2026 IL App (2d) 260317-U
No. 2-26-0317
Order filed September 22, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

DANIEL M. SCARBROUGH, Defendant-Appellant

Appeal from the Circuit Court of Kane County.
Honorable David Paul Kliment and Salvatore LoPiccolo, Judges, Presiding.
No. 26-CF-1335

JUSTICE JORGENSEN delivered the judgment of the court.
Justices McLaren 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, Daniel M. Scarbrough, 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; and (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. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 5, 2026, defendant was charged by complaint with one count of possession of a firearm without a valid firearm owner's identification ("FOID") card (430 ILCS 65/2(a)(1) (West 2024)), a Class 3 felony, and two counts of aggravated unlawful possession of a weapon in a vehicle (720 ILCS 5/24-1.6(a)(1) (West 2024)), a Class 4 felony.

¶ 5 The same day, the State filed a verified petition to detain. It alleged that defendant was charged with detainable offenses, and his pretrial release posed a real and present threat to the safety of any person or the community. *Id.* § 5/110-6.1(a)(6). The State also alleged that defendant's criminal history provided additional grounds to deny him pretrial release, listing the following convictions: 2012 burglary (probation and jail); 2013 theft, $500-$10,000 (Department of Corrections (DOC)); 2015 theft, prior conviction (probation revoked; two years in DOC); 2017 obstructing identification (12 months' conditional discharge); and 2025 criminal trespass to residence (12 months' supervision; terminated unsatisfactorily).

¶ 6 A. Detention Hearing

¶ 7 Also on the same day, the matter proceeded, before Judge Salvatore LoPiccolo, to a detention hearing on the State's petition. The State proffered a synopsis prepared by the Carpentersville police department, which related as follows.

¶ 8 On June 4, 2026, at about 9:38 p.m., officers patrolled the area of Hickory Drive and Helm Road and observed a vehicle (Illinois registration No. 4257226B) traveling northbound on Hickory Drive, displaying a white light from the right rear tail lamp assembly. The officers initiated a traffic stop. When they activated their emergency lights, there were multiple open parking spaces

on both the left and right sides of the parking lot for the vehicle to stop. However, the vehicle continued traveling westbound through a 7-Eleven store parking lot and then turned right, proceeding northbound in the lot before finally coming to a complete stop.

¶ 9 Officers made contact with the driver, Kim Wilbourn. The front passenger, defendant, was not wearing a seatbelt. Officer Miles was positioned near the front passenger side of the vehicle and observed an open alcoholic beverage container in the back seat area, which Officer Edgar Garcia confirmed. The officers instructed Wilbourn and defendant to exit the vehicle, and they were searched. No contraband was found on their persons. However, the officers located a green leafy substance suspected to be cannabis "shake" in the front passenger area of the vehicle. Further, while searching the vehicle, the officers found three crack pipes in the center console area, one broken crack pipe under the driver's seat, one clear plastic bag containing a small white rock-like substance under the driver's seat on the seat rail, a THC cannabis vape pen in the center console area, and a green leafy substance in the back seat area. The synopsis then states, "It should also be noted that Officer Miles observed what appeared to be the butt of a handgun, later identified as a Springfield Armory Hellcat 9mm (Serial # BY322771), in plain view underneath the seat where [defendant] had been seated at [*sic*]." The officers had dispatch run the firearm's serial number, which confirmed it was "stolen out of Carpentersville." Defendant was arrested, Mirandized, and refused to answer questions regarding the firearm or drug paraphernalia.

¶ 10 The State also submitted a Public Safety Assessment (PSA) Report, which rated defendant five out of six on the new-criminal-activity scale and four out of six on the failure-to-appear scale. It (apparently incorrectly) noted that defendant was currently on pretrial supervision.

¶ 11 Finally, the State proffered that, while seeking felony authorization, Officer Garcia told prosecutors that the gun located in the vehicle had one round in the chamber and eight rounds in a magazine. Defendant did not have a FOID card or concealed carry license.

¶ 12 The State argued that defendant was a convicted felon, the gun was found under the passenger seat where he was seated, the facts reflected that defendant had ample time while officers effected the stop to put the gun underneath the seat, and the gun was uncased, loaded, and immediately accessible. It also argued that defendant posed a real and present threat to the safety of any person or the community, where the charges involved a weapon and defendant's criminal history supported a finding of dangerousness, including a 2025 trespass to residence (where he received supervision), which showed he went to someone's home without permission. The State also noted that defendant's 2012 burglary conviction was a forcible felony and was amended from residential burglary. Finally, the State argued that no conditions could mitigate the threat defendant posed because he had been a convicted felon since 2012, he was not allowed to possess a firearm, and yet he carried a loaded firearm. Further, electronic home monitoring (EHM) and GPS would not prevent defendant from accessing weapons. His history, the State further argued, reflected that he does not follow court orders, noting a 2015 case where the initial sentence was probation but was ultimately revoked and he was sentenced to a term in the DOC. Similarly, a 2013 sentence was modified four times, with the last resulting in a 100-day sentence because defendant committed the offense while on probation, and it was ultimately terminated unsatisfactorily.

¶ 13 In response, defense counsel proffered that defendant lived with his mother in Carpentersville. Counsel argued that the State had not met its burden to show that defendant committed detainable offenses, where he was not the driver of the vehicle, there was no evidence that he knew a firearm was in the vehicle, the police synopsis was vague, specifically, not

specifying from what part of the seat the butt of the gun was visible and if it would have been visible to defendant while entering the vehicle. Addressing dangerousness, counsel argued that most of defendant's criminal history was old and nonviolent. The most recent charge resulted in 12 months of supervision and was terminated unsatisfactorily for only financial reasons (*i.e.*, failure to pay a fee). Similarly, a 2017 case that resulted in 12 months of conditional discharge was terminated unsatisfactorily for only financial reasons. Defendant's history did not include weapons offenses, thus, in the absence of a violent history, dangerousness should not be found. Finally, defense counsel argued that, if the court were to find that the State met its burden on the first two prongs, conditions of release could mitigate any threat defendant posed. Counsel also noted that the PSA Report contained errors; she asked that the court disregard the new criminal activity and the failure-to-appear scale, as there was *no* pending case at the time of the hearing.

¶ 14 The trial court granted the State's petition to detain. It found that the State had met its burden to show that defendant committed the charged detainable offenses. The court acknowledged counsel's argument concerning the lack of detail in the police synopsis, but found that the synopsis reflected that the firearm was under defendant's seat, in plain view, and observed by an officer. These facts were sufficient to find constructive possession of the firearm, as the firearm was immediately accessible to defendant. "It was in plain view to the officer who is—they're talking that he's outside the vehicle when he makes that observation." Defendant's prior felony convictions established that he was not eligible to possess a FOID card or concealed carry license. Addressing dangerousness, the court found that defendant did not have a history of violent, abusive, or assaultive behavior, where his convictions were for theft. However, the threat was to the community, because, as a convicted felon, defendant was not allowed to possess firearms and "there's an inherent danger of [*sic*] a felon possessing a firearm." The court noted

that it did not credit or put any weight on the absence of detail concerning when the firearm was stolen. Finally, addressing conditions of release, the court found that there were no conditions that could mitigate the threat defendant posed, where EHM and GPS do not prevent someone from possessing a firearm; they merely provide location information. Further, defendant's criminal history (which the court acknowledged was older) reflected that he did not follow court orders.

¶ 15 B. Motion for Relief

¶ 16 On June 29, 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, defendant again argued that the State had not met its burden to show he committed detainable offenses, where he was not the driver or owner of the vehicle, the officer observed the butt of the gun only after an apparent third visual inspection of the vehicle and the second inspection after defendant had exited, nothing linked defendant to the vehicle or gun or reflected he had knowledge of the gun, and, even if plainly visible, it was unreasonable to infer that defendant knew what it was or had investigated what was under the seat. As to dangerousness, defendant argued that the court found a generalized threat based on the legislature's determination that felons be prohibited from having firearms and that this was an element of the charges. Finally, he argued that conditions of release could mitigate any threat he posed and that the court erred in relying on older charges to find that he would not follow court orders.

¶ 17 On July 1, 2026, a hearing was held on the motion before Judge David P. Kliment. The trial court denied defendant's motion, and, on the same date, defendant filed a notice of appeal.

¶ 18 II. ANALYSIS

¶ 19 On appeal, defendant argues that the trial court erred in granting the State's petition to detain and denying his motion for relief, where the State failed to prove by clear and convincing

evidence that he committed a detainable offense, that his 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 his pretrial release. For the following reasons, we reject defendant's arguments.

¶ 20 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. *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).

¶ 21 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.

¶ 22 Defendant argues first that the State failed to prove by clear and convincing evidence that the proof was evident and presumption great that he committed aggravated unlawful possession of a weapon, where the State's proffer was conspicuously unclear regarding where the gun was located and whether defendant was likely to have seen it when entering the vehicle. He asserts that nothing connected him to the gun other than his location in the vehicle. There was no evidence, he argues, concerning who owned the vehicle or defendant's relationship to the driver, how long defendant had been in the vehicle, and no proffer that he made any movements that suggested hiding or attempting to retrieve the gun. Defendant contends that the only way the State could prove that he knew of the gun and, thus, constructively possessed it, would be the visibility of the gun from his location in the vehicle. Defendant also argues that the police synopsis failed to clarify at what point and from what perspective, during the police stop and search of the vehicle, the gun was visible. He also asserts that the officer's statement that the butt of the gun was in "plain view underneath the seat" was "intuitively oxymoronic." Defendant argues that the State needed to proffer clear and convincing evidence showing that he constructively possessed the gun that the State proffered was beneath his car seat, which requires proof that defendant knew the gun was present. His mere presence, on its own, was insufficient to establish knowledge.

¶ 23 The quantum of evidence required to detain a defendant pending trial is less than what is required at trial to prove guilt beyond a reasonable doubt. See 725 ILCS 5/110-6.1(f)(2), (f)(4)-(f)(6) (West 2024); *People v. Santiago*, 2024 IL App (2d) 240499-U, ¶ 28. Here, defendant's concerns go to the weight of the evidence. Section 110-6.1(f)(2) of the Code, as amended, (725

ILCS 5/110-6.1(f)(2) (West 2024)) expressly permits the parties to a detention hearing to present evidence by way of proffer based on reliable information, and a police synopsis alone may be sufficient to sustain the State's burden. See, *e.g.*, *People v. Horne*, 2023 IL App (2d) 230382, ¶ 24.

¶ 24 A person commits aggravated unlawful possession of a weapon "when he or she knowingly *** [c]arries *** in any vehicle *** any pistol, revolver, stun gun or taser or other firearm[.]" 720 ILCS 5/24-1.6(a)(1) (West 2024).

¶ 25 Here, the trial court acknowledged defense counsel's argument concerning the lack of detail in the police synopsis, but found that the facts were sufficient from which to find constructive possession of the gun. The synopsis reflected that the firearm was under defendant's seat, in plain view, and observed by an officer; the firearm was immediately accessible to defendant. "It was in plain view to the officer who is—they're talking that he's outside the vehicle when he makes that observation."

¶ 26 Defendant contends that, despite the court's pronouncements, the State's proffer did *not* state that Officer Miles was outside the vehicle when he observed the butt of the gun. Rather, it was vague and did not reflect at what point or from what perspective Officer Miles saw the firearm. He asserts that there was no evidence as to whether the gun was visible and recognizable from defendant's location in the vehicle or while getting into it. The trial court, he argues, went beyond the reasonable inferences the parties proffered.

¶ 27 "A defendant's mere presence in a car, without more, is not evidence that he knows a weapon is in the car." *People v. Bailey*, 333 Ill. App. 3d 888, 891 (2002).

> " 'Knowing possession' may be either actual or constructive. *People v. Stack*, 244 Ill. App. 3d 393, 398 (1993). Constructive possession is established where (1) the defendant had knowledge of the presence of the weapon; and (2) the defendant exercised

immediate and exclusive control over the area where the weapon was found. *Stack*, 244 Ill. App. 3d at 398. Knowledge of existence of a firearm within the defendant's possession may be proved through circumstantial evidence. *Id.* at 399." *Id.*

¶ 28 Factors from which knowledge may be inferred include: (1) "the visibility of the weapon from defendant's position in the car"; (2) the "time in which the defendant had an opportunity to observe the weapon"; (3) "any gestures by the defendant indicating an effort to retrieve or hide the weapon"; and (4) the weapon's size. *People v. Ingram*, 389 Ill. App. 3d 897, 891-92 (2009). "Courts should also consider any other relevant circumstantial evidence of knowledge, including whether the defendant had a possessory or ownership interest in the weapon or in the automobile in which the weapon was found." *Id.* at 892.

¶ 29 We disagree with defendant that the police synopsis was vague about Officer Miles's position when he saw the firearm. The synopsis states that "Officer Miles observed what appeared to be the butt of a handgun, ***, in plain view underneath the seat where [defendant] had been seated at [*sic*]." The use of the past tense in describing defendant's position reflects that the officer saw the gun after defendant exited the vehicle. This statement also occurs within the chronological narrative of the stop and comes after defendant was asked to exit the car (and searched) and after police continued searching the car. Further, we disagree with defendant that the officer's statement that the butt of the gun was in "plain view underneath the seat" was "intuitively oxymoronic." The description reflects that the butt of the gun, as explicitly stated, was visible from underneath the passenger seat.

¶ 30 Turning to the knowledge factors we must assess, we conclude that the first factor, the visibility of the weapon from defendant's position in the car, weighs in favor of finding knowledge. Defendant was in the front passenger seat, and Officer Miles observed the butt of a handgun

underneath defendant's seat. The second factor, the time in which defendant had an opportunity to observe the gun, weighs in favor of concluding that he had knowledge of the weapon because, although it is unclear how long defendant was in the vehicle before being stopped by police, the driver delayed parking the vehicle after the police activated their emergency lights, thus, giving defendant time to see the gun. The third factor, any gestures by defendant to retrieve or hide the weapon, weigh against finding knowledge. The synopsis does not reflect any such movement. Finally, the fourth factor, the weapon's size, weighs in favor of finding knowledge because the weapon here was a gun, and its butt was visible to the officer. Sufficiently similar circumstances, such as immediate physical access to the weapon, time, and flight/evasiveness, have supported a conviction for unlawful possession of a weapon. See *Ingram*, 389 Ill. App. 3d at 900-01 (affirming conviction for unlawful possession of a weapon, where the defendant was seated in a fully-reclined front passenger seat and a gun discovered wholly in plain view behind the driver's seat was easily accessible to him and the backseat passenger, the defendant had been in the car for a sufficient period to imply knowledge, he was in a position where he could have easily reached over and placed the gun there, the defendant's flight and false identification following the traffic stop supported the inference that he possessed the gun, and backseat passenger's access to the gun did not defeat the defendant's constructive possession).

¶ 31 The cases upon which defendant relies are not helpful to his argument. One case involves circumstances where the gun was completely hidden under the defendant's seat and where he had no time to discover the weapon. *People v. Crumpton*, 2024 IL App (1st) 221651, ¶¶ 12-17 (reversing conviction for unlawful use of weapons, where the defendant sat in the front passenger seat, a police officer stated that the defendant looked at the police vehicle and became wide-eyed, another stated that someone moved very quickly during the initiation of the stop, and an officer

discovered under the passenger seat a handgun with the barrel facing forward; evidence insufficient to show the defendant had knowledge of the firearm; no evidence tied him to the weapon, police never saw him holding or carrying a gun, no DNA or fingerprints were taken from the gun, it was not registered to the defendant, he was not the owner of the car, the gun was not visible without looking directly underneath the front passenger seat, no evidence was presented that the defendant had time to discover the gun under the seat before the car was stopped, and the firearm was small; officer's testimony that he saw the defendant drop forward and then pop back up, on its own, was insufficient to sustain convictions, and dashboard camera did not show such movement). In another case, the reviewing court affirmed a finding of constructive possession under circumstances very different than this case, including that drugs were found in the vehicle's trunk and the defendant admitted his connection to the container with the drugs. *People v. Horn*, 2021 IL App (2d) 190190, ¶ 57 (evidence sufficient to show that the defendant knew an urn in vehicle's trunk contained cocaine and that the urn was in his constructive possession, where the defendant was a passenger in a vehicle, police discovered cocaine in the urn, the defendant was seen earlier in the day driving the vehicle, the vehicle was not registered to the defendant or the driver (both of whom had suspended licenses), and the defendant admitted that the urn contained his father's ashes;). In a third case, unlike here, the gun was not visible until police looked under the defendant's seat, and the gun was not stolen. *People v. Bailey*, 333 Ill. App. 3d 888, 892 (2002) (reversing conviction for aggravated unlawful use of a weapon; holding that the defendant-passenger's knowledge of a gun under his seat was not proven, where the weapon was not visible until police looked under the seat, no fingerprints were taken from the gun, it was owned by another individual and had not been reported stolen or missing, the vehicle was owned by someone else and was not reported stolen, and there was no connection established between the defendant and

either of the other individuals; further, police did not testify to the defendant making any gestures showing he was trying to retrieve or hide the gun).

¶ 32 Defendant next argues that the trial court erred in finding that he poses a real and present threat to the safety of any person or the community and that there were no less restrictive conditions than detention available to mitigate any threat posed by his 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.

¶ 33 Under the Code, as amended, 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; (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, as amended, (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. *Id.* § 5/110-6.1(g).

¶ 34 Defendant argues that this court should reverse and remand for a conditions-of-release hearing because the State did not prove by clear and convincing evidence that his release posed a real and present threat to the safety of any person or the community. He contends that the State proffered that he had no history of violence. Defendant also notes that his convictions are for property crimes or obstruction of justice.

¶ 35 The trial court found that defendant did not have a history of violent, abusive, or assaultive behavior, where his convictions were for theft. However, there was a threat to the community, because, as a convicted felon, defendant was not allowed to possess firearms and "there's an inherent danger of [*sic*] a felon possessing a firearm."

¶ 36 We conclude that the State met its burden as to dangerousness. Although the absence of a history of forcible felonies is a mitigating consideration here, the specific articulable facts in his case reflect that defendant is a real and present threat to the community. The gun here was stolen, loaded, and immediately accessible to defendant, a convicted felon prohibited from possessing a gun. Also, drugs were found in the car. Defendant has a history of failing to comply with court supervision, though, apparently due only to financial reasons involving the payment of a fee.

¶ 37 Although defendant argues that we should reverse and remand for the trial court to impose conditions of release, we choose to address the issue because it is intertwined with dangerousness. 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).

¶ 38 The trial court found that there were no conditions that could mitigate the threat defendant posed, where EHM and GPS do not prevent someone from possessing a firearm; they merely provide location information. Further, defendant's criminal history (which it acknowledged was older) reflected that he did not follow court orders.

¶ 39 We conclude that the trial court did not err in finding that no conditions could mitigate the threat defendant posed. The court considered several options, such as EHM and GPS, but found them inadequate, because they do not prevent what allegedly occurred in this case—defendant's possession of a stolen weapon as a convicted felon. We note that a person on pretrial home confinement must be allowed movement on at least two days per week. 730 ILCS 5/5-8A-4(A-1) (West 2024). "Electronic monitoring and curfews might tell the sheriff's office where [the defendant] is but not what he is doing or what he possesses." *People v. Lanier*, 2025 IL App (1st)

242603, ¶ 79. We agree with the trial court that defendant's criminal history reflects that he does not follow court orders, where probation was revoked and he was sentenced to a term in the DOC in one case and probation and conditional discharge in other cases were terminated unsatisfactorily, albeit for financial reasons.

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

¶ 41 III. CONCLUSION

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

¶ 43 Affirmed.