2026 IL App (2d) 260454-U
No. 2-26-0454
Order filed November 12, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

JESUS RODRIGUEZ, Defendant-Appellant

Appeal from the Circuit Court of Kane County.
Honorable Donald Tegeler, Jr., and Salvatore LoPiccolo, Jr., Judges, Presiding.
No. 26-CF-1882

JUSTICE JORGENSEN delivered the judgment of the court.
Justices Hutchinson and Birkett 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. Affirmed.

¶ 2 Defendant, Jesus Rodriguez, appeals from an order of the circuit court of Kane County granting the State's verified petition to deny him 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"). On appeal, defendant argues that the State failed to meet its burden of proving by clear and convincing evidence that: (1) the proof is evident or the presumption great that he committed the charged detainable offense; (2) he poses a real and present

threat to the safety of any person or the community based on the specific, articulable facts of the case; and (3) no condition or combination of conditions can mitigate that threat. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On August 10, 2026, defendant was charged with: (1) one count of aggravated battery-great bodily harm (720 ILCS 5/12-3.05(a)(1) (West 2024)), a class 3 felony; (2) battery-cause bodily harm (*id.* § 5/12-3(a)(1)), a class A misdemeanor; and (3) battery-makes physical contact (*id.* § 5/12-3(a)(2)), a class A misdemeanor.

¶ 5 The same day, the State filed a verified petition to detain. It alleged that defendant was charged with a detainable offense, aggravated battery-great bodily harm, and his pretrial release posed a real and present threat to the safety of any person or the community. 725 ILCS 5/110-6.1(a)(6) (West 2024). The State also alleged that defendant was on conditional discharge for aggravated battery to a nurse (Kane County case No. 26-CF-1176), where he kissed a nurse on the neck, and he pleaded to that offense on July 16, 2026. In addition, it alleged that defendant was charged with a similar battery to another woman, which was filed on July 24, 2026 (No. 26-OV-937) and had a court date of August 24, 2026. Further, on July 20, 2026, defendant's supervision was revoked in case No. 26-CM-263, criminal trespass to land-staying after notice to leave, and a conviction entered on that date. Defendant was charged with mob action on February 26, 2026, (Kane County case No. 26-CF-443), and, while on pretrial release in that case, he failed to appear for five court dates. Defendant received three noncompliance reports and was charged with assault (No. 26-CM-1065). He pleaded guilty to battery on July 16, 2026, and did not contact pretrial services, despite conditions being placed on him three times during the case proceedings.

¶ 6 A. Detention Hearing

¶ 7 Also on the same day, the matter proceeded, before Judge Salvatore LoPiccolo, Jr., to a detention hearing on the State's petition. The State proffered a synopsis prepared by the Aurora police department, along with defendant's criminal history (as related in its petition), and a synopsis prepared for case No. 26-CF-443.

¶ 8 The synopsis related to the charges in the case before the court stated as follows. On August 10, 2026, at about 12:28 a.m., Officer Frederick Farley responded to 228 West Galena Boulevard in Aurora for a reported battery victim. At the scene, Farley observed Joshua Torres on the ground, "having been badly beaten." He observed swelling around Torres's face and to his left ear, and Torres's face was bloody. Torres lay in a small pool of his own blood.

¶ 9 Defendant sat to Torres's left. Defendant's right hand appeared swollen and bloody around the knuckle area, and defendant had a fresh blood stain on his left pant leg. When asked about this, defendant responded that he had a bloody nose. When asked again about it (as he did not have a bloody nose), defendant stated that he was unable to provide an answer.

¶ 10 Officer Farley reviewed video of the incident that was taken by a bystander. It depicted defendant standing over Torres and repeatedly kicking Torres's body from behind. Torres lay on the ground, not moving or fighting back. Farley also entered the ambulance after paramedics arrived and spoke to Torres, who stated that defendant battered him. Farley spoke to defendant, who eventually admitted to battering Torres due to the victim calling him a "bitch." Officer Farley arrested defendant for battery.

¶ 11 Torres was diagnosed with multiple rib fractures and a laceration to his left ear that required stitches. Torres and both witnesses were listed in the synopsis as being homeless.

¶ 12 The police synopsis in case No. 26-CF-443 related as follows. On February 26, 2026, at about 10:30 p.m., Aurora police responded to a call of mob action at 215 East New York Street (Wayside Cross Ministries). Upon arrival, police observed a male victim pointing toward three males walking away. Police detained and identified the males. One male was uncooperative and intoxicated and was unable to provide a statement. The second male, defendant, was unable to provide a statement due to being uncooperative and intoxicated as well. Police spoke to a witness, who was an employee of Wayside Cross Ministries. The employee stated that he witnessed the incident on the security camera monitor and contacted police. He observed the victim run into the vestibule of the Wayside Cross Ministries and the first male and defendant followed him inside and physically attacked him, repeatedly punching and kicking the victim. Another employee of Wayside Cross Ministries gave a statement that was consistent with the first employee's statement concerning the incident.

¶ 13 The victim gave a statement at the hospital, relating that he was at a nearby bar about one block away from Wayside Cross Ministries. The first male and defendant became upset over money they lost during a billiard game. The victim exited the bar, and the two males followed him and intimidated him. They followed him into Wayside Cross Ministries and attacked him with punches and kicks. Photographs of the victim's injuries were consistent with abrasions/scratches to his face and elbow. Defendant was charged with mob action and battery.

¶ 14 Relying on the police synopsis for the current charges, the State argued that it had met its burden to show that defendant had committed a detainable offense. It also noted the video of defendant standing over Torres and kicking him from behind, Torres's diagnosis, and Officer Farley's observations of Torres's injuries. Addressing dangerousness, the State argued that the offense was a crime of violence, defendant attacked the victim for no apparent reason and caused

injuries, defendant was on conditional discharge for aggravated battery, and he had a mob action case. The State also argued that this case involved the fifth victim that defendant had assaulted or battered within one year, defendant admitted to battering the victim and calling him a "bitch," and he was on pretrial release and conditional discharge at the time of the offense. Finally, addressing conditions of release, the State noted there was no address for defendant and argued that electronic home monitoring (EHM) would not be appropriate because "he fights whenever he thinks there's an opportunity," and he could inflict violence on visitors to his home. Further, it argued, defendant was unlikely to follow rules relating to EHM, where he did not follow the terms of his conditional discharge or pretrial release. He did not come to court on five occasions or go to pretrial services.

¶ 15 Defense counsel responded that defendant was working full time, earning hourly wages in pool installation. Counsel noted that the police synopsis in this case did not contain any information about what led to the incident, and defendant knew the victim; thus, future random violence was not likely because the victim was not a random person. Counsel also noted that the video of the incident did not depict the entire event and, thus, was of limited value. Addressing conditions, counsel argued that, as to defendant's failure to appear in court, defendant had provided a new address (at 1214 Solfisburg Avenue in Aurora) and contact information, which could be used to stay in contact with pretrial services and access information about his case and future court dates. Counsel also argued that, as defendant had not previously been on EHM, there was no evidence that he would not abide by it. Also, EHM would limit his movements and allow defendant to continue working.

¶ 16 The trial court granted the State's petition. It determined that the State had met its burden to show that defendant committed a detainable offense, based on the police synopsis. Next, the court found that the State had established dangerousness, where defendant was on conditional

discharge at the time of the current incident. Conditional discharge requires that no new criminal offenses be committed. The court noted that defendant had not been on conditional discharge for even one month at the time of the current charges. The court also referred to the police synopsis in case No. 26-CF-443, noting that the circumstances in that case were very similar to the current charges (and the same address was listed for defendant that was given at the present hearing). Defendant, the trial court determined, also demonstrated an inability to follow court orders while on pretrial release (having committed the aggravated battery in case No. 26-CF-1176 while on pretrial release) and had a history of not following conditions of pretrial release in case No. 26-CF-443. The court determined that no conditions could mitigate the threat defendant posed because he showed an inability to follow rules of conditional discharge or pretrial release. For EHM to work, the court noted, defendant would have to follow the rules.

> "This defendant hasn't even been able to follow the rules of coming to court. He hasn't been able to follow the rules of going to Pretrial Services to make appointments. He hasn't been able to call to make an appointment with them. There's nothing in this record that would make this Court believe that this defendant's going to follow [EHM]."

¶ 17 In its written order, the court noted that Torres is homeless, with no permanent address; thus, EHM or GPS would not protect him.

¶ 18 B. Motion for Relief

¶ 19 On August 18, 2026, defendant filed a motion for relief from the order detaining him. See Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). In the motion, which is otherwise perfunctory, counsel erroneously references a traffic stop and the presence of a canine, neither of which were reflected in the evidence the State proffered at the initial hearing in support of its petition.

¶ 20 On August 19, 2026, at the hearing on defendant's motion, before Judge John Barsanti,[1] defense counsel argued that defendant should be released with conditions and speculated that defendant and the victim might be homeless and did not live near each other. The State responded that defendant's criminal history reflected violence and an inability to follow court orders; thus, no conditions could mitigate the threat he posed. The court denied the motion, finding that the crime was "a rather horrific event for battery." Defendant was a danger to the alleged victim and, based upon his history, the community. Addressing conditions, the court determined that defendant had a history of battery. He was on conditional discharge for kissing a nurse on the neck, had a pending battery charge, and his supervision had been revoked for criminal trespass to land "because he kept going back there and a conviction had to enter." Defendant failed to appear for five court dates on the charge of mob action and received three noncompliance reports. Even after pleading, he did not contact pretrial services. "And it appears that every time he is out, he is picking up new charges."

¶ 21 On the same day, defendant filed his notice of appeal, and, on October 7, 2026, the Office of the State Appellate Defender submitted a declination letter, notifying the court that defendant would not be submitting a Rule 604(h) memorandum. On October 26, 2026, the State filed a memorandum opposing defendant's appeal.

¶ 22 II. ANALYSIS

¶ 23 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

[1]The report of proceedings identifies Judge Barsanti as the judge presiding at the hearing. However, the written order denying the motion for relief is signed by Judge Tegeler.

release. *Id.* §§ 5/110-2(a), 110-6.1(e). 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 (*id.* § 5/110-6.1(e)(1)), 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 (*id.* § 5/110-6.1(a)(1)-(7), (e)(2)) or a high likelihood of willful flight to avoid prosecution (*id.* § 5/110-6.1(a)(8), (e)(3)), 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 (*id.* § 5/110-6.1(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. "Although stated in terms of reasonable doubt, courts consider clear and convincing evidence to be more than a preponderance while not quite approaching the degree of proof necessary to convict a person of a criminal offense." *Bazydlo v. Volant*, 164 Ill. 2d 207, 213 (1995). The Code, as amended, 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).

¶ 24 As defendant has filed a declination letter, we look to the motion for relief for defendant's arguments. Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024) ("The motion for relief will serve as the argument of the appellant on appeal). "Whether made in the motion for relief alone or as supplemented by the memorandum, the form of the appellant's arguments must contain sufficient detail to enable meaningful appellate review, including the contentions of the appellant and the reasons therefore and citations of the record and any relevant authorities." *Id.* Here, there are several insufficiencies with the motion, and we further note that the State has failed to raise them

in its memorandum opposing defendant's appeal. First, as noted, defendant's argument challenging the trial court's finding that the State met its burden to show he committed a detainable offense contains allegations not applicable to this case. Because it does not otherwise address why the court erred, this claim is forfeited. See *In re D.S.*, 2025 IL App (1st) 241635, ¶ 49 (finding bare contentions without citation of authority do not merit consideration on appeal and are forfeited). Next, in defendant's second argument, that the State did not establish dangerousness, defendant asserts, in a conclusory fashion, that the court's finding was against the manifest weight of the evidence. There is no explanation as to why this is so. A party may not simply "dump the burden of argument and research" on the reviewing court; rather, a reviewing court is "entitled to have the issues clearly defined and to be cited pertinent authority." (Emphasis omitted.) *People ex rel. Illinois Department of Labor v. E.R.H. Enterprises, Inc.*, 2013 IL 115106, ¶ 56. Defendant's motion for relief lacks citation to the record or reference to any relevant authority and has not accurately framed the issue for this court; as such, his claim is forfeited. *D.S.*, 2025 IL App (1st) 241635, ¶ 49. Finally, as to defendant's final issue, conditions of release, the motion for relief contains citation to boilerplate law concerning the State's burden on this issue, but no argument based on the facts of this case. However, we decline to find this argument forfeited because, at the hearing on the motion, defense counsel briefly addressed this issue. Counsel argued that defendant should be released with conditions because defendant and the victim did not live near each other.

¶ 25 In this case, no live testimony was presented. The parties proceeded solely by proffer and documentary evidence. Accordingly, our review of the trial court's factual findings and its detention orders is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 26 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." *Id.* § 5/110-5(a)(3)(A), (B).

¶ 27 The trial court found that there were no conditions that could mitigate the threat defendant posed. Defendant showed an inability to follow rules of conditional discharge or pretrial release. The court considered EHM, but rejected it because defendant does not follow rules, including those concerning court dates and pretrial service appointments.

¶ 28 We conclude that the trial court did not err in finding that no conditions could mitigate the threat defendant posed. We agree with the trial court that defendant's criminal history reflects that he does not follow court orders, where, while on pretrial release in case No. 26-CF-443 for mob action, defendant failed to appear for five court dates. Also, after pleading guilty to battery on July 16, 2026, defendant did not contact pretrial services, despite conditions being placed on him three times during the proceedings. He also picked up new charges, including a battery concerning a

nurse. Further, within one month of being placed on conditional discharge, defendant was charged with the present offenses.

¶ 29 The trial court considered and correctly rejected EHM. Defendant's address during the present proceedings was the same as the address listed in the synopsis for the February 2026 mob action case at Wayside Cross Ministries, for which he failed to appear in court five times and received three noncompliance reports. Defendant does not follow court orders, has several recent cases reflecting violence toward others (which reflects that he could potentially inflict violence on visitors to his home or, on days he is allowed in the community, other people), and Torres's homelessness precludes defining a residence or geographic area from which to exclude defendant.

¶ 30 In sum, we conclude that the trial court did not err in ordering defendant detained.

¶ 31 III. CONCLUSION

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

¶ 33 Affirmed.