

real and present threat to the safety of any person or the community and no condition or combination of conditions can mitigate that threat. We affirm.

¶ 4

I. BACKGROUND

¶ 5

On June 21, 2024, the State charged defendant with two counts of unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2022)), possession of a weapon without the requisite firearm owners identification (FOID) card (430 ILCS 65/2(a)(1) (West 2022)), manufacturing or delivering controlled substances (720 ILCS 570/401(c)(2) (West 2022)), possession of controlled substances (720 ILCS 570/402(c) (West 2022)), and domestic battery (720 ILCS 5/12-3.2(a)(1) (West 2022)). On the same day, the State filed a verified petition to deny defendant pretrial release.

¶ 6

According to the probable cause statement, in the early hours of June 20, 2024, officers were dispatched to defendant's residence and discovered his girlfriend, Diana Wynn, standing outside in a robe, looking "visibly shaken." Wynn told officers defendant stabbed her in the hand with a kitchen knife, struck her in the face, threw her to the ground, and threatened her with a firearm. Officers observed a wound on Wynn's hand, swelling on the left side of her face, and a bloody knee from where Wynn stated defendant threw her to the ground. Wynn told officers defendant had pulled a firearm from his waistband, pointed it at her, and said he would kill her. She said defendant hid the firearm in his bedroom closet when officers arrived on the scene, which officers confirmed upon searching the residence. Wynn provided officers with video evidence of defendant grabbing her by the neck and slamming her to the ground. Wynn and defendant had been together for two years, and their relationship often became violent.

¶ 7

When officers spoke with defendant inside the residence, defendant insisted he was the victim and had been stabbed by Wynn. Officers observed "a very small cut" on one of

defendant's fingers. Defendant consented to a search of his residence, and officers discovered a bag containing a substance that tested positive for crack cocaine and weighing 7.88 grams.

Officers did not find any paraphernalia commonly used to consume crack cocaine. Officers also found a loaded firearm in defendant's closet. Officers discovered more suspected crack cocaine in a vehicle defendant drove to the residence, weighing 1.13 grams. According to the probable cause statement, both bags contained more than a "user amount" of crack cocaine. Defendant admitted he was a felon and did not have a FOID card.

¶ 8 During a hearing on the State's petition to deny pretrial release, the State argued the weapons-based charges defendant faced were detainable offenses because he was not eligible to receive a community-based sentence due to his prior convictions. The State argued defendant represented a danger to Wynn based on the nature of the underlying events, which involved a knife and a firearm, and defendant's history of violence toward Wynn in their relationship. The State also highlighted the presence of drugs in defendant's closet and a vehicle he used and defendant's decision to possess a firearm unlawfully despite being a felon and not having a FOID card.

¶ 9 Defendant argued he did not have a relationship with Wynn, did not live with her, and could avoid having contact with her. Defendant was "open to electronic monitoring and home confinement." Defendant insisted he "got stabbed in the hand" and was "a victim."

¶ 10 The circuit court found the State proved by clear and convincing evidence defendant committed detainable offenses, he posed a real and present threat to Wynn, and less restrictive means would not mitigate that threat. In reaching its conclusion, the court relied on the violent nature of defendant's alleged conduct, his use of a firearm to threaten to kill Wynn, his history of violence in their relationship, and the presence of illegal substances in his closet and a

vehicle he used. The court entered a detention order, which noted defendant's prior criminal history included convictions for domestic battery, violating an order of protection, and resisting arrest.

¶ 11 Defendant filed a motion for relief pursuant to Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024), arguing he was not a flight risk because he did not attempt to flee and cooperated with officers during their search of his residence. The motion contained images of the probable cause statements from Sangamon County case Nos. 24-CF-779 and 24-CF-1004, asserting the defendants in both cases received pretrial release. The motion listed the factors germane to a circuit court's pretrial detention decision and declared, "These factors heavily favor release," without providing any further detail.

¶ 12 After hearing arguments, the circuit court denied defendant's motion. The court reiterated the violent nature of the charged offenses, the victim's "visible significant injuries," the involvement of a firearm, and defendant's criminal history, which the court described as "significant" and "violent."

¶ 13 This appeal followed.

¶ 14 **II. ANALYSIS**

¶ 15 On appeal, defendant argues the circuit court erred in denying him pretrial release. We disagree.

¶ 16 Under the Code, it is presumed that all criminal defendants are entitled to pretrial release, subject to certain conditions. 725 ILCS 5/110-2(a) (West 2022). The State may file a petition to overcome this presumption for a defendant charged with a detainable offense under the Code. 725 ILCS 5/110-6.1(a) (West 2022). Here, the State was required to prove by clear and convincing evidence (1) defendant's release would pose "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 (2) no condition or combination of conditions would mitigate that threat. 725 ILCS 5/110-2(b), 110-6.1(a)(1), (e)(3)(i) (West 2022). Section 110-6.1 of the Code instructs the circuit court to consider “the specific articulable facts of the case” and provides nine factors the court may consider when assessing the real and present threat allegation. See 725 ILCS 5/110-6.1(g)(1)-(9) (West 2022).

¶ 17 We review a pretrial detention determination for an abuse of discretion. *People v. Morgan*, 2024 IL App (4th) 240103, ¶ 35, 238 N.E.3d 597. A circuit court abuses its discretion when its decision is unreasonable, arbitrary, or fanciful, or when no reasonable person would agree with the court’s decision. *Morgan*, 2024 IL App (4th) 240103, ¶ 13. A reviewing court will not substitute its own judgment for that of the circuit court simply because it would have analyzed the proper factors differently. *People v. Simmons*, 2019 IL App (1st) 191253, ¶ 15, 143 N.E.3d 833. Likewise, “we will not substitute our own judgment for the trier of fact on issues regarding the weight of the evidence or the credibility of witnesses.” *People v. Vega*, 2018 IL App (1st) 160619, ¶ 44, 123 N.E.3d 393.

¶ 18 Here, defendant has not shown the circuit court abused its discretion in finding the State established by clear and convincing evidence he posed a real and present threat to Wynn’s safety and no condition or combination of conditions could mitigate that threat. The record shows the court considered the statutory factors and found the State met its burden. In reaching its decision, the court heard evidence of and considered defendant’s violent criminal history (725 ILCS 5/110-6.1(g)(2) (West 2022)), the nature and circumstances of the charged offenses (725 ILCS 5/110-6.1(g)(1) (West 2022)), defendant’s possession of and access to weapons (725 ILCS 5/110-6.1(g)(7) (West 2022)), and the nature of the threat and the identity of the victim whose

