NOTICE
Decision filed 11/17/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260720-U

NO. 5-26-0720

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Effingham County.
	)	
v.	)	No. 26-CM-77
	)	
JAMES A. WALKER,	)	Honorable
	)	Chad M. Miller,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court.
Justices Boie and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the circuit court's orders revoking the defendant's pretrial release and denying his motion for relief where the record contains clear and convincing evidence that no condition or combination of conditions of release would reasonably prevent the defendant from committing additional felonies or class A misdemeanors.

¶ 2 The defendant, James A. Walker, appeals orders of the Effingham County circuit court granting the State's petition to revoke pretrial release and denying his subsequent motion for relief. He challenges the finding that no condition or combination of conditions of release would prevent him from committing further felonies or class A misdemeanors. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 17, 2026, the defendant was charged with one count of violation of a stalking/no contact order, a class A misdemeanor. See 720 ILCS 5/12-3.9(a) (West 2024). The charge alleged

that the defendant left voice messages asking a third party to contact a protected person in violation of the order of protection.

¶ 5 A pretrial investigation report (PTI) filed the same day indicated that the defendant was on probation in two Effingham County cases and on conditional discharge in a Kane County case when the alleged offense occurred. The PTI further indicated that the defendant had two previous felony convictions, two previous misdemeanor convictions, and five felony charges pending against him in a Madison County Case. The PTI also included the results of the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R), on which the defendant scored 6 of a possible 14 points.

¶ 6 On the same date, the State filed a verified petition to deny pretrial release. At a hearing on that motion, the State proffered that a copy of the order of protection was served on the defendant on June 8, 2026. On June 15, the defendant called the offices of SWAN, an advocacy group, and left messages asking them to contact a Hillary Meyers, a protected person under the order of protection. He asked them to tell her he was upset because he was barred from going to a gym Meyers owned while he continued paying for a gym membership. The State further proffered that the defendant was on pretrial release on Madison County charges involving "some very serious offenses" and was on probation in Effingham County cases. In response, defense counsel proffered that the messages left by the defendant were not threatening. He further proffered that the defendant had physical limitations due to suffering from cerebral palsy which limited his ability to engage in violence or pose a threat to anyone's safety.

¶ 7 The circuit court found that less restrictive alternatives to detention would be adequate to mitigate any threat posed by the defendant. Specifically, the court indicated that the defendant would be placed on electronic home confinement, with permission to leave the home only for

medical and legal purposes. The defendant indicated he understood these conditions. The circuit court entered a pretrial release order and an order for electronic monitoring. The conditions of release included a requirement that the defendant not violate any criminal statutes and a requirement that he stay in home confinement subject to GPS electronic monitoring and comply with the terms of the electronic monitoring order. The electronic monitoring order provided that the defendant could leave his residence only for medical appointments, meetings with his attorney, and court appearances.

¶ 8 The Office of Statewide Pretrial Services (OSPS) filed pretrial violation reports on June 22 and June 23, 2026, involving the same violation. In the first report, OSPS indicated that it received a strap tamper alarm on June 19, 2026, and requested that the Effingham Police Department conduct a compliance check. The report further indicated that officers were unable to determine whether tampering occurred because the defendant did not answer the door. However, officers were able to see the defendant through the window, and they observed that he was still wearing the monitor. In the second report, OSPS stated that the defendant was told to report to the OSPS office in connection with the June 19, 2026, strap tamper alarm. When he arrived, the device had cut marks on the strap. The monitor was removed and replaced.

¶ 9 On June 29, 2026, OSPS filed two pretrial violation reports involving alerts received on June 27, 2026. The first report indicated that OSPS received two alerts that date—a sleep mode alarm at 7:22 p.m. and a strap tamper alert at 9:54 p.m. OSPS requested a compliance check. The responding officers made contact with the defendant and determined that he was not wearing the monitor. The second report indicated that on the same date, OSPS received three alarms concerning the low battery on the defendant's monitoring device, including the sleep mode alert mentioned in the first report.

¶ 10 On June 29, 2026, the State filed a petition to revoke pretrial release or, in the alternative, for sanctions. The State alleged that the defendant tampered with the monitoring device by attempting to cut the strap, leading to a charge of damage to state-supported property, a class 4 felony, in Effingham County case No. 26-CF-204. The State further alleged that no condition or combination of conditions of release would ensure the defendant's appearance for future court dates or prevent him from committing further offenses.

¶ 11 The circuit court held a hearing on the State's petition to revoke the following day. The State proffered that OSPS received a strap tamper alert for the monitoring device worn by the defendant on June 19. Someone from OSPS met with the defendant a few days later, at which time they discovered that there were cut marks on the strap, although it was not cut all the way through.

¶ 12 The State further proffered that on the evening of June 27, 2026, Effingham police officers were dispatched to the defendant's residence after OSPS contacted them regarding another strap tamper alert and because the monitoring device was in sleep mode due to a low battery. The responding officers knocked on the door, but the defendant did not answer. The officers, who were familiar with the defendant from previous encounters, saw him in the kitchen through a window. The defendant's mother eventually answered the door. Officers found the defendant in a bathroom not wearing his monitor, which had been cut off. They subsequently recovered the device. The only damage was to the strap. This incident led to a new felony charge in case No. 26-CF-204.

¶ 13 The State argued that the circumstances of this case raised "multiple concerns." First, the allegations in the underlying case involved violation of a court order, specifically, an order of protection. Second, the defendant tampered with the monitoring device he was ordered to wear on two separate occasions. Finally, the defendant failed to answer the door and appeared to hide from officers when they conducted a compliance check at the request of OSPS. The State further noted

that the defendant was on probation in other cases in which there were pending motions to revoke probation. The State argued that all these allegations demonstrated that the defendant was unwilling to comply with any conditions of release and that, as such, no conditions of release would prevent further charges.

¶ 14 Defense counsel conceded that the new charge was filed while the defendant was on pretrial release. He argued, however, that there were conditions of release the court could impose. He proffered that the defendant suffers from cerebral palsy, which can affect his impulse control. He noted that a psychologist had been appointed to evaluate the defendant after counsel had raised a *bona fide* doubt as to the defendant's fitness to stand trial. Counsel proffered that the defendant believed the ankle monitor was "causing him further health issues." He argued that a more secure monitor would be adequate to prevent further offenses. Counsel emphasized that officers found the defendant in his mother's home where he was ordered to stay on home confinement.

¶ 15 The circuit court denied the motion to revoke pretrial detention because the defendant was found at home and because of his medical issues. The court noted, however, that the defendant had violated multiple court orders as well as the terms of his pretrial release and that there were additional cases pending against him in Madison County involving "much more serious" charges. The circuit court therefore sanctioned the defendant to 30 days in the Effingham County jail "to see if that will work." See 725 ILCS 5/110-6(f)(2) (West 2024). The circuit court informed the defendant that upon release, he would be "back on the same pretrial conditions" placed on him previously, including home confinement with electronic monitoring. This ruling was set forth in a docket entry the same day.

¶ 16 On July 2, 2026, OSPS filed a GPS alarm report indicating that there had been two inclusion zone alerts from the defendant's device. The first was from 2:00 p.m. to 3:22 p.m. on June 24, 2026. The second was from 1:29 p.m. to 2:01 p.m. on June 26, 2026.

¶ 17 On August 3, 2026, OSPS filed a pretrial violation report indicating that it received a strap tamper alarm at 9:43 a.m. on August 1.[1] Law enforcement was allowed into the residence by the defendant's mother and observed visible damage to the strap.

¶ 18 On August 5, 2026, OSPS filed a GPS alarm report noting two inclusion zone alarms. The first occurred between 2:47 p.m. and 4:22 p.m. on August 2, 2026, and the second occurred between 10:17 a.m. and 3:58 p.m. on August 4, 2026.

¶ 19 On August 6, 2026, OSPS filed another pretrial violation report. The report indicated that OSPS received three alarms on August 4 and 5 related to the low battery on the defendant's device.

¶ 20 Also on August 6, 2026, the State filed a second petition to revoke pretrial release. The State alleged that after the defendant was released from serving his 30-day sanction, he was arrested and charged with criminal damage to state-supported property in Effingham County case No. 26-CF-245. The State argued that the defendant thus violated the express terms of the order for pretrial release in this case, which included a condition that he not violate any criminal statute. The State alleged that the defendant further violated the terms of his pretrial release by failing to charge his GPS monitoring device, thereby preventing OSPS from supervising his location. The State asserted that no conditions could reasonably ensure the defendant's appearance at subsequent hearings or prevent him from being charged with additional felonies or class A misdemeanors.

[1]We note that, although there is nothing in the record specifying the precise date on which the defendant was released from serving the 30-day sanction in the Effingham County Jail, the record reveals that he was arrested on July 28, 2026, and given credit for time spent in custody when the circuit court imposed the sanction, thus indicating that he was released on approximately July 28, 2026.

¶ 21 The circuit court held a hearing on the petition to revoke on August 10, 2026. The State proffered that at 9:45 a.m. on August 1, 2026, OSPS traced the defendant to his mother's residence, but received a strap tamper alert two minutes later and was then unable to track the defendant's location because the device entered sleep mode due to the defendant's failure to charge the battery. OSPS contacted the Effingham Police Department and asked that officers check to see if the defendant had removed his monitor. When the responding officers went to the residence, no one answered the door. They were initially unable to contact either the defendant or his mother by phone, but eventually, officers located the defendant's mother, who let them into the house. The defendant, who was sitting at the dining room table, played an automated message on his phone stating that he needed to go to the hospital to have his foot evaluated. He lifted his right pant leg, revealing that the monitor was still in place, but with damage to the strap. The State further proffered that officers observed a knife on the table "directly in front of" the defendant. When asked by his mother in the officers' presence whether he was trying to cut the monitor off, the defendant admitted that he was.

¶ 22 The State emphasized that the charge in this case involved violation of an order of protection, and that both case No. 26-CF-204 and the new charge in case No. 26-CF-245 involved damage to the GPS monitor the defendant was ordered to wear as a condition of pretrial release. The State argued that the 30-day sanction previously imposed by the court did not stop the defendant from committing further offenses. In view of this, the State did not believe any conditions would prevent the defendant from committing additional offenses.

¶ 23 Defense counsel proffered that the defendant suffered from cerebral palsy and "a number of medical issues associated with it." He explained that this was a progressive condition which affected the defendant's decision-making process and could make him more impulsive. Counsel

emphasized that the purpose of requiring the defendant to wear the monitor was to prevent him from having contact with Meyers, the protected party under the order of protection. Counsel noted that an ankle monitor was unlikely to prevent the type of contact the defendant was alleged to have attempted—by phone through a third party. He proffered, however, that the defendant had not contacted or attempted to contact Meyers in the two months this case had been pending.

¶ 24 Counsel further proffered that the defendant believed the ankle monitor was causing him additional medical issues, as acknowledged by the State in its proffer. Although counsel did not know whether the monitor was in fact causing medical issues, the defendant believed that it was true, and he showed counsel some bruising and scraping on his ankle. Counsel stated, "The defendant keeps picking up new offenses because of the ankle monitor, not because of the protected party." He urged the court to consider whether the monitor was necessary in view of the lack of evidence the defendant had contacted or attempted to contact Meyers. Finally, counsel noted that the defendant had an upcoming medical appointment as well as a pending fitness evaluation.

¶ 25 Ruling from the bench, the circuit court explained that the only option to prevent the defendant from committing further offenses was home confinement, which the court had already imposed as a condition of release, "and [the defendant had] broken or damaged the units that are quite expensive." The court expressed sympathy for the defendant's medical issues, but it found that the defendant was likely to continue to violate the law. The circuit court thus concluded that the State met its burden and granted the motion to revoke pretrial release. The court noted that jail personnel would be responsible for ensuring that the defendant's medical needs were met.

¶ 26 On the same date, the circuit court entered a written order revoking the defendant's pretrial release. The court expressly found by clear and convincing evidence that no conditions or

combination of conditions would reasonably prevent the defendant from being charged with subsequent class A misdemeanors or felonies.

¶ 27 On August 11, 2026, the defendant filed a motion for relief. See Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). After setting forth the procedural history of the case, he asserted that there were conditions of release the court could impose that would ensure the defendant's appearance in court and prevent him from being charged with future offenses.

¶ 28 Also on August 11, 2026, a fitness evaluation report was filed with the court. The examining psychologist concluded that the defendant was not fit to stand trial and that he could be restored to fitness.

¶ 29 The circuit court held a hearing on August 13, 2026. The court first briefly addressed the fitness evaluation report. Both parties stipulated to the contents of the report, and the circuit court found the defendant unfit to stand trial with the ability to be restored to fitness. The court then noted that it could consider what was necessary regarding Department of Human Services (DHS) placement after addressing the defendant's motion for relief.

¶ 30 In support of the motion for relief, defense counsel asked the circuit court to release the defendant without an ankle monitor. He argued that the purpose of pretrial detention is not to punish the defendant, but to protect the public and to ensure that the defendant is not a flight risk. Counsel emphasized that the defendant's attempts to cut the straps of his ankle monitor were his only violations of court orders while on pretrial release. Counsel thus contended that, if released without a monitor, the defendant would not commit additional offenses. Finally, counsel argued that jail was not "meant to house people" awaiting DHS placement. The defendant interjected, stating, "The ankle monitor was hurting me." The circuit court responded, "I'll accept that as a

proffer." Defense counsel further proffered that both times his ankle monitor was cut, the defendant was found at home, where he was ordered to be.

¶ 31 The State proffered that there were additional reports that the monitor was not working because the defendant failed to charge its battery as well as "multiple inclusion zone violations." The State noted that keeping the battery charged had no impact on the comfort of the device. The State further proffered that the defendant had multiple other cases pending, some of which involved "concerning allegations." The State argued that the only way to protect the victim was to make sure the defendant did not go anywhere near her, which could only be accomplished with the GPS monitor. Moreover, the State contended, removing the monitor would reward the defendant.

¶ 32 Ruling from the bench, the circuit court first noted that "community-based sentences" had been imposed on the defendant in two recent cases—Effingham County case Nos. 24-CF-186 and 24-CF-309. The court stated that three new offenses were committed while the defendant was on probation in those two cases, explaining that this was a proper consideration in determining whether the defendant was likely to comply with conditions.

¶ 33 Addressing defense counsel's contention that the defendant would not commit additional offenses if the ankle monitor were removed, the circuit court stated, "[I]t's there for a purpose, as a least restrictive measure the Court had imposed to protect the public and the alleged victim in this case." The court found that the defendant's repeated attempts to remove the monitor demonstrated "an inability to comply with court orders." The circuit court concluded by stating that less restrictive measures had been tried and had not prevented the defendant from committing additional offenses. The court would therefore deny the motion for relief.

¶ 34 The circuit court denied the defendant's motion for relief in a docket entry on the same date. The defendant filed this timely appeal pursuant to Illinois Supreme Court Rule 604(h)(1)(iii) (eff. Apr. 15, 2024).

¶ 35 II. ANALYSIS

¶ 36 On appeal, the defendant has filed a notice in lieu of memorandum. As such, his motion for relief serves as his argument on appeal. Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). In his motion for relief, the defendant argued only that there were conditions or a combination of conditions of release that could reasonably prevent him from committing further felonies or class A misdemeanors. We reject this contention.

¶ 37 All criminal defendants are presumptively eligible for pretrial release, even those charged with violent offenses. *People v. Lopez*, 2025 IL App (2d) 240709, ¶ 20; see 725 ILCS 5/110-2(a) (West 2022). Pretrial release may only be denied "in certain statutorily limited situations." *Lopez*, 2025 IL App (2d) 240709, ¶ 15 (citing 725 ILCS 5/110-6.1(e) (West 2022)). The circuit court may deny pretrial release if the State proves by clear and convincing evidence that (1) the proof is evident or the presumption great that the defendant committed a detainable offense, (2) the defendant poses either a flight risk or a real and present threat to the safety of any person or the community, and (3) conditions of pretrial release would not prevent defendant's willful flight from prosecution and/or mitigate the threat. *People v. Horne*, 2023 IL App (2d) 230382, ¶ 16.

¶ 38 After a defendant has been granted pretrial release, the circuit court may revoke release if the defendant is charged with a felony or a Class A misdemeanor based on conduct alleged to have occurred while on pretrial release. *People v. Davis*, 2024 IL App (5th) 240120, ¶ 14; see 725 ILCS 5/110-6(a) (West 2022)). Although the circuit court may consider revocation either *sua sponte* or upon verified petition filed by the State, the court must hold a hearing at which the State bears the

burden of proving by clear and convincing evidence that no condition or combination of conditions of release will reasonably ensure that defendant will appear for future hearings and/or will not commit additional felonies or Class A misdemeanors. *Davis*, 2024 IL App (5th) 240120, ¶ 14 (citing 725 ILCS 5/110-6(a) (West 2022)).

¶ 39 Our standard of review depends on the nature of the evidence presented at the hearing. Where the parties present the testimony of live witnesses, we review the circuit court's decision to determine whether it is against the manifest weight of the evidence. *People v. Morgan*, 2025 IL 130626, ¶ 54. However, where the parties proceed by proffer, as they did in this case, the appellate court "stands in the same position as the circuit court and may therefore conduct its own independent review of the proffered evidence and evidence otherwise documentary in nature." *Morgan*, 2025 IL 130626, ¶ 51; *People v. Rios*, 2025 IL App (1st) 250950, ¶ 25. Our review is thus *de novo*. *Morgan*, 2025 IL 130626, ¶ 54. This means we will conduct the same analysis the circuit court would conduct, and we are not bound by its findings. *Lopez*, 2025 IL App (2d) 240709, ¶ 18.

¶ 40 The record in this case contains ample evidence demonstrating that no condition or combination of conditions of release would prevent the defendant from being charged with additional felonies or class A misdemeanors. The defendant was initially released with conditions on June 17, 2026. His first alleged violation of those conditions occurred two days later, when he damaged the strap of his monitoring device. Less than two weeks later, the defendant again damaged the strap of his monitoring device on June 27, 2026, which led to a felony charge of criminal damage to state-supported property in Effingham County case No. 26-CF-204. The defendant was arrested on that charge on June 28, 2026. The circuit court imposed a sanction of 30 days in jail after the State's initial petition to revoke pretrial release, with credit for the time

served after his June 28 arrest. The defendant was released late in July 2026. Within days, on August 1, 2026, he again damaged the strap of his monitoring device, leading to another felony charge of criminal damage to state-supported property in Effingham County case No. 26-CF-245. The undisputed fact that the defendant was charged with two additional felonies within a short period of time supports the circuit court's conclusion.

¶ 41 The circuit court also properly considered the fact that the defendant was on probation in other cases when he was charged with the underlying offense at issue in this case as well as both of the new charges. In determining whether a defendant is likely to comply with conditions of release, one of the pertinent factors to consider is whether the defendant was on probation or parole when arrested on the underlying charges. 725 ILCS 5/110-5(a)(3)(B)) (West 2024)). Another pertinent consideration is the nature and circumstances of the offense charged. 725 ILCS 5/110-5(a)(1) (West 2024)). Here, the underlying charge involves allegations that the defendant failed to comply with a court order. In view of the defendant's demonstrated unwillingness to comply with court orders and his commission of two additional felonies in a very brief period of time, we agree with the circuit court that clear and convincing evidence proves that no conditions of release are reasonably likely to prevent further offenses.

¶ 42 III. CONCLUSION

¶ 43 For the foregoing reasons, we affirm the orders of the circuit court revoking the defendant's pretrial release and denying the defendant's motion for relief.

¶ 44 Affirmed.