No. 1-26-0967B
Order filed October 13, 2026

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).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

FOURTH DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

SEMAJAE THOMPSON, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Sabra L. Ebersole, Judge, Presiding.
No. 26 DV 72339

JUSTICE MITCHELL delivered the judgment of the court.
Presiding Justice Lyle and Justice Ocasio concurred in the judgment.

ORDER

¶ 1 *Held:* Pretrial detention is affirmed in this domestic violence case where defendant allegedly gained unauthorized access to his former partner's bedroom through a window, physically assaulted her, attempted to strangle her, and violated conditions of release in an earlier case.

¶ 2 Defendant Semajae Thompson appeals the circuit court's denial of pretrial release. Ill. S. Ct. R. 604(h)(1)(iii) (eff. Apr. 15, 2024). The issues on appeal are whether the circuit court erred by (1) concluding that defendant posed a real and present threat to any person's safety based only on the nature and circumstances of the charged offenses; (2) determining that no conditions could mitigate that threat where, though defendant had allegedly violated conditions of release in an

earlier case, no violation involved the complaining witness; and (3) detaining defendant in this case as a *de facto* sanction for violating his electronic monitoring conditions in the prior case. For the following reasons, we affirm.

¶ 3 Details that follow about defendant's earlier case come from the transcript of defendant's initial detention hearing in that case, which is in the report of proceedings, and defendant's motion for relief in this appeal. *People v. Jimerson*, 404 Ill. App. 3d 621, 634 (2010) ("[A] reviewing court may take judicial notice of public records and other judicial proceedings.").

¶ 4 The State first charged defendant with misdemeanor domestic battery and criminal trespass to residence following a violent altercation with a former romantic partner. 720 ILCS 5/19-4(a)(1), (b)(1), 12-3.2(a)(1), (b) (West 2024). The circuit court denied the State's petition to detain and released defendant with 24/7 home confinement, apart from periods of free movement required by statute, and GPS monitoring with a domestic violence exclusion zone. That case was dismissed on the State's motion, *nolle prosequi*.

¶ 5 Then, based on the same events, the State charged defendant in this case with aggravated battery of a pregnant person (720 ILCS 5/12-3.05(d)(2) (West 2024)), aggravated domestic battery involving strangulation (*id.* § 12-3.3(a-5)), and unlawful restraint (*id.* § 10-3(a)). The State successfully petitioned to detain defendant, defendant filed a motion for relief that the circuit court denied, and this timely appeal followed. Ill. S. Ct. R. 604(h)(1)(iii) (eff. Apr. 15, 2024).

¶ 6 Under the Code of Criminal Procedure of 1963, all defendants are presumed eligible for pretrial release, and the State must prove detention is necessary by clear and convincing evidence. Pub. Act 104-417, § 1075 (eff. Aug. 15, 2025) (amending 725 ILCS 5/110-6.1(e)). Specifically, the State must show that (1) "[t]he proof is evident or the presumption great" that the defendant committed a detainable offense, (2) "the defendant 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," and (3) "no condition or combination of conditions" of release could mitigate that threat. *Id.* (amending 725 ILCS 5/110-6.1(e)(1)-(3)). "The State or defendant may present evidence at the [pretrial detention] hearing by way of proffer based upon reliable information." *Id.* (amending 725 ILCS 5/110-6.1(f)(2)). Because both sides relied on proffer alone, our review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54. Defendant stands on the motion for relief he filed in the circuit court, Ill. S. Ct. R. 604(h)(7), in which he argued that the State failed to prove the second and third prong and that the decision to detain was a *de facto* revocation punishing past noncompliance with conditions of release.

¶ 7 At the initial detention hearing in this case, the State proffered that defendant attacked a former romantic partner who was eight months pregnant. According to the proffer and petition for detention, defendant arrived at his former partner's house uninvited and climbed through her bedroom window. An argument began, and defendant allegedly brandished a knife at his former partner. He grabbed her by the hair to prevent her from leaving, dragged her through the home by her arms, and strangled her, according to the State. He allegedly held up a lighter and spray bottle and threatened to "blow [them both] up." Police later arrived and arrested defendant.

¶ 8 The State then proffered that upon release in his prior misdemeanor case, defendant violated the terms of his home confinement and GPS monitoring repeatedly. Twice, according to the State, defendant entered the domestic violence exclusion zone for four minutes. The State also proffered that pretrial services reported two "escalated" home confinement alerts where defendant exceeded his allotted movement period by over three hours.

¶ 9 Defendant proffered that he went to his former partner's home to retrieve his work uniform and only entered through the window because that was the couple's past practice to avoid his

partner's grandfather, who did not want him in the home. According to defendant, his former partner hit him first, and photos documented a knife wound to his back that she inflicted. Further, he noted that the only injury she sustained was a bump on the chest inconsistent with strangulation.

¶ 10 As to whether defendant posed a threat, he proffered that he had honored the court's no-contact order, had never been arrested before, and had no prior history of domestic violence. He also proffered that he did not have access to weapons, sexually assault his former partner, or exhibit controlling behavior or suicidal or homicidal ideation.

¶ 11 Regarding the sufficiency of conditions to mitigate the threat, defendant proffered that the four-minute exclusion zone violations were both on essential movement days and occurred while defendant was on public transit. One intrusion happened between 8 and 9 a.m. on a day when defendant was to appear in court. According to defendant, none of the violations had anything to do with his former partner, and he had not contacted her. Further, defendant proffered that after each violation, the State moved to advance the misdemeanor case for the next day, and defendant appeared in court every time.

¶ 12 Defendant proffered as mitigation that he lived with his mother, was a lifelong resident of Cook County, and was no longer in a relationship with his former partner, the complaining witness. According to defendant, he attended church regularly and did odd jobs during essential movement hours to support his newborn son. He also proffered that he had graduated high school and was due to start community college classes in the fall. Pretrial services did not flag defendant as at risk of engaging in new violent criminal activity, and he received a low score regarding new criminal

activity generally. He received a score of one on the failure to appear scale, and his domestic violence screening score classified him as medium to low risk.

¶ 13 In his motion for relief, defendant first argued that the State did not show that he posed a threat to the safety of any person because it focused exclusively on the nature and circumstances of the alleged offense. Pub. Act 104-417, § 1075 (amending 725 ILCS 5/110-6.1(e)(2) (requiring the State to establish that "defendant 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")). The statute includes a non-exhaustive list of factors a court may consider when assessing the danger a defendant poses to others, including "the nature and circumstances of any offense charged." *Id.* (amending 725 ILCS 5/110-6.1(g)(1)).

¶ 14 "The nature and circumstances of the offense charged is the *prime* consideration *** in denying pretrial release [citation], including in making the dangerousness determination." (Emphasis in original.) *People v. Carpenter*, 2024 IL App (1st) 240037, ¶ 14. This point applies with equal force to acts of domestic violence—the Pretrial Fairness Act's language specifically empowers the circuit court to consider "the severity of the alleged incident" when evaluating a defendant accused of certain crimes against a current or former romantic partner. Compare 725 ILCS 5/110-6.1(g)(1) with 110-5(a)(6)(H) ("severity of the alleged incident" among factors relevant to certain offenses including aggravated domestic battery); *id.* § 110-6.1(g)(9) (a circuit court may consider the factors listed in section 110-5, governing conditions of release, in assessing dangerousness). The severity factor includes examples, among them "the use of a weapon, physical injury, *** strangulation, [and] abuse during the alleged victim's pregnancy." *Id.* § 110-5(a)(6)(H). In the legislature's view, these circumstances bear on the severity of the incident alleged, and in

turn on defendant's "propensity or reputation for violent, abusive, or assaultive behavior." See *id.* § 110-5(a)(6)(L).

¶ 15 Each circumstance is allegedly present in this case. While accounts conflicted on who started the physical altercation, all agreed that defendant went to his former partner's home and entered through her bedroom window. According to the former partner, defendant was not invited, and he acknowledged her grandfather did not want him in the home. Once inside, he allegedly wielded a knife and a combustible spray with a lighter. He then strangled his former partner, who was eight months pregnant. He threatened to kill them both, along with their unborn child, and dragged her through the home. See *People v. Casey*, 2024 IL App (3d) 230568, ¶ 15 ("A verbal threat can be considered as well as the other facts of the case in determining whether a defendant is a threat to any person, persons, or the community."); 725 ILCS 5/110-6.1(g)(4) (the court may consider "[a]ny statements made by, or attributed to the defendant, together with the circumstances surrounding them").

¶ 16 "[A] detailed proffer like the State made in this case can satisfy the 'specific articulable facts of the case' requirement, even if the facts proffered are coextensive with the offenses charged." *People v. Williams*, 2024 IL App (1st) 241013, ¶ 63 (Van Tine, J., specially concurring). The incursion into his former partner's bedroom combined with an alleged threat to kill her and their child, the use of multiple weapons, and the dragging and strangulation of his former partner while she was heavily pregnant established that defendant posed a real and present threat to her and the child she carried. The circuit court therefore did not err in deciding, based on the severity

of this particular offense, that the State met its burden on the second prong. 725 ILCS 5/110-6.1(e)(2).

¶ 17 Citing *People v. Bartosik* and *People v. Shaffer*, defendant contended that the circuit court erred by not employing a "multifactorial approach" and disregarding factors that weighed against detention, including his lack of criminal history, recent graduation and acceptance to college, compliance with the no-contact order, and strong family support. The error in those cases was not that the nature and circumstances of the charged offense alone trumped other factors, but that the "nature and circumstances" on which the circuit court relied were little more than the elements of the charge without reference to specific facts of the case or characteristics of the defendant. *Bartosik*, 2026 IL App (4th) 251398-U, ¶ 24 ("[T]he State argued that defendant was dangerous by reciting the facts of his charges: that he allegedly possessed child pornography. This is not sufficient to support a finding of dangerousness."); *Shaffer*, 2024 IL App (4th) 240085-U, ¶ 27 ("Here, the court determined defendant posed a real and present threat to the community simply because he had been charged with possessing child pornography.").

¶ 18 The circuit court here did not rely on the bare fact that defendant choked a former romantic partner or that he did it while she was pregnant. The circuit court grounded its decision on the specific facts before it—that he entered the home without permission, used weapons, threatened to kill her, and strangled her while she was eight months pregnant. The circuit court acknowledged that defendant was a "19-year-old young man with family support, significant ties to the community and no criminal history" and explained that "there are some statutory factors that weigh in [defendant's] favor" where he had appeared for multiple court dates and had not violated the

order of protection. However, it ultimately determined that "the most dangerous factors were not in his favor." That was not error.

¶ 19 Next, defendant argued that the State did not establish that no conditions could mitigate any threat he posed to his former partner. Specifically, defendant argues that even if defendant violated his conditions of release in the last case, he did not do so in a way that endangered his former partner, and therefore, he should have been released with the same conditions here. The statute again provides a list of factors for the circuit court to consider when deciding conditions of release. 725 ILCS 5/110-5(a)(1)-(7) (West 2024). Again, it contains additional factors relevant when a defendant is charged with "aggravated domestic battery" against a "current or former partner in a *** dating relationship." *Id.* § 110-5(a)(6). One such factor is "whether the person has a history of violating the orders of any court or governmental entity." *Id.* § 110-5(a)(6)(D).

¶ 20 Here, in addition to use of weapons, strangulation, and abuse during pregnancy, also relevant factors in deciding conditions under the statute, the State proffered that defendant had violated his pretrial release order in the previous iteration of this case. There were brief entries into the domestic violence exclusion zone and multiple instances where defendant violated his home confinement for hours at a time. The circuit court noted that although defendant's bracelet would have alerted him when he first entered the exclusion zone, he took the same route less than two weeks later, leading to his second violation of that condition.

¶ 21 These are not minor deviations, and they bear directly on defendant's likelihood of not complying with conditions of release and the attendant risk to his former partner and their child. In the words of the circuit court, "[m]ostly compliant is not good enough when you're talking about strangling a pregnant person, dragging them about the house, threatening to blow them up and menacing them with a knife." See *People v. Thomas*, 2024 IL App (4th) 240248, ¶ 26

(acknowledging that "any condition of release must be appropriately measured to meet the danger presented in each case," so, while electronic monitoring can detect violations, that "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"). In light of defendant's alleged repeated violations of its earlier pretrial release order and the severity of the threat he posed, the circuit court did not err in deciding that further conditions would not suffice.

¶ 22 Defendant argues that his violations should not inform whether conditions could mitigate the threat posed because they did not endanger his former partner. The breadth of the language regarding violation of previous court orders does not indicate that the circuit court may only consider violations that directly endanger another person. *Id.* § 110-5(a)(6)(D) (a court may consider whether a "whether the person has a history of violating the orders of any court or governmental entity").

¶ 23 Finally, defendant contends that by detaining defendant in this case, the circuit court *de facto* sanctioned him for violating his earlier release conditions by revoking release. Defendant argues this was error because the circuit court cannot revoke pretrial release as a sanction for technical noncompliance with conditions. 725 ILCS 5/110-6(a) (requiring commission of a Class A misdemeanor or new felony while on pretrial release to revoke).

¶ 24 Defendant's first case, where he was released pretrial, was dismissed on the State's motion. The dismissal, *nolle prosequi*, terminated those proceedings. *People v. Hughes*, 2012 IL 112817, ¶ 23 ("Once a charge is nol-prossed, the proceedings are terminated with respect to the particular charge, and the defendant is free to go without entering into a recognizance to appear at any other time." (Internal quotation marks omitted.)); see *People v. Suber*, 2025 IL App (1st) 250488-U, ¶¶ 25, 29 (holding that a petition for pretrial detention in a new case based on the same events as a

previously-dismissed case was not an untimely petition as to the old case, because a *nolle prosequi* dismissal terminated the earlier proceedings); *People v. Richardson*, 2025 IL App (1st) 251815-U, ¶ 26, *appeal denied*, 274 N.E.3d 434 (Ill. 2026) (holding that a pretrial detention petition in new iteration of previously-dismissed criminal case was an initial petition in the new case, not a "subsequent petition" in the old). This case is not a continuation of the previous one. The State brought new charges, filed a new petition for detention, and the circuit court undertook the analysis appropriate for an initial detention hearing. This court cannot refashion this detention decision into a "sanction" for wrongdoing in the dismissed case. Since the detention decision was not a sanction, there is no need to consider whether the State met its burden of proof with respect to sanctions.

¶ 25 The judgment of the circuit court of Cook County is affirmed.

¶ 26 Affirmed.