

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).

2025 IL App (4th) 241542-U

NO. 4-24-1542

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
March 7, 2025
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Sangamon County
JULIE E. MARSHALL,)	No. 24CF693
Defendant-Appellant.)	
)	Honorable
)	Ryan M. Cadagin,
)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Presiding Justice Harris and Justice Doherty concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed defendant’s pretrial detention, finding the State proved by clear and convincing evidence that defendant poses a real and present threat to the safety of the community that no condition or combination of conditions could mitigate.

¶ 2 Defendant, Julie E. Marshall, appeals an order denying a motion for relief after the trial court granted the State’s petition to deny her pretrial release pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2022)), hereinafter as amended by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 3, 2024, the State charged defendant with three counts of first degree murder (720 ILCS 5/9-1(a)(1), (a)(2) (West 2022)) for murdering her son, Michael Gristy, on June

1, 2024, by stabbing him in the neck. The same day, the State filed a petition to deny defendant pretrial release on the basis that she poses a real and present threat to the safety of the community that could not be mitigated by conditions of release. 725 ILCS 5/110-6.1(a)(1.5) (West 2022). The factual basis for the petition was as follows.

¶ 5 On June 1, 2024, Gristy's girlfriend, Aaliyah, asked defendant to come to her home because she was having domestic issues with Gristy. When defendant arrived, she began arguing with Gristy and made comments about stabbing him. Both Aaliyah and another witness who was in the residence, Kara, told the police that defendant picked up a knife at some point while inside the house. Kara told police that Gristy went to lie down on a mattress inside the house and asked for defendant to kill him. According to Aaliyah, at some point during their argument, Gristy realized that defendant had a knife and tried to take it from her. Aaliyah then told Gristy to go lie down, which he did. Both Kara and Aaliyah stated that defendant then proceeded to straddle Gristy and stab him. Another witness, who was outside of the house, informed police that he saw Gristy exit and enter the house multiple times when defendant was present, then leave the house after some audible arguing and get in his car. After being stabbed, Gristy fled in his vehicle. He drove a few blocks, then stopped his car, got out, and fell. Aaliyah then called 911. Gristy was pronounced dead at the hospital.

¶ 6 When interviewed, defendant initially claimed that Gristy "bum rushed" her when she was standing in the doorway and knocked her onto the mattress. Then, when he was on top of her, she stabbed him in the neck with a knife she had been holding behind her back. The witness outside of the residence, however, stated that he did not see Gristy "bum rush" defendant at the front door. Defendant eventually admitted to being on top of Gristy when she stabbed him in the neck. She told police that Gristy attempted to take the knife from her and then told her to kill him.

¶ 7 An autopsy revealed that Gristy’s jugular vein and carotid artery had been pierced with 3½-inch-deep stab wounds. The police obtained a search warrant for the residence and discovered a mattress inside the living room, a “considerable distance away from the doorway,” that was covered in blood. The police found a bloody knife on the ground in the area where defendant described throwing it.

¶ 8 A pretrial investigation report was prepared on June 3, 2024. The report indicated that defendant had four prior convictions: a petty offense for selling or buying tobacco for a minor, two Class A misdemeanors for driving under the influence of alcohol (DUI) in 2017 and 2018, and one Class A misdemeanor for criminal damage to property in 2021. The report also noted that defendant had other DUI convictions in multiple counties, though it did not list any convictions outside of Sangamon County. Defendant violated her conditional discharge in 2018 and 2022 and violated her probation in 2021. As a result of her 2018 violation of conditional discharge (imposed for her 2017 DUI), defendant’s sentence was revoked, and she was resentenced to 40 days in the county jail. Defendant completed court-mandated alcohol abuse treatment in 2018. The report also stated that defendant suffered from depression, for which she was prescribed medication, and that defendant reported that her last use of alcohol was June 1, 2024, the day of the offenses. Though the report indicated that defendant scored an 8 on the pretrial risk assessment instrument, defendant actually received a score of 5: 2 points for a criminal history that includes at least one misdemeanor conviction, 1 point for two or more violent convictions, and 2 points for a history of drug abuse. The risk assessment listed three additional risk considerations: the current charge is violent, the current charge is first degree murder, and defendant has a significant mental health concern.

¶ 9 The trial court held a hearing on the State’s detention petition on June 3, 2024. The State proffered the above facts. The State argued that (1) there was probable cause for the charged

offenses, which were detention eligible, (2) defendant presented a threat to the community, and (3) there was no combination of conditions that could mitigate that threat. The State asserted that defendant was dangerous because of her criminal history, pretrial risk assessment score, mental illness, and alcohol consumption. The State noted defendant's criminal history and that she was "terminated unsatisfied in that 2016 and the 2021 case," which showed her inability to comply with court orders. The State discussed defendant's score of 8 on the pretrial risk assessment, which placed her in the moderate/high risk category. The State also noted its concern with defendant's mental illness and consumption of alcohol on the day of the offense, despite her successful completion of alcohol treatment in 2018.

¶ 10 In turn, defense counsel emphasized that defendant did not have a significant criminal history and that the State did not show that defendant would be unsuccessful on pretrial release. If released, defendant would live alone in the house she had lived in for seven years and would be compliant with home confinement. Defendant had been working as a cleaner for eight months and would be amenable to home confinement with or without exceptions for work. Defendant had a significant support system with her family, who could run errands for her and ensure she attended her court dates. Counsel also noted that while the pretrial risk assessment indicated a score of 8, the individual points only totaled 5. Additionally, the assessment gave defendant 2 points for a history of drug abuse, which counsel contended there was no evidence to support, so the correct total score should have been 3. Lastly, counsel mentioned that "the alleged victim in this case is someone who has two currently pending Aggravated Sexual Abuse charges."

¶ 11 The trial court ordered defendant detained, finding that the State proved by clear and convincing evidence that defendant committed a detainable offense, posed a threat to the safety of the community, and no conditions could mitigate that threat. The court specifically discussed as

aggravating factors the nature and circumstances of the offense and Gristy's identity as defendant's son, along with defendant's criminal history, history of alcohol abuse, violations of conditional discharge and probation, access to weapons, and depression. The court believed that electronic monitoring and home confinement would be insufficient to mitigate defendant's dangerousness because they do not "place a bubble around the Defendant," but instead "merely just tells us where she is supposed to be, whether or not she is there, and it's usually after the fact."

¶ 12 On November 19, 2024, defendant filed a motion for relief pursuant to Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024). Defendant argued that the State failed to establish by clear and convincing evidence that she posed a threat that could not be mitigated by conditions of release. She contended that she does not pose a threat to the safety of the community and that even if she does, conditions such as home confinement, electronic monitoring, and mental illness and substance abuse evaluations and treatment could mitigate that threat.

¶ 13 The trial court held a hearing on defendant's motion for relief on November 21, 2024. Three new exhibits were admitted into evidence. Defendant introduced an updated pretrial investigation report and pretrial risk assessment, dated October 22, 2024, which differed slightly from the original June report. Rather than scoring 1 point for two or more violent convictions, the risk assessment scored 1 point for two or more failures to appear. It also no longer listed a significant mental health concern as an additional risk consideration. Defendant also introduced for the first time an instructor's manual for completing the pretrial risk assessment instrument. Defendant argued that the failures to appear marked on the new report should not have counted as such because they were postplea and involved proceedings on a petition to revoke, which was unrelated to pretrial release.

¶ 14 The third new exhibit was introduced by the State, consisting of a petition for a no-

contact order granted against defendant “in the recent weeks,” alleging that defendant had been contacting and threatening to harm certain individuals when she was released from prison. Defense counsel did not object but merely stated that the petition had no nexus to the crime.

¶ 15 The trial court denied defendant’s motion for relief, again finding that defendant poses a threat to the safety of the community and that no conditions could mitigate that threat.

¶ 16 This appeal followed.

¶ 17 II. ANALYSIS

¶ 18 On appeal, defendant reasserts her arguments that the trial court erred in finding that she poses a real and present threat and that there were no conditions or combination of conditions that could mitigate that threat.

¶ 19 Under section 110-6.1(e) of the Code, “defendants shall be presumed eligible for pretrial release.” 725 ILCS 5/110-6.1(e) (West 2022). Once the State files a petition to deny pretrial release, the trial court must hold a hearing. 725 ILCS 5/110-6.1(a) (West 2022). The State must prove by clear and convincing evidence that (1) the proof is evident or presumption great that the defendant committed a detainable offense; (2) the defendant poses a real and present threat to the safety of any person, persons, or the community, based on the specific, articulable facts of the case; and (3) no condition or combination of conditions can mitigate the real and present threat to the safety of any person or the community, based on the specific facts of the case. 725 ILCS 5/110-6.1(e)(1)-(3) (West 2022).

¶ 20 Under a recent decision from the Illinois Supreme Court, “when the parties to a pretrial detention hearing proceed solely by proffer, the reviewing court is not bound by the circuit court’s factual findings and may therefore conduct its own independent *de novo* review of the proffered evidence and evidence otherwise documentary in nature.” *People v. Morgan*, 2025 IL

130626, ¶ 54. As the parties proceeded by proffer at the pretrial detention hearing in this case, we review the trial court's detention decision *de novo*.

¶ 21 A. Real and Present Threat

¶ 22 Defendant asserts that the trial court erred in finding that she poses a real and present threat to the community. Specifically, she argues that (1) the nature and circumstances of the charged offense are insufficient on their own to establish dangerousness, (2) her depression is irrelevant to her dangerousness, (3) Gristy's relationship to defendant is not an aggravating factor, (4) there was no evidence that she previously possessed weapons or had access to weapons other than kitchen knives, (5) any concern that she will drink alcohol and harm others is speculative and unfounded, (6) the pretrial report incorrectly stated that she scored an 8 on the pretrial risk assessment, and (7) the court should not consider the no-contact order, as it was new evidence not introduced at the initial detention hearing.

¶ 23 In making a dangerousness finding, the trial court may consider, *inter alia*, (1) the nature and circumstances of the charged offense, "including whether the offense is a crime of violence, involving a weapon, or a sex offense"; (2) the history and characteristics of the defendant, including "evidence of the defendant's psychological, psychiatric or other similar social history which tends to indicate a violent, abusive, or assaultive nature"; (3) the identity of the person whose safety defendant threatens; (4) any statements made by defendant; (5) defendant's age and physical condition; (6) the "age and physical condition of any victim"; (7) whether defendant possesses or has access to weapons; (8) whether defendant was on probation or other similar condition at the time of the current offense; and (9) any additional factors, including those in section 110-5 (725 ILCS 5/110-5 (West 2022)), that are "deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior,

or lack of such behavior.” 725 ILCS 5/110-6.1(g) (West 2022).

¶ 24 As a threshold issue, we address defendant’s argument that we cannot consider new evidence presented for the first time at a hearing on a motion for relief. However, defendant did not object to the admission of the no-contact petition at the hearing on the motion for relief; rather, she merely argued that the petition had no nexus to the crime. Usually, “an issue not raised in the trial court is forfeited on appeal.” *People v. Cruz*, 2013 IL 113399, ¶ 20. A reviewing court may still consider forfeited errors under the plain-error doctrine. *People v. Andres*, 2024 IL App (4th) 240250, ¶ 15. Here, however, defendant does not argue that admitting the no-contact petition was plain error. Because defendant did not raise this issue in the trial court and does not argue on appeal that it was plain error, she has forfeited it.

¶ 25 Here, the State proved by clear and convincing evidence that defendant poses a real and present threat to the safety of the community in light of several relevant factors. The nature and circumstances of the charged offense indicate that defendant is dangerous. 725 ILCS 5/110-6.1(g)(1) (West 2022). Defendant was asked to come to Gristy’s residence, seemingly to de-escalate the situation; instead, she armed herself with a knife and stabbed her own son in the neck two times, penetrating 3½ inches deep and severing both his jugular vein and carotid artery. She had the opportunity to leave the situation, as a witness stated that Gristy had time to exit and re-enter the residence a number of times before defendant attacked him. There was no indication from the proffers that she was defending herself, as she followed Gristy to the mattress and straddled him while he was lying down and apparently not fighting back. She stabbed him in a critical area, piercing 3½ inches deep, then withdrew the knife and stabbed him again.

¶ 26 Defendant’s criminal history and alcohol abuse also indicate that she poses a threat to the community. 725 ILCS 5/110-6.1(g)(2) (West 2022). These factors indicate a history of poor

decision-making while under the influence, as she has two convictions in Sangamon County, in 2017 and 2018, for DUI. The present charged offense, committed after drinking alcohol, shows that her 2018 alcohol treatment did not successfully enable her to control her actions while under the influence of alcohol. Defendant's argument that it is speculative to assume she will behave similarly in the future is unavailing, as every risk assessment is fundamentally prospective and requires assumptions and predictions based on a defendant's history.

¶ 27 Defendant characterizes the events giving rise to her murder prosecution as an "isolated incident," as there was no evidence that she harmed anyone in the past. However, under section 110-6.1(g)(2)(A) of the Code, the trial court may "consider, but shall not be limited to, evidence or testimony concerning," among other factors, the "history and characteristics of the defendant *including* *** prior criminal history indicative of violent, abusive or assaultive behavior." (Emphasis added.) 725 ILCS 5/110-6.1(g)(2)(A) (West 2022). The statute thus explicitly provides that the court shall not be limited to the considerations listed in section 110-6.1(g). Additionally, the term "including" means that "the list is not exhaustive." *People v. Perry*, 224 Ill. 2d 312, 328 (2007). Thus, a reviewing court is not limited to considering only a defendant's prior violent crimes but may more broadly consider a defendant's history and characteristics.

¶ 28 Defendant also has access to weapons. 725 ILCS 5/110-6.1(g)(7) (West 2022). Defendant's argument that there was no evidence that she possessed weapons *other* than kitchen knives does not diminish her dangerousness. Knives are weapons, and the State was not required to prove that defendant had access to other types of weapons. If anything, the ubiquity and accessibility of kitchen knives provides further proof of defendant's dangerousness, as it would be difficult to prevent her from having any access to such weapons. Moreover, in this situation, defendant did not bring a knife with her to Gristy's house but, rather, was readily able to access a

weapon.

¶ 29 The pretrial risk assessment score, even if summarized incorrectly in the investigation report, does not affect our analysis. The most relevant factors that indicate defendant's dangerousness are the nature and circumstances of the charged offenses, her criminal history, and her access to weapons. Whether she scored an 8, a 5, or a 3 on the risk assessment is less relevant in light of these other factors.

¶ 30 Defendant's conduct after the initial detention hearing further solidifies the conclusion that she poses a threat to the community. 725 ILCS 5/110-6.1(g)(3), (4) (West 2022). A petition for a no-contact order was granted against defendant, alleging that she called her ex-boyfriend from jail and threatened harm to his current girlfriend as soon as she was released from jail. Defendant's ex-boyfriend's girlfriend stated in her petition that she was scared for her life. This conduct shows that defendant, even while on pretrial detention, already intends to harm another individual.

¶ 31 Defendant next argues that in considering her dangerousness, we should consider that Gristy "was an adult man who was greater in size and strength, was in better physical condition, and generally more able-bodied" than her. Defendant also adds that Gristy is the one who exhibited violent behavior toward his girlfriend and was on pretrial release for a criminal sexual abuse case. Defendant seems to be arguing that Gristy's size, behavior, and prior charges of criminal sexual abuse are not only a mitigating factor, but also a justification for his murder. We reject this insinuation. There is no support for the proposition that a defendant is somehow less dangerous, or their crime less serious, simply because their victim was physically larger and could also have been considered dangerous. Further, the facts of the incident make Gristy's age and size irrelevant. Based on the testimony of the witnesses, Gristy was lying down on a mattress when

defendant straddled him and stabbed him twice in the neck. While Gristy's superior physical condition may be relevant if Gristy was acting aggressively toward defendant when she stabbed him, that is not what happened here.

¶ 32 Lastly, defendant's point is well-taken that the record does not establish a clear link between her depression and her dangerousness. The pretrial assessment showed only that defendant was diagnosed with depression and prescribed appropriate medication. It did not indicate whether defendant was taking her medication as prescribed or whether it was effective. There was also no evidence presented showing that defendant's depression caused her to be, for example, more violent, unstable, or prone to alcohol abuse, or contributed to her dangerousness in any other way. Under the circumstances, we deem defendant's history of depression to be of little relevance to our analysis.

¶ 33 In sum, the nature and circumstances of the crime, defendant's criminal history and alcohol use, her access to weapons, and her subsequent threatening conduct support the finding that the State presented clear and convincing evidence that defendant poses a real and present threat to the safety of the community.

¶ 34 B. Conditions to Mitigate the Threat

¶ 35 Defendant next argues that the trial court erred in finding that there was no condition or combination of conditions that could mitigate the threat she poses. She contends that home confinement and electronic monitoring would be sufficient because (1) there was no evidence that she would not comply with conditions of pretrial release, (2) if she violated home confinement, law enforcement would act promptly, and (3) the court should not consider the updated pretrial investigation report indicating that defendant had two prior failures to appear.

¶ 36 The trial court may consider many factors in determining whether there are

conditions that can mitigate a defendant's dangerousness, including (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," including "the defendant's 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, history criminal history [*sic*], and record concerning appearance at court proceedings"; (4) "the nature and seriousness of the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case"; 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, if applicable." 725 ILCS 5/110-5(a)(1)-(5) (West 2022). In each case, a court must conduct an "individualized" assessment of the propriety of detaining the defendant versus releasing him or her with conditions. 725 ILCS 5/110-6.1(f)(7) (West 2022).

¶ 37 The State proved by clear and convincing evidence that there is no condition or combination of conditions that could mitigate the threat that defendant poses to the community. There were two pretrial assessments prepared in this case, in June and October 2024; the latter was presented to the trial court for the first time at the hearing on defendant's motion for relief and indicated that defendant had two failures to appear. Defendant's argument that the court should not consider the October report because it was new evidence is belied by the fact that defendant herself offered it into evidence at the hearing on the motion for relief, along with the instruction manual for the risk assessment instrument. See *In re Detention of Swope*, 213 Ill. 2d 210, 217 (2004) (The rule of invited error dictates that "a party cannot complain of error which that party induced the court to make or to which that party consented" because "it would be manifestly unfair to allow a party a second trial upon the basis of error which that party injected into the

proceedings.”). We will thus consider the October report.

¶ 38 At the hearing, defense counsel asked the trial court to take judicial notice of defendant’s four criminal cases. The court remarked that the 2018 DUI case showed two warrants for failures to appear in August and September 2020. Counsel argued that because these failures to appear were postplea, during proceedings on a petition to revoke defendant’s conditional discharge, they should not count as “failure to appear for a criminal charge” for purposes of pretrial detention. This argument is not persuasive. Proceedings on a petition to revoke conditional discharge carry the possibility of incarceration. In fact, here, defendant’s conditional discharge was revoked, and she was incarcerated for 40 days in the county jail. Defendant does in fact have two failures to appear, which is relevant to our analysis of whether there are any conditions that can allow for her pretrial release.

¶ 39 The pretrial investigation reports thus show a history of failing to comply with court orders. See 725 ILCS 5/110-5(a)(3)(A) (West 2022). Defendant violated her conditional discharge in 2018 on her 2017 DUI, then failed to appear twice in subsequent proceedings to revoke, ultimately had her conditional discharge revoked, and was resentenced to 40 days in the county jail. She then violated probation in 2021 on her 2018 DUI conviction. In 2022, she again violated conditional discharge on her 2021 conviction for criminal damage to property. Defendant argues that the court should not consider these violations without any evidence of their cause. We disagree. Regardless of how these violations occurred, they reflect a lack of compliance with court orders. Along with defendant’s criminal history, showing a disregard for the law, especially while intoxicated, as discussed above, this evidence indicates that defendant is at a higher risk of failing to comply with conditions of pretrial release on the present charges.

¶ 40 Home confinement and electronic monitoring, the specific conditions suggested by

defendant, are not sufficient to mitigate the threat defendant poses to the community. The trial court was correct that these conditions do not “place a bubble around the Defendant.” This is not altered by defendant’s citation to an article explaining the frequency at which a defendant’s location would be monitored, as it assumes that defendant would comply with charging her monitor and that the police could respond immediately to even a small infraction. This court has previously explained:

“When coupled with a geographic limitation such as home confinement, electronic monitoring can help alert pretrial officers to a potential violation of that geographic limitation. But any condition of release must be appropriately measured to meet the danger presented in each case. Knowing that electronic monitoring might *detect* a failure to comply with conditions of release does not diminish concerns that a particular defendant appears to present a greater risk of noncompliance, especially if the consequences of noncompliance may be grave.” (Emphasis in original.)
People v. Thomas, 2024 IL App (4th) 240248, ¶ 26.

The same is true here. The potential consequences of defendant’s noncompliance may be grave; as the court pointed out, “This isn’t a theft. This isn’t a property damage. This is taking someone’s life.” See 725 ILCS 5/110-5(a)(4) (West 2022). Moreover, even while in pretrial detention, the most restrictive condition, defendant has already threatened harm to other individuals. A less restrictive condition would be even less effective at mitigating the threat she poses to these individuals and others in the community. Together, defendant’s greater risk of noncompliance and the consequences of such noncompliance indicate that electronic monitoring and home confinement are not sufficient to mitigate the threat that defendant poses.

¶ 41 There are several other factors supporting the unsuitability of the conditions

proposed by defendant. The weight of the evidence is strongly against the defendant, as she admitted to stabbing Gristy in the neck, and there were multiple witnesses to the crime. See 725 ILCS 5/110-5(a)(2) (West 2022). Defendant lives alone. Thus, although she claims to have a support system of family who could ensure her attendance at court, they do not live with her to physically ensure that she complies with home confinement. See 725 ILCS 5/110-5(a)(3)(A) (West 2022). Defendant's employment also involves entering and cleaning other people's homes. Allowing her to have an employment exception to home confinement could endanger the clients whose homes she is entering. Additionally, home confinement would not prevent defendant from having access to kitchen knives, the murder weapon in this case, as defendant herself admitted that "most individuals have access to" kitchen knives.

¶ 42 All these factors, taken together, support the finding that the State proved by clear and convincing evidence that no condition or combination of conditions can mitigate the real and present threat posed by defendant to her community. Consequently, the trial court properly granted the State's petition to deny defendant pretrial release.

¶ 43 III. CONCLUSION

¶ 44 For the reasons stated, we affirm the trial court's judgment.

¶ 45 Affirmed.