2026 IL App (1st) 260416-U

Nos. 1-26-0416B, 1-26-0417B & 1-26-0468B (cons.)

Order filed July 24, 2026

Fifth Division

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,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	Nos. 20 CR 0965801
	)	21 CR 0912701
FREDERICK FLOWERS,	)	21 CR 1412001
	)	
Defendant-Appellant.	)	Honorable
	)	Geraldine D'Souza,
	)	Judge, Presiding.

JUSTICE ODEN JOHNSON delivered the judgment of the court.
Presiding Justice Mitchell and Justice Mikva concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in granting the State's motions for relief and detaining defendant when the record reveals that there was no condition or combination of conditions that could mitigate the real and present danger that defendant posed and defendant's contention that he was denied a fair pretrial detention hearing is not supported by the record.

¶ 2 Defendant Frederick Flowers appeals from orders of the trial court which confined him to pretrial detention under Illinois Supreme Court Rule 604(h) (eff. Sept. 18, 2023) pursuant to what

is commonly known as the Pretrial Fairness Act.[1] The trial court entered detention orders on March 20, 2025, following a hearing in three separate cases: 20 CR 0965801, 21 CR 0912701, and 21 CR 1412001. In case number 20 CR 0965801, defendant was charged with armed habitual criminal, among other things, when a firearm was allegedly found in his car following a traffic stop on June 17, 2020, and for which he was originally given a D-Bond of $10,000. In case number 21 CR 0912701, defendant was charged with the manufacture/delivery of a controlled substance arising from a search of his home on March 12, 2021, and for which he was originally given a D-Bond of $25,000. In case number 21 CR 1412001, defendant was charged with aggravated battery and kidnapping for allegedly throwing gasoline and a lighter on his girlfriend on September 8, 2021, and he was originally given a D-Bond of $1 million.

¶ 3 On March 17, 2025, defendant, acting *pro se*, requested review of his detention status in all three cases, and the State responded by filing detention petitions in all three cases. The trial court held a detention hearing on March 20, 2025, and granted the State's motions for detention in all three cases. The trial court found that defendant posed a real and present threat to the safety of any person or persons in the community where he was facing three felony charges, including an aggravated battery wherein he lit his former girlfriend on fire using gasoline and then held her at his house for several days. Based on the facts of the cases and defendant's background, the trial court further found that no condition or combination of conditions could mitigate the real and present danger that defendant posed. The trial court also specifically stated that it considered electronic monitoring and GPS monitoring and found that neither would mitigate the danger

[1] In 2021, the General Assembly passed two separate acts that "dismantled and rebuilt Illinois's statutory framework for the pretrial release of criminal defendants." *Rowe v. Raoul*, 2023 IL 129248, ¶4 (discussing Pub. Act 101-652, § 10-255, 102-1104, § 70 (eff. Jan. 1, 2023) (amending 725 ILCS 5/art. 110) (the Pretrial Fairness Act) and Pub. Act 102-1104 (eff. Jan. 1, 2023) (the Follow-Up Act).

defendant posed as he continued to accrue additional felony charges while on pretrial release; and considering the nature of his pending cases, defendant still posed a danger even if his geographical movement was restricted. The trial court ordered defendant detained on all three charges.

¶ 4 The trial court subsequently appointed the Office of the Public Defender to represent defendant, and appointed counsel filed a motion for relief in all three cases on January 9, 2026. On February 17, 2026, after hearing, the trial court denied the motion in all three cases. Defendant filed a timely notice of appeal for all three cases on February 19, 2026.

¶ 5 Defendant filed a notice in lieu of a 604(h) memorandum on May 1, 2026, in which he elected to stand on the arguments raised in his motions for relief. For the reasons that follow, we affirm.

¶ 6 BACKGROUND

¶ 7 The State presented the following evidence during the hearing on its Petitions for Pretrial Detention. In case number 20 CR 0965801, the State proffered that on June 17, 2020, police officers pulled defendant over for traffic violations. A search of his car revealed a loaded and accessible firearm between the driver's seat and center console. Defendant was given a $10,000 bond, which he posted. In case number 21 CR 0912701, the State proffered that on March 8, 2021, police executed a search warrant at defendant's home, from which they recovered 33.9 grams of powder cocaine, 3.7 grams of rock cocaine, 13 Oxycontin pills, 3.1 grams of MDMA[2], multiple digital scales, and narcotics packaging materials. Defendant gave a post-*Miranda* statement admitting to the sale of narcotics. He was given a $25,000 bond, which he again posted. In case

[2] MDMA stands for methylenedioxymethamphetamine; also known as Ecstasy or Molly. Search All NIDA Content | National Institute on Drug Abuse (NIDA).

number 21 CR 1412001, the State proffered that on September 8, 2021, defendant had an argument with a domestic partner and during the altercation, defendant threw a cup of gasoline on the victim then threw a lit lighter onto her, causing her clothes to catch fire. The victim attempted to get to a bathtub to put out the flames, but defendant pinned her to the floor. Despite that, the victim managed to extinguish the flames. Defendant then kept the victim in his home for several days and prevented her from going to a hospital. Defendant had his daughter come over to apply bandages to the victim's wounds and give her pain medication. Eventually the victim was able to contact a family member for help and go to a hospital. The victim sustained burns to 10% of her body and required skin graft surgery. Bond on that case was set at $1 million.

¶ 8 The State also presented defendant's felony background, which included a 1980 armed robbery and attempted murder; a 1991 possession of burglary tools; a 1993 firearm possession and manufacturer/delivery of a controlled substance; and a 1994 possession of a controlled substance. The State argued that defendant posed a real and present threat to the safety of any person or persons in the community based on his conducting narcotic sales out of his home; carrying a loaded weapon as a convicted felon; and throwing gasoline on his girlfriend, igniting it and holding her in his home and prohibiting her from getting proper medical care. The State further argued that no condition or combination of conditions can mitigate the danger that defendant posed to the community. Specifically, that electronic monitoring was inappropriate where defendant continued to pick up felony cases two times while on pretrial release.

¶ 9 The trial court gave defendant, who was representing himself *pro se*, the opportunity to respond to the State's position. Defendant argued that he was not a threat to anyone, he was 73 years old and had been locked up for five years. Defendant denied that the aggravated battery

happened and denied that the car and firearm belonged to him. The trial court asked defendant whether he wanted to make an argument in favor of pretrial release and what other less restrictive condition would be acceptable. Defendant stated that he had no additional argument.

¶ 10 The trial court found that the State established by clear and convincing evidence that the proof was evident and the presumption was great that defendant committed all three offenses. The court found that defendant posed a real and present threat to the safety of any person or persons in the community where he faced three felony charges, including an aggravated battery wherein he lit his former girlfriend on fire using gasoline and then held her at his house for several days. Based on the facts of the case and defendant's background, there was no condition or combination of conditions that could mitigate the real danger that defendant posed. The court noted that defendant had multiple felony convictions in his background, and that defendant continued to reoffend while on pretrial release. The trial court then specifically stated that it considered electronic monitoring and GPS monitoring and found that neither would mitigate the danger that defendant posed. Defendant continued to accrue felony charges while on pretrial release, and based on the nature of the pending cases, defendant still posed a danger even if his geographical movement was restricted. The court ordered defendant detained on all three cases.

¶ 11 The parties subsequently began discussing discovery status and scheduling, at which time defendant demanded trial despite the incomplete discovery. The trial court asked defendant if he was going to file his answer to discovery and whether he was presenting any affirmative defenses. Defendant then requested that the Office of the Public Defender be appointed to represent him and the trial court appointed counsel for him.

¶ 12 On January 9, 2026, defendant, through appointed counsel, filed motions seeking pretrial release. He argued that the trial court erred in finding that the State met its burden in demonstrating that no other less restrictive means could mitigate the threat defendant posed. Defendant also argued that the trial court denied him the opportunity for a fair hearing prior to entry of the detention orders. Those motions were denied on February 17, 2026.

¶ 13 Defendant filed a timely notice of appeal on February 19, 2026, for all three cases. Case number 20 CR 0965801 was assigned appellate docket number 1-26-0416B; case number 21 CR 0912701 was assigned appellate docket number 1-26-0417B; and case number 21 CR 141201 was assigned appellate docket number 1-26-0468B. This court consolidated defendant's appeals on March 24, 2026. Defendant subsequently filed a notice in lieu of a 604(h) memorandum on May 1, 2026, indicating that he elected to stand on the arguments raised in his motions for relief. The State filed its response on May 21, 2026.

¶ 14 ANALYSIS

¶ 15 As noted above, defendant filed a notice in lieu of a 604(h) memorandum for these appeals and relies on his motions for relief filed in the trial court as his argument on appeal in accordance with Rule 604(h)(7), which expressly states that "[t]he motion for relief will serve as the argument of the appellant on appeal" and an appellant may, but is not required to, file a memorandum in support. Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). As noted above, defendant's motions for pretrial release argued that: (1) the State failed to meet its burden by clear and convincing evidence that no condition or combination of conditions could mitigate the real and present threat to the safety of any person or the community based on the specific, articulable facts of the case, or

defendant's willful flight; and (2) defendant was denied an opportunity for a fair hearing prior to the entry of the detention orders.

¶ 16 Illinois law now presumes that all defendants are eligible for pretrial release. *People v. Fuller*, 2026 IL App (4th) 251329, ¶ 28; 725 ILCS 5/110-2(a), 110-6.1(e) (West 2024). However, the trial court is permitted to deny a defendant pretrial release when the State filed a verified petition and shows 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 of pretrial release can mitigate this threat. 725 ILCS 5/110-6.1(e)(1)-(3) (West 2024).

¶ 17 At all pretrial hearings, the prosecution has the burden of proving by clear and convincing evidence that any condition of release is necessary. 725 ILCS 5/110-2(b) (West 2024). In any order for detention, the court shall make a written finding summarizing the court's reasons for concluding that the defendant should be denied pretrial release, including why less restrictive conditions would not avoid 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, or prevent the defendant's willful flight from prosecution. 725 ILCS 5/110-6.1(h)(1) (West 2024).

¶ 18 Our supreme court recently defined the standard of review for initial detention hearings, which is dependent on whether live witness testimony was presented at the hearing. See *People v. Morgan*, 2025 IL 130626. Where live testimony is presented, the circuit court's ultimate detention decision under section 110-6.1 (725 ILCS 5/110-6.1 (West 2024)), in addition to any underlying factual findings supporting the decision, will not be disturbed on review unless found to be contrary

to the manifest weight of the evidence. *Id.*¶ 54. However, when the parties 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. *Id.*; People *v. Reyes*, 2026 IL App (1st) 252639, ¶ 43.

¶ 19 Here, the underlying detention hearings did not involve any live witness testimony, thus our standard of review is *de novo*. *People v. Opas*, 2025 IL App (1st) 250208, ¶ 34. Accordingly, we give no deference to the trial court's decision, meaning we stand in the same position as the trial judge. *Morgan*, 2025 IL 130626, ¶¶ 21-22.

¶ 20 After a review of the record, we find that the State proved by clear and convincing evidence that there were no conditions or combinations of conditions that could mitigate the threat posed by defendant for each of defendant's three cases.

¶ 21 As noted, in case number 20 CR 0965801, the State proffered that on June 17, 2020, police officers pulled defendant over for traffic violations, and a search of his car revealed a loaded and accessible firearm between the driver's seat and center console. The State also presented evidence in case number 21 CR 0912701 that on March 8, 2021, police executed a search warrant at defendant's home, from which they recovered 33.9 grams of powder cocaine, 3.7 grams of rock cocaine, 13 Oxycontin pills, 3.1 grams of MDMA, multiple digital scales, and narcotics packaging materials. In that case, defendant gave a post-*Miranda* statement admitting to the sale of narcotics. Finally, the State presented evidence in case number 21 CR 1412001 that on September 8, 2021, defendant had an argument with a domestic partner and during the altercation, defendant threw a cup of gasoline on the victim then threw a lit lighter onto her, causing her clothes to catch fire. The victim attempted to get to a bathtub to put out the flames, but defendant pinned her to the floor.

Despite that, the victim managed to extinguish the flames. Defendant then kept the victim in his home for several days and prevented her from going to a hospital. Defendant had his daughter come over to apply bandages to the victim's wounds and give her pain medication. Eventually the victim was able to contact a family member for help and go to a hospital. The victim sustained burns to 10% of her body and required skin graft surgery.

¶ 22 The State argued that defendant posed a real and present threat to the safety of any person or persons in the community based on the specific articulable facts of the case starting in the aggravated battery and kidnapping case, that defendant was a danger to that victim, his former girlfriend, as well as anybody else that he might have domestic or similar relationships with in the future. As to the drug case, the State argued that defendant was a danger to the community at large because he had numerous amounts of drugs, numerous packaging materials inside his house and he admitted that he sold those drugs to members of the community. With respect to the firearm case, the State argued that defendant's possession of a firearm while being a convicted felon was a danger to the community. The State further argued that based on the facts of the case, no condition or combination of conditions could mitigate those risks specifically as to electronic monitoring, which it believed was inappropriate because one offense was a domestic incident with someone who lived in the home and based on the fact that defendant had pending cases when he violated pretrial conditions multiple times to pick up three cases in total, defendant showed that he was not willing to follow the court's orders and electronic monitoring would not be appropriate. The State argued that the only condition that was appropriate at that time was detention.

¶ 23 We agree with the trial court's explicit findings that the defendant posed a real and present threat to a person or persons or the community. At the very least, it is evident that a real threat

exists as it relates to defendant's ex-girlfriend, who was the subject of the e aggravated battery and kidnapping charges; specifically, defendant is charged with setting her on fire and then refusing to allow her to receive medical attention for days even though10% of her body was burned.

¶ 24 We further find, as did the trial court, that there is no condition or combination of conditions that can mitigate the real and present danger to the victim. We have considered the statutory factors, including the nature and circumstances of the charged offense,. which was a violent crime against an intimate partner. Given these facts, anyone in defendant's home or that he comes in contact with could be in danger for the slightest disagreement. We also consider the fact that defendant was charged with three different felony cases and a misdemeanor, he has been convicted of multiple felonies, and has continued to commit felony offenses while previously on pretrial release. We further agree with the trial court's assessment that neither GPS nor electronic monitoring would be appropriate because electronic monitoring would give defendant two days of unfettered movement thereby putting the community at risk during those days. Thus, we must conclude that there are no less restrictive conditions that would avoid a real and present threat to the safety of any person or persons or the community.

¶ 25 As to the armed habitual criminal case, the trial court found, and we agree, that defendant posed a real threat to the safety of a person or persons because he was a convicted felon that continued to possess guns, picked up new cases while on pretrial release, and was in the community numerous times with a weapon. The record reveals that defendant continued to reoffend while on pretrial release so there is no condition or combination set forth that would be enough to mitigate the risk to the safety of the community.

¶ 26 Finally, as to the drug case, the record indicates that defendant admitted to selling crack cocaine in the community and continued to commit felony offenses despite having been on pretrial release. The fact that he was committing the aforementioned offenses in the community puts the community in danger, and the GPS and electronic monitoring would not be enough to protect them.

¶ 27 On the facts of these three cases, we cannot say that the State did not present clear and convincing evidence that there were no alternatives to detention.. We therefore reject defendant's challenges to his pretrial detentions.

¶ 28 Next, defendant contends that he did not receive a fair pretrial detention hearing because he did not receive appointed counsel until after the pretrial detention hearing had concluded. Defendant argued in his motion that the trial court should have asked him if he wanted appointed counsel before the hearing. We disagree.

¶ 29 Defendant has chosen to rely on his motion for relief as his argument on appeal in accordance with Rule 604(h)(7) (eff. Apr. 15, 2024). Pursuant to the pretrial detention statute, a defendant has the right to be represented by counsel, the right to testify, and the right to confer with counsel before the detention hearing. 725 ILCS 5/110-6.1(f)(3) (West 2024). However, as in all criminal proceedings, the sixth amendment (U.S. Const., amend VI) also guarantees a criminal defendant the right to represent himself. *People v. Hood*, 2022 IL App (4th) 200260, ¶ 73.

¶ 30 Our review of the record reveals that defendant had multiple attorneys throughout these various proceedings and therefore was well aware of his opportunity to be represented by counsel. At some point during the proceedings, defendant elected to represent himself. Leading up to the hearing on March 20, 2025, defendant repeatedly answered ready for hearing despite repeated admonishments by the judge regarding the lack of discovery. The record does not indicate that

defendant ever requested appointed or standby counsel at any point prior to the hearing. Further, the trial court asked defendant at least five times to make his argument regarding pretrial release and why he should not be detained. Hence, defendant fully participated in the hearing and was allowed to give testimony. The record does not indicate, and defendant does not argue that his waiver of the right to counsel and to proceed *pro se* was not knowing, clear and unequivocal. See *People v. Ware*, 407 Ill. App. 3d 315, 340 (2011). Moreover, our supreme court has consistently held, pursuant to the "continuing waiver" rule that absent significantly changed circumstances or a later request for counsel, an intelligent and knowingly made waiver of counsel applies to all phases of trial. *People v. Redd*, 173 Ill. 2d 1, 24 (1996); *People v. Johnson*, 119 Ill. 2d 119, 147 (1987); *People v. Baker*, 92 Ill. 2d 85, 95 (1982). As such, we are not convinced that the defendant was denied a fair hearing where he elected to proceed *pro se* and did not request an attorney until after the court denied his motion for relief.

¶ 31 .

¶ 32 CONCLUSION

¶ 33 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 34 Affirmed.