sufficiently mitigate the concerns identified in the record. *Id.*

¶ 49 Here, the trial court identified and the record reflects a specific concern: the possibility that defendant could have contact with minors and exploit a position of trust similar to the one allegedly involved in the charged offenses. Conditions directly addressing that concern are readily available. Defendant proposed, among other things, a prohibition on unsupervised contact with minors other than his own children, restrictions on activities involving minors, no contact with the victim, geographic restrictions, electronic monitoring, and pretrial supervision.

¶ 50 The trial court concluded that no conditions could mitigate any risk based largely on the nature of the allegations and its concern that defendant lacked insight into the impropriety of the relationship. While those concerns are understandable, the court did not adequately explain why targeted restrictions on defendant's contact with minors and the victim would be ineffective. Nor

does the record contain evidence demonstrating that defendant could not comply with such conditions. To the contrary, the record reflects that defendant complied with the conditions previously imposed in Kane County, including restrictions relating to minors and the victim.

¶ 51 The seriousness of the charged offenses weighs heavily in favor of strict conditions. It does not, however, establish that detention is the only available means of addressing the identified risks. On this record, conditions restricting contact with minors, prohibiting contact with the victim, limiting access to specified locations, and providing appropriate supervision constitute reasonable alternatives that the State failed to show would be inadequate. *Cf. People v. Willenborg*, 2023 IL App (5th) 230727, ¶ 20 (reversing pretrial release where conditions were insufficient to mitigate the risk of defendant sexually assaulting minor employees because allowing him to continue working in a supervisory role recreated the scenario in which the charged offenses occurred).

¶ 52 Accordingly, the State did not establish by clear and convincing evidence that no condition or combination of conditions could mitigate any risk posed by defendant.

¶ 53 We therefore reverse the trial court's decision. We remand this case and direct the court to ascertain the appropriate conditions for pretrial release, which may include conditions in addition to those discussed in this order. At a minimum, defendant must refrain from unsupervised contact with minors other than his own children and refrain from any contact with the victim. He must also be excluded from the victim's residence and workplace.

¶ 54 III. CONCLUSION

¶ 55 For the foregoing reasons, we reverse the judgment of the circuit court of Cook County and remand with instructions.

¶ 56 Reversed and remanded.