2026 IL App (2d) 260438-U
No. 2-26-0438
Order filed November 10, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

KEVIN A. CAGLE, JR., Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Bianca Camargo, Judge, Presiding.
No. 26-CF-1753

JUSTICE SCHOSTOK delivered the judgment of the court.
Presiding Justice Kennedy and Justice McLaren 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, Kevin Cagle Jr., appeals from the denial of his pretrial release under section 110-6.1 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6.1 (West 2024)). For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On July 27, 2026, defendant was charged by complaint with two counts of aggravated domestic battery (720 ILCS 5/12-3.3(a-5) (West 2024)), four counts of aggravated battery in a public place (*id.* § 12-3.05(c)), four counts of domestic battery (*id.* §§ 12-3.2(a)(1), (a)(2)), one

count of aggravated assault (*id.* § 12-2(a)), and one count of obstructing a police officer (*id.* § 31-1(a)(2)).

¶ 5 On July 30, 2026, the State filed a verified petition to deny pretrial release pursuant to section 110-6.1 of the Code. A hearing was held on the State's petition that day and the State presented as evidence the charging documents, the Aurora police department synopsis, and defendant's criminal history.

¶ 6 The synopsis indicated that, on July 25, 2026, officers responded to reports of a fight between defendant and the victim, Rowan P., who had been dating for about six months. The incident occurred on a public sidewalk. Officers separated the two to obtain a statement from the victim. She reported that she and defendant had recently been involved in other physical domestic disputes. She said that, during this incident, defendant choked her until she could not breathe and began seeing black spots, threatened to disembowel her with a box cutter, slapped her, and repeatedly shoved her head into a metal wall. The victim did not want to pursue charges. Officers observed fresh injuries to her neck, face, and head. Security footage captured the choking, slap, and repeated head shoves, but did not show a box cutter. While officers spoke with the victim, defendant repeatedly disobeyed orders to stay away from her. Defendant did not provide a statement and was arrested for domestic battery. Although the written synopsis did not mention it, the State explained at the hearing that officers found a white box cutter near the location of the incident. When shown the box cutter, the victim identified it as the one defendant had possessed when he threatened to disembowel her.

¶ 7 As outlined in the State's petition, defendant's criminal history included three misdemeanor charges filed in Kane County in 2026: two counts of criminal trespass to land and one count of obstructing a police officer. Those charges were pending, and defendant had been granted pretrial

release. In 2025, defendant faced two felony charges in Will County: aggravated domestic battery by strangulation and aggravated assault. He was granted probation and remained on probation at the time of the present offenses. Defendant also faced two misdemeanor retail-theft charges in 2025, one in De Kalb County and one in Du Page County. He received 18 months' supervision in each case and successfully completed supervision in the Du Page County case.

¶ 8 At the hearing, the State reported that the Kane County criminal trespass charges involved Hesed House, a homeless shelter in Aurora. In the Will County aggravated domestic battery case, which arose from an incident on September 25, 2025, defendant pleaded guilty to Class 2 aggravated domestic battery by strangulation on March 19, 2026, and received 30 months' probation. As part of the plea agreement, other domestic-battery charges and an aggravated-battery charge involving a weapon were dismissed. The State did not know what type of weapon was involved. According to a law enforcement database, the charges involved a roommate, rather than an intimate partner. The roommate obtained an order of protection the day after the incident. A violation of defendant's probation was reportedly pending, though the State did not know its basis.

¶ 9 The State further explained that, in the Will County aggravated domestic battery case, defendant had been granted pretrial release subject to conditions that included electronic home monitoring (EHM). After he failed to appear in court, a warrant was issued for his arrest. He was arrested and subsequently released, subject to conditions that again included EHM. While on pretrial release in that case, defendant was charged in Will County with aggravated assault, which the State believed involved a peace officer or security guard. Defendant was not granted pretrial release in the aggravated assault case and remained in custody until March 19, 2026, when he pleaded guilty and was sentenced to 30 months' probation. In exchange for his guilty plea, two domestic-battery charges were dismissed.

¶ 10 The State argued that clear and convincing evidence established that defendant posed a real and present threat, particularly to the present victim, and that no conditions of release could adequately mitigate that risk. The State relied on the alleged strangulation and threat with a box cutter, defendant's prior violent offenses, and his current probation and pending charges. It further argued that, in the Will County cases, defendant had violated pretrial release conditions because he committed aggravated assault while on pretrial release in the aggravated domestic battery case. The State emphasized that, four months after being placed on probation in the Will County cases, defendant committed the present offenses despite being prohibited from committing additional crimes. It argued that EHM or GPS monitoring would not adequately protect the victim because defendant had demonstrated an unwillingness to comply with court orders. The State added that this concern was heightened because the victim lived at Hesed House, where defendant's prior trespass cases had arisen.

¶ 11 Defense counsel argued that defendant should be released. She stated that defendant worked full-time at Burger King and financially supported his four-year-old child, who was from another relationship. Defendant intended to reside at the MorningStar Mission in Joliet or, if required, could live with his grandfather in Oregon, Illinois. Counsel argued that the State had not met its burden of establishing that defendant committed the alleged offenses or posed a danger. She characterized defendant's criminal history as largely nonviolent and noted that the prior order of protection involved a roommate, not an intimate partner. Counsel also noted that defendant had successfully completed supervision in the Du Page County case. Although the Will County case allegedly involved a weapon, counsel argued that defendant had no history of using weapons and had not been convicted of an offense involving the use of a weapon. As conditions of release, counsel proposed that defendant have no contact with the victim and stay away from Hesed House.

She argued that his proposed residence in Joliet would further reduce any risk. Counsel emphasized that defendant and the victim had been involved for only a few months, shared no children, and had no reason to remain in contact.

¶ 12 The trial court found clear and convincing evidence that the proof was evident and the presumption great that defendant committed the qualifying offenses. The trial court relied on the police synopsis and noted that the alleged offenses were captured on video. The trial court also found clear and convincing evidence that defendant posed a real and present threat to the victim and the community. In reaching this conclusion, the trial court noted defendant's pending Kane County charges, his pretrial release in those cases, his probation in the Will County cases, and that he had committed one of those offenses while on pretrial release in the other case. The trial court concluded that defendant posed a threat to the victim because he committed the present offenses while on probation for aggravated domestic battery by strangulation. Finally, the trial court found that no conditions of release could adequately mitigate the threat posed by defendant. It rejected the proposed no-contact and stay-away conditions, reasoning that defendant had previously committed a strangulation offense against a roommate, had demonstrated an inability to comply with court orders, and could pose a risk to others wherever he might reside. The trial court further concluded that EHM or GPS monitoring would not prevent further contact with or harm to the victim or others in the community. Accordingly, it ordered defendant detained.

¶ 13 On August 6, 2026, defendant filed a motion for relief pursuant to Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024), arguing that the State had failed to prove that he posed a real and present threat to the victim or the community and that no conditions of release could mitigate any threat he posed. The trial court held a hearing on defendant's motion on August 13, 2026. Defense counsel acknowledged that defendant's criminal history included an aggravated domestic

battery by strangulation conviction but noted that the victim in that case was defendant's stepfather, not the victim in this case. Defense counsel explained that, before his arrest, defendant had been working and supporting his young child, who lived with her nonworking mother and relied on defendant for support. Counsel also stated that defendant had bipolar disorder with psychotic features and had not been taking medication when the present offenses occurred. He was taking medication in jail and would continue to do so if released. If released, defendant could reside at a homeless shelter in Kane County, at the MorningStar Mission in Joliet, or with a relative in Oregon. Defense counsel argued that defendant should be released subject to a condition prohibiting contact with the victim because he had little criminal history, was medically stable, and had housing options that would keep him apart from her.

¶ 14 The State reiterated the arguments it had presented at the original detention hearing, specifically emphasizing defendant's prior violations of probation and pretrial release. The State further asserted that defendant's medical condition had improved only because he was in jail, where his medications were provided and his compliance with taking them could be monitored. The trial court denied defendant's motion for relief, and defendant timely appealed.

¶ 15 II. ANALYSIS

¶ 16 On appeal, defendant stands on the arguments raised his motion for relief. There, he did not challenge that the State had established that the proof was evident or the presumption great that he had committed a qualifying offense. Rather, he maintained that the State failed to prove by clear and convincing evidence that his pretrial release posed a real and present threat to the victim or the community and that no less restrictive conditions of release could adequately mitigate that threat.

¶ 17 All defendants shall be presumed eligible for pretrial release. 725 ILCS 5/110-6.1(e) (West 2024). Upon filing a verified petition seeking denial of pretrial release, the State bears the burden of proving, by clear and convincing evidence, that (1) the proof is evident or the presumption great that the defendant has committed a qualifying offense (*id.* § 110-6.1(e)(1)); (2) the defendant's pretrial release would pose a real and present threat to the safety of any person or persons or the community (*id.* § 110-6.1(e)(2)); and (3) no condition or combination of conditions can mitigate the real and present threat to the safety of any person or persons or the community or prevent the defendant's willful flight from prosecution (*id.* § 110-6.1(e)(3)). "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. Where, as here, both parties proceed solely by proffer, our review of the trial court's factual findings and detention order is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 22. Under a *de novo* standard, the reviewing court performs the same analysis as the trial court to determine whether its decision was correct as a matter of law. *People v. McDonald*, 2016 IL 118882, ¶ 32.

¶ 18 Under the Code, factors a court may consider in determining whether a defendant poses a real and present threat to the safety of 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; (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 those 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 set forth in section 110-5 of the Code (725 ILCS 5/110-5 (West 2024)), that the court deems to have a reasonable bearing on the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack thereof. *Id.* § 110-6.1(g).

¶ 19 Here, based on the proffered facts and consideration of the relevant statutory factors, the evidence was sufficient to establish that defendant posed a real and present threat to the safety of the victim and members of the community. The nature and circumstances of the present offenses involved significant violence and an alleged weapon. The victim had been dating defendant for approximately six months and reported that they had been involved in other physical disputes recently. During the present incident, defendant choked and slapped the victim, repeatedly struck her head against a metal wall, and threatened to disembowel her with a box cutter. She sustained visible injuries to her head, face, and neck. Moreover, while officers were obtaining the victim's statement, defendant repeatedly disobeyed orders to stay away from her.

¶ 20 Defendant's criminal history also supported the dangerousness finding. It included Will County convictions for aggravated domestic battery by strangulation and aggravated assault. Defendant committed the aggravated assault while on pretrial release in the aggravated domestic battery case, and he committed the present offenses while on probation for both of the Will County offenses. As part of his guilty pleas in the Will County cases, other domestic battery and aggravated battery charges were dismissed, including an aggravated battery charge involving a weapon, although the State did not know what weapon was involved.

¶ 21 Defendant further argues that the trial court could have imposed conditions sufficient to mitigate any purported danger. Specifically, he contends that EHM or GPS monitoring would be sufficient conditions of release and notes that he agreed to the entry of a no-contact order with the victim.

¶ 22 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. *Id.* § 5(a)(1)-(5). The history and characteristics of a defendant include "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." *Id.* § 110-5(a)(3)(B).

¶ 23 Here, the nature and circumstances of the charged detainable offenses stem from a crime of violence involving an intimate domestic partner, which was captured on video. Defendant committed the present offenses while on probation for violent offenses in Will County and while on pretrial release for other charges in Kane County. In the Will County aggravated domestic battery by strangulation case, a probation violation was reportedly pending, and defendant, who had been released on EHM failed to appear, resulting in the issuance of a warrant. After he was again granted pretrial release subject to EHM, he committed aggravated assault. Defendant thus had a history of violating probation requirements and pretrial release conditions. Although defendant argues that EHM or GPS monitoring and a no-contact order could mitigate any threat,

the criminal trespass to property charges pending in Kane County involved Hesed House, where the victim resides. Moreover, when the victim was giving her statement to officers on the day of the present offenses, defendant refused their orders to stay away from her. As courts have repeatedly recognized, although GPS may confirm what a defendant is doing, it "does not provide much in the way of prevention." *People v. Reyes*, 2026 IL App (1st) 252639, ¶ 63. Finally, although defendant argued at the hearing on his motion for relief that he suffered from mental health conditions but was receiving medication in jail and was mentally stable, there is no guarantee that he would continue taking any necessary medication if released. Accordingly, 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 victim and the community.

¶ 24 III. CONCLUSION

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

¶ 26 Affirmed.