FIRST DIVISION
September 17, 2026

No. 1-26-1239B

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 JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. DEMAR KING, Defendant-Appellant.	)))))))))	Appeal from the Circuit Court of Cook County. No. 25 CR 13065 Honorable Diana L. Kenworthy, Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Justices Fitzgerald Smith and Cobbs concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the circuit court's grant of the State's petition for pretrial detention because the State proved, by clear and convincing evidence, that (1) the proof is evident or the presumption great that Demar King committed detainable offenses; (2) King poses a real and present threat to the safety of persons and the community; and (3) no condition or combination of conditions can mitigate that threat.

¶ 2 Defendant Demar King was arrested and charged with first-degree murder and attempted first-degree murder following a shooting that killed Odeal Curley. The State filed a petition for pretrial detention. Following a hearing, the trial court granted the State's petition and ordered defendant held in custody pending trial. Defendant filed a motion for relief from the trial court's pretrial detention order, which the trial court denied. Defendant then filed this appeal challenging the pretrial detention order. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 On the night of October 17, 2025, defendant accompanied his girlfriend and numerous of the girlfriend's family members on a party bus to celebrate a birthday. Defendant was known to sometimes possess a firearm, and one of the partygoers, Jermaine Brown, who was the father of defendant's girlfriend, told defendant not to bring a gun on the bus.

¶ 5 At some point, defendant became upset and asked for the money back that he had contributed for the bus. Defendant was informed that he could have his money back and exit the bus, but he declined to do so. Later on, defendant became hostile on the bus; calling his girlfriend a bitch multiple times and threatening to blow up the bus. Defendant's threat was recorded on video by one of the passengers. Jermaine Brown told defendant not to speak to his daughter that way. The driver of the bus had to stop the bus at one point to address defendant's behavior.

¶ 6 Around 12:30 a.m. on October 18, 2025, the party bus returned to the designated location to drop off the passengers. Defendant continued to yell at the other people on the bus as the passengers dispersed. Defendant went to his vehicle with one of his friends. While defendant was in his vehicle, Odeal Curley, a forty-year-old female who was dating Jermaine, was arguing with defendant about the way defendant had been speaking to the women on the bus. Jermaine observed the argument and told defendant to leave, at which time defendant pulled out a gun and pointed it at Jermaine. Defendant's friend pulled defendant's arm down and told defendant not to shoot.

¶ 7 Jermaine thought the incident was over, so he and his girlfriend Odeal began walking back into the house. Defendant began to drive away but, as he was driving, he extended his arm out the window and fired multiple shots in the direction of Odeal and Jermaine. Odeal was shot in the upper right thigh. When officers responded to the scene, they applied a tourniquet to

Odeal's right leg, but she was pronounced deceased at the hospital. Jermaine was not shot. The officers recovered four shell casings from the scene.

¶ 8 Jermaine and two other people from the party bus who witnessed the shooting identified defendant as the shooter to police on the scene. Around 3 p.m. the same day, police observed defendant driving the same vehicle northbound on Interstate 57. The officers initiated their siren and emergency lights and attempted to initiate a traffic stop. Defendant, however, fled at a high rate of speed. The officers were able to block defendant on an exit ramp where he collided with at least two other vehicles. Officers then took defendant into custody. Officers recovered a spent shell casing from the vehicle that matched the caliber of those recovered from the scene. Later ballistic testing confirmed that the shell casings found at the scene and the casing found in defendant's vehicle were from bullets fired from the same weapon. Defendant's phone was also recovered upon his arrest and the location data from the phone puts him at the scene of the homicide.

¶ 9 Defendant was charged with first-degree murder, attempted first-degree murder, resisting a peace officer, and aggravated fleeing, along with a host of other traffic violations. Defendant has a prior felony arrest history. He was convicted and sentenced to two years in the Illinois Department of Corrections for aggravated unlawful use of a weapon in 2023. Defendant was also charged with aggravated battery with a deadly weapon in 2016 for which he received probation.

¶ 10 Following his arrest, defendant was evaluated by Pretrial Services for a public safety assessment. Pretrial Services flagged defendant for new violent criminal activity and gave defendant the highest rating it gives to any defendant on its new criminal activity scale. The assessment indicates that Pretrial Services did not have access to defendant for the evaluation.

Pretrial Services stated that, if defendant was to be released prior to trial, maximum conditions were necessary.

¶ 11 The State petitioned to have defendant detained pending trial. The case progressed to a hearing on the petition for pretrial detention. At the hearing, the State proffered the above facts concerning the nature and circumstances of the offenses. The State then argued that the proof is evident and the presumption great that defendant committed the offense of first-degree murder which is an eligible basis for pretrial detention. The State further argued that defendant poses a real and present threat to the safety of certain people or the community and that there is no condition or combination of conditions that could mitigate the risk to the community if defendant was released from custody pending trial.

¶ 12 Defendant responded that he operates his own landscaping company where he employs four other people. He also does some home improvement and handyman work. Defendant took care of his mother for roughly 20 years until she died in 2025, and he is responsible for the care and custody of his older brother who has developmental issues. Defendant helped his elderly neighbors with maintenance and would facilitate back to school events in the community. Defendant has two children of his own over whom he has joint custody. He supports his children financially.

¶ 13 Defendant argued at the pretrial detention hearing that he is "a perfect candidate for being on electronic monitoring." Defendant stated that he contributes to society, contributes to his family, and has a great deal of familial support. Defendant explained that he disputes the facts as proffered by the State. He closed his argument at the hearing by asking the court to release him on electronic monitoring.

¶ 14 Following the State's rebuttal, the trial court granted the State's petition for pretrial detention. The trial court explained in its oral ruling that the proof is evident or the presumption great that defendant committed an offense that is eligible for detention. The trial court recounted the evidence proffered by the State and concluded that the State "has absolutely met its burden by clear and convincing evidence."

¶ 15 The trial court moved on to find that defendant poses a real and present threat to the safety of a person or the community. The trial court explained defendant's history of violent and firearm crimes but noted that the punishment and the prohibition on defendant carrying a firearm had no deterrent effect. The trial court pointed out that defendant's friend tried to stop him from firing at the victims, but defendant did so anyway, inflicting lethal violence on the deceased victim. The trial court concluded that defendant "is absolutely a clear and present threat."

¶ 16 Finally, the trial court found that there was no condition or combination of conditions that could mitigate the real and present threat defendant poses. The trial court explained that electronic monitoring and home confinement would not deter defendant from harming Jermaine Brown or other potential witnesses, stop defendant from committing new offenses, or ensure defendant complied with the conditions of release. The trial court again noted that defendant's own friend tried to intervene and stop defendant from committing senseless violence over a trivial argument. The trial court also noted defendant's flight from police and the fact that he was prohibited from carrying a firearm based on his criminal history and that he was undeterred by his recent incarceration for a firearm offense. The trial court concluded by stating that it was granting the State's petition for pretrial detention.

¶ 17 Defendant then filed a motion for relief from the pretrial detention order. In his motion for relief, defendant explained that he could reside with family in Cook County while awaiting

trial. Defendant explained that he is close to his large, supportive family and that they would support him financially and ensure that he appears at court dates and abides by any other conditions of release. Defendant argued that there are many conditions of pretrial release that could mitigate any perceived safety or flight risk he poses. Defendant pointed out in his motion that he has the presumption of innocence and eagerly awaits his day in court to present his case of self-defense. Defendant asserted that his defense at trial will be successful and he should not be detained while awaiting trial.

¶ 18 The trial court held a hearing on defendant's motion for relief. Defendant reiterated many of the points he raised in the pretrial detention hearing along with highlighting some new facts and arguments, such as his strenuous belief that he will prevail at trial. The trial court denied the motion for relief.

¶ 19 Defendant filed a notice of appeal from his pretrial detention order on June 17, 2026. Defendant subsequently filed a supporting memorandum. The State filed a response, and the matter is now presented for our review. Ill. S. Ct. R. 604(h) (eff. Apr. 15, 2024).

¶ 20 ANALYSIS

¶ 21 In his motion for relief, defendant explained that he is close to his family and that he could stay with them while on pretrial release, that they would support him financially, and that they would ensure that he appears at court dates and abides by any other conditions of release. Defendant further explained in his motion that there are many conditions of pretrial release that he believes could mitigate any perceived safety or flight risk he poses. Defendant stated that he has the presumption of innocence prior to and during trial and that he eagerly awaits his day in court to present his case of self-defense. Defendant asserted that his defense at trial will be successful and he should not be detained while awaiting trial.

¶ 22 All defendants in the state of Illinois are presumed to be eligible for pretrial release. 725 ILCS 5/110-2(a) (West 2024). It is presumed that a defendant can be released on his personal recognizance with certain conditions imposed, including that the defendant attend all required court appearances, not commit any new offenses, and comply with all other imposed terms of his pretrial release. *Id*.

¶ 23 **Standard of Review — *De Novo* (Order Based on Proffer)**

¶ 24 Pretrial release can only be denied following a detention hearing. *Id*. The burden at a pretrial detention hearing is on the State. 725 ILCS 5/110-2(b) (West 2024). The State bears the burden of demonstrating, by clear and convincing evidence, that: (1) the 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 can mitigate the real and present threat the defendant presents. 725 ILCS 5/110-6.1(e) (West 2024). Where, as here, the circuit court's order denying pretrial release is not based on witness testimony, our review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 45.

¶ 25 **I. Detainable Offense — Proof Evident or Presumption Great (725 ILCS 5/110-6.1(e)(1))**

¶ 26 The first matter the State must show by clear and convincing evidence to prevail on a petition for pretrial detention is that the proof is evident or the presumption great that the defendant committed a detainable offense. 725 ILCS 5/110-6.1(e)(1) (West 2024). Defendant did not challenge at either the detention hearing or in his motion for relief whether the State met its burden as to this requirement. Among several other charges, defendant is charged with first-degree murder and attempted first-degree murder which are detainable offenses under Illinois

law. 725 ILCS 5/110-6.1(a)(1.5) (West 2024); 725 ILCS 5/110-6.1(a)(7) (West 2024). We agree with the State and the trial court that the proof is evident or the presumption is great that defendant committed the detainable offense at issue.

¶ 27 Several witnesses, including one of the victims, positively identified defendant as the shooter. Based on his arguments in support of his bid for pretrial release, defendant does not deny shooting the deceased victim but instead argues that he acted in self-defense. The proffered evidence, however, showed that defendant was upset about a dispute that arose on a party bus. Defendant was calling his girlfriend a bitch. After the girlfriend's father and the father's girlfriend confronted defendant and argued with him about how he was talking to his own girlfriend, defendant pulled out a gun and pointed it at his girlfriend's father. Defendant's friend pulled defendant's arm down and told him not to shoot. The victims then began to walk away, thinking that the conflict had ended. The victims were unarmed. Defendant then fired multiple shots at the victims, striking and killing one. Defendant fled the scene and was arrested following a police chase on the highway. The State proffered evidence of identification, motive, consciousness of guilt, and the lack of acting in self-defense. The proof is evident or the presumption is great that defendant committed a detainable offense.

¶ 28 **II. Real and Present Threat to Safety (725 ILCS 5/110-6.1(e)(2))**

¶ 29 The second matter the State must demonstrate by clear and convincing evidence to prevail on a petition for pretrial detention is that 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. 725 ILCS 5/110-6.1(e)(2) (West 2024).

¶ 30 Although not specifically addressed in his motion for relief, the trial court found defendant to pose a real and present threat to the safety of others or the community. To determine

whether the defendant poses a threat to the safety of others or the community, the trial court can look to a number of factors to determine whether the defendant is dangerous, including the nature and circumstances of the charged offense, the history and characteristics of the defendant, the identity of the persons to whom the defendant is believed to pose a threat, whether the defendant is known to possess or have access to a weapon, and whether the defendant was on pretrial release at the time of the current offense. 725 ILCS 5/110-6.1(g) (West 2024).

¶ 31 Here, various considerations support the trial court's conclusion that defendant poses a real and present threat to the safety of others. The nature and circumstances of the offense charged were that defendant reacted to a minor dispute by producing a firearm and shooting at two people. The defendant was with his girlfriend's family for a birthday celebration. Defendant got upset and called multiple women at the party "bitches" and threatened to blow up the bus. When the father of defendant's girlfriend, Jermaine Brown, and his girlfriend, Odeal, confronted defendant about his derogatory language and his conduct on the bus, defendant responded by producing a firearm and pointing it at Jermaine. Defendant's friend pulled defendant's arm down telling him not to shoot but defendant later shot at the victims anyway. Jermaine's girlfriend was killed over what appears to be a trivial dispute over either a small amount of money or the way defendant should be treating his girlfriend.

¶ 32 The trial court explained defendant's history of violent crime and firearm crimes but noted that the punishment and the prohibition on defendant carrying a firearm had no deterrent effect. Defendant was previously charged with aggravated battery with a deadly weapon in 2016 and received probation. Defendant was then convicted in 2022 for aggravated unlawful use of a weapon and was sentenced to two years in the Illinois Department of Corrections. It was clear to defendant that he was not permitted to possess a firearm. Nevertheless, it was well known that

defendant frequently carried a firearm even before this incident, with Jermaine having to have a conversation with defendant to tell him not to bring a gun on the party bus.

¶ 33 As for the identity of those to whom defendant poses a threat, the trial court identified Jermaine Brown, who defendant is charged with attempting to kill. The trial court also suggested that the other eyewitnesses who were on the party bus were in need of protection. The trial court also identified the community at large as being in need of protection from defendant.

¶ 34 The proffer also showed that defendant had access to a firearm and it is unclear from the record if the weapon used in the shooting was ever recovered or turned over to police. The fact that defendant had already been convicted of firearm offenses and was prohibited from carrying a weapon has been shown to be ineffective to protect other people and the community from defendant's violence. Moreover, defendant's friend tried to stop him from firing at the victims, but defendant did so anyway, disregarding any warning and an appeal to reason. The trial court stated that if defendant's own friend could not talk him out of such violence and if his previous punishment and admonishment not to be armed were no deterrent, it was unlikely that any condition imposed by the court would be followed or could serve to protect the public. Based on the specific articulable facts of the case, there was clear and convincing evidence that defendant poses a real and present threat to the safety of other people and the community.

¶ 35 **III. No Conditions Can Mitigate the Threat (725 ILCS 5/110-6.1(e)(3))**

¶ 36 The third matter the State must demonstrate by clear and convincing evidence to prevail on a petition for pretrial detention is that no condition or combination of conditions can mitigate the real and present threat the defendant presents. 725 ILCS 5/110-6.1(e)(3) (West 2024). In determining which conditions of pretrial release, if any, would ensure the safety of any person or the community, a court may consider a number of factors, including matters such as: (1) the

nature and circumstances of the charged offense, (2) the weight of the incriminating evidence, (3) the defendant's history and characteristics, and (4) the seriousness of any threat the defendant poses to any person, persons, or the community. 725 ILCS 5/110-5(a) (West 2024). Some of these considerations regarding whether any conditions can mitigate the threat of harm overlap with those matters considered when determining whether defendant poses a threat to the safety of others or the community.

¶ 37 This third proposition, about whether there are conditions that can mitigate the perceived danger presented by defendant, is really the focus of defendant's motion for relief from the pretrial detention order. Defendant explained in his motion that he is close to his family and that he could stay with them while on pretrial release, that they would support him financially, and that they would ensure that he appears at court dates and abides by any other conditions of release. Defendant further explained in his motion that there are many conditions of pretrial release that he believes could mitigate any perceived safety or flight risk he poses.

¶ 38 As explained above, however, defendant has shown indifference to the condition of his prior conviction preventing him from possessing a firearm. Even after defendant shot and killed a woman, he fled from the scene and fled from police when they tried to stop him. As both the State and the trial court observed, electronic monitoring is reactive and will not serve to affirmatively prevent defendant from committing other crimes while released. The trial court specifically explained the limitations of home confinement and electronic monitoring and how those conditions would not diminish the risk posed by defendant. Electronic monitoring would not be effective to mitigate the risk to the community at large based on the facts of this case and defendant's background.

¶ 39 As set forth above in addressing the risk defendant poses to others, the nature and circumstances of the charged offense are to be considered in determining whether any conditions of pretrial release could mitigate the safety threat posed. See 725 ILCS 5/110-5(a) (West 2024). The facts articulated here were that defendant shot at his girlfriend's father and the father's girlfriend over a minor dispute. The victims were unarmed and were supposedly walking away from defendant towards their home, thinking the conflict was over, when defendant fired several shots at them. There were multiple eyewitnesses to the shooting, including one of the victims, and the fact that the shooting was so well observed was still not enough to stop defendant from acting on his anger. As proffered, defendant reacted with disproportionate violence to address a minor dispute and his inability to control his anger and deescalate situations, his access to weapons, and his refusal to conform to legal requirements imposed on him make him a real and present threat to other people and the community. Even home confinement and electronic monitoring could not ensure the safety of others where it is still possible for defendant to move freely to some extent where he could again get angry and harm someone else.

¶ 40 As to the weight of the incriminating evidence, the proffered evidence contains identification evidence and other corroboration from multiple witnesses. The surviving victim and several other people who were present at the scene have identified defendant as the shooter. Defendant appears to be prepared to assert self-defense and acknowledge that he shot at the victims. The proffered evidence is that both victims were unarmed and were trying to leave the confrontation and that defendant was the sole aggressor. The State also set forth the motive of defendant's anger and consciousness of guilt evidenced by defendant arguing with the two victims, his own friend trying to stop him from shooting at the victims, and his subsequent flight from the scene and from the police after the shooting.

¶ 41 As is also set forth above, the threat defendant poses to other people and the community is significant. Defendant has a history of possession of and access to firearms, a history of using a firearm, and he has demonstrated an unwillingness to comply with the conditions of his prior convictions. "[A] defendant's release on conditions depends on the court having confidence that the defendant will comply with those conditions." *People v. Vincent*, 2024 IL App (4th) 240218, ¶ 6. The trial court here expressed no confidence that defendant would comply with any conditions imposed, and we cannot find error in that conclusion. The only way to ensure the safety of others and the community here was to order pretrial detention.

¶ 42 CONCLUSION

¶ 43 Based on the specific articulable facts and defendant's prior disregard for the conditions of his prior crimes, we conclude releasing defendant from custody pending trial would jeopardize the safety and security of the surviving victim, other witnesses, and the community at large. Accordingly, we affirm.

¶ 44 Affirmed.