2026 IL App (1st) 260909-U

No. 1-26-0909B

Third Division
August 31, 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

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. DANIEL ABADI, Defendant-Appellant.	)	Appeal from the Circuit Court of Cook County. No. 23 CR 0916501 The Honorable Michael McHale, Judge Presiding.

JUSTICE REYES delivered the judgment of the court.
Presiding Justice Martin and Justice Rochford concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court's order revoking defendant's pretrial release is affirmed, where the State established that no pretrial conditions were available which could reasonably prevent defendant from being charged with a subsequent felony or Class A misdemeanor.

¶ 2 Defendant Daniel Abadi appeals from the circuit court's order revoking his pretrial release and detaining him before trial, pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-1 *et seq.* (West 2024)), as amended by Public Acts 101-652 and 102-1104 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act (Act). On appeal,

defendant contends that the State failed to establish that no pretrial conditions were available which could reasonably prevent him from being charged with a subsequent felony or Class A misdemeanor. For the reasons that follow, we affirm the circuit court's order.

¶ 3 BACKGROUND

¶ 4 On July 23, 2023, defendant was arrested and subsequently charged with one count of aggravated battery (720 ILCS 5/12-3.05(e)(1) (West 2022)) and one count of aggravated discharge of a firearm (*id.* § 24-1.2(a)(2)), in connection with an incident in which defendant allegedly shot an unarmed individual at a gas station. Defendant was initially released with pretrial conditions; while the order setting forth the conditions does not appear in the record on appeal, we observe that two mandatory conditions of pretrial release are (1) that the defendant not violate any criminal statute of any jurisdiction and (2) that the defendant surrender all firearms in his possession to police when charged with a weapons-related offense. See 725 ILCS 5/110-10(a)(4), (5) (West 2024).

¶ 5 On October 7, 2025, the State filed a petition for sanctions, alleging that defendant violated his conditions for pretrial release in that he failed to surrender all firearms and dangerous weapons to the police. On the same day, the circuit court held a hearing pursuant to section 110-6 of the Code (*id.* § 110-6) and found, by clear and convincing evidence, that defendant had violated his conditions of pretrial release where he "possessed dangerous weapons including what appeared to be firearms and also admitted to possessing a knife in his personal vehicle which is a dangerous weapon." The circuit court further found that defendant had actual knowledge that the action would violate a court order and that the violation was willful and not caused by a lack of access to monetary resources. As such, the circuit court ordered

defendant remanded to the custody of the Cook County sheriff for a period of 30 days, with release on the last day of the sanctions period.

¶ 6 On October 16, 2025, the State filed a petition for revocation of defendant's pretrial release, alleging (1) that defendant was charged with a new felony or Class A misdemeanor occurring during his pretrial release, namely, domestic battery, and (2) that no condition or combination of conditions would reasonably prevent defendant from being charged with a subsequent felony or Class A misdemeanor.

¶ 7 On the same day, the parties appeared before the circuit court for a hearing on the State's petition. The State's proffer established that, on October 15, 2025, defendant was arrested for domestic battery in connection with incidents occurring in his home between January 1, 2024, and March 31, 2025. During forensic interviews occurring in April 2025, defendant's three daughters disclosed that defendant had made physical contact with them. Specifically, one daughter disclosed that, on March 6, 2025, defendant grew angry with her after she opened the door for an investigator from the Department of Children and Family Services (DCFS) and "pounded [her] head against the wall three times," an incident which was witnessed by her sister. Another daughter disclosed that, in January 2025, defendant "hit her on the back of the head and spit in her face when she spilled rice on the floor." Finally, defendant's third daughter disclosed that, in January 2024, defendant "punched her in the stomach and kicked her on her back when she fell to the floor." The State explained that the delay in bringing charges based on the disclosures was due to the fact that the children had been placed in multiple foster homes as a result of defendant's harassment of the foster parents.

¶ 8 The circuit court then referred to the State's proffer in the prior hearing concerning sanctions,[1] noting that, during that hearing, the State proffered that defendant had "figured out where the caseworkers lived. He showed a therapist on a bulletin board their homes. The caseworkers had related to their supervisors that [defendant] had called them and asked them how their children were and how their husbands were." The circuit court further recalled that the State had proffered that defendant learned where one of his daughters' schools was located by placing an AirTag in a toy, which also revealed the location of her foster home, after which he called the foster parents approximately 10 times per week.

¶ 9 In response, defense counsel indicated that, as of October 1, 2025, there was an emergency order of protection entered against defendant with respect to his children. Counsel indicated that defendant understood that, pursuant to that order, he was not to have contact with his children and "indicated to me that he is going to comply with this order of protection." Counsel also suggested that there were text messages, which he had not yet personally observed, in which the children purportedly denied the abuse. Finally, counsel noted that defendant's prior conditions did not include any restrictions on his movements or who he was permitted contact with, and suggested that "these are all remedies for special conditions of bail bond that can be imposed by this court to mitigate any of that purported risk."

¶ 10 Defense counsel also referenced the prior hearing, offering an explanation for defendant's conduct. The circuit court again referred to the State's proffer in that hearing, recalling: "He said to his therapist and he showed his therapist pictures of his caseworker's [*sic*] homes on a bulletin board behind him while waiving [*sic*] around what appeared to be a gun."[2] Defense

[1] The record does not contain the report of proceedings from that hearing.
[2] The record suggests that the item defendant was "waiving [*sic*] around" was a BB gun.

counsel indicated that defendant had represented that he received those photos from public social media posts and that he called the foster parents after Evanston police had contacted him about one of his children.

¶ 11 After considering the parties' arguments, the circuit court entered an order granting the State's petition for revocation of defendant's pretrial release. The circuit court found that the State had shown, by clear and convincing evidence, that no condition or combination of conditions of release would reasonably prevent defendant from being charged with a subsequent offense. The circuit court observed that the pretrial conditions suggested by defense counsel would not have made a difference where his subsequent offenses occurred in his home, and "I don't believe it will make any difference now, especially given everything that I know about [defendant's] behavior, and the fact that he is currently supposed to be scheduled for a mental health exam, which is also a concern." The circuit court further observed that "I am concerned about his ability to control his anger based on the reports that I've received, and the bottom line is the court told him you can't commit offenses. The bottom line is, he did, after the fact." Accordingly, the circuit court ordered defendant to be detained and remanded to the custody of the Cook County sheriff pending trial.

¶ 12 On March 27, 2026, defendant filed a petition for relief from detention pursuant to Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024), contending that pretrial detention was inappropriate. The parties came before the circuit court[3] for a hearing on defendant's petition, and defense counsel indicated that, since the last hearing, the order of protection against defendant had been dismissed. After considering the parties' arguments, the circuit court

[3] We note that the judge hearing the motion was the same judge who entered the order revoking petitioner's pretrial release.

reaffirmed its prior finding that revocation of defendant's pretrial release was appropriate. This appeal follows.

¶ 13 ANALYSIS

¶ 14 On appeal, defendant contends that the circuit court erred by revoking his pretrial release where conditions existed which could reasonably prevent him from being charged with a subsequent offense. The Act provides that "[a]ll persons charged with an offense shall be eligible for pretrial release before conviction." 725 ILCS 5/110-2(a) (West 2024). A defendant, however, who has previously been granted pretrial release may have that pretrial release revoked if he is charged with a felony or Class A misdemeanor which is alleged to have occurred during the defendant's pretrial release. *Id.* § 110-6(a). In such a case, the State must prove, by clear and convincing evidence, that no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor. *Id.* In considering whether to revoke a defendant's pretrial release, "[t]he court shall consider all relevant circumstances, including, but not limited to, the nature and seriousness of the violation or criminal act alleged." *Id.* Where, as here, the parties proceed solely by proffer, courts have applied a *de novo* standard of review, pursuant to our supreme court's reasoning in *People v. Morgan*, 2025 IL 130626. See, *e.g.*, *People v. Taber*, 2025 IL App (2d) 240562, ¶ 14; *People v. Rios*, 2025 IL App (1st) 250950, ¶ 25.

¶ 15 In this case, defendant does not dispute that he was charged with a felony or Class A misdemeanor[4] based on conduct which is alleged to have occurred during his pretrial release.

[4] While we have limited information about the domestic battery charge, the record suggests that it was a Class A misdemeanor. See also 720 ILCS 5/12-3.2(b) (West 2024) (domestic battery is generally a Class A misdemeanor unless the defendant has prior convictions).

Defendant, however, contends that since he was not previously under conditions such as electronic home monitoring and does not currently have custody of his children, there are conditions available which could reasonably prevent him from being charged with a subsequent offense. We do not find this argument persuasive.

¶ 16 As observed by both the State and the circuit court below, the offenses which led to the instant revocation hearing occurred in defendant's own home and involved his own children. The presence—or absence—of prior conditions such as electronic monitoring thus had no effect on defendant's ability to commit the offenses alleged in the domestic battery case, and we similarly cannot find that they would reasonably prevent defendant from engaging in future criminal conduct. The allegations concerning defendant's behavior toward the DCFS caseworkers and the children's foster parents reinforce this conclusion, as they all involve defendant engaging in behavior from afar.

¶ 17 In addition, we agree with the circuit court's concern about defendant's ability to control his behavior, given his alleged conduct. Defendant was on pretrial release when he allegedly harmed his children and, despite apparently also being under investigation by DCFS, he nevertheless engaged in seriously problematic behavior such as discovering private addresses and contacting the DCFS caseworkers and his child's foster parents. Even if some of defendant's behavior may be due to mental health issues, his conduct, combined with the fact that he was on pretrial release when he was charged with domestic battery, strongly suggests that he would not comply with court-imposed conditions. See *Taber*, 2025 IL App (2d) 240562, ¶ 15; *People v. Hammerand*, 2024 IL App (2d) 240500, ¶ 20. As such, the circuit court properly determined that there were no conditions which could reasonably prevent defendant from being

charged with a subsequent felony or Class A misdemeanor and appropriately revoked defendant's pretrial release.

¶ 18 CONCLUSION

¶ 19 For the reasons set forth above, we affirm the circuit court's order granting the State's petition to revoke defendant's pretrial release, as the circuit court properly found that there were no conditions which could reasonably prevent defendant from being charged with a subsequent felony or Class A misdemeanor.

¶ 20 Affirmed.