NOTICE
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2026 IL App (5th) 260711-U

NO. 5-26-0711

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jefferson County.
	)	
v.	)	No. 26-CF-257
	)	
ROBERT LEEK,	)	Honorable
	)	Jerry E. Crisel,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Presiding Justice Cates and Justice Vaughan concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's orders granting the State's verified petition to deny pretrial release and denying the defendant's motion for relief are affirmed. The State proved, by clear and convincing evidence, that no conditions could mitigate the real and present threat that the defendant's release posed to the community.

¶ 2 The defendant, Robert Leek, appeals from the order of the circuit court of Jefferson County, denying his pretrial release pursuant to section 110-6.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-6.1 (West 2024)), as amended by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023),[1] commonly known the Pretrial Fairness Act, and denying his petition for relief under Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024). On appeal, the defendant challenges his

[1]See Pub. Act 102-1104, § 70 (eff. Jan. 1, 2023) (amending various provisions of the Act); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023)

detention solely on the basis that the State failed to prove, by clear and convincing evidence, that there was no condition, or combination of conditions, that could mitigate the real and present threat that his pretrial release posed to the safety of any person or the community. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On August 3, 2026, the State charged the defendant by information with one count of grooming (720 ILCS 5/11-25 (West 2024)), a Class 4 felony. According to the information, between May 29, 2026, and August 1, 2026, the defendant knowingly used TikTok "to attempt to seduce a person" he believed was a child under the age of 17 "to engage in unlawful sexual conduct."

¶ 5 On that same day, the State filed a verified petition seeking to deny the defendant's pretrial release. The petition alleged that the defendant committed the eligible detainable offense of grooming, [2] that the defendant's pretrial release posed a real and present threat to the safety of any person or persons or the community, and that no less restrictive condition or combination of conditions existed that could prevent the defendant from "committing further criminal conduct or appearing for further court dates."

¶ 6 On August 4, 2026, the circuit court held a detention hearing at which the parties proceeded by way of proffer. The State proffered that on August 1, 2026, Officer Launay responded to a Burger King located at 4601 Broadway in Jefferson County, where he spoke to Aaron Snyder. Snyder informed the officer that he was a member of a predator watch group named the Predator

[2]Section 110-6.1(a)(5) of the Pretrial Fairness Act authorizes denial of pretrial release where "the defendant is charged with any offense under Article 11 of the Criminal Code of 2012" except for those offenses listed in eight enumerated sections. 725 ILCS 5/110-6.1(a)(5) (West 2024). Grooming is codified within article 11 of the Criminal Code of 2012 (720 ILCS 5/11-25 (West 2024)) and is not among those enumerated exceptions. 725 ILCS 5/110-6.1(a)(5) (West 2024).

Poachers of Illinois, and that one of his decoys, who was posing as a 13-year-old female, had been contacted by the defendant and had engaged in several conversations with him. Snyder had discovered the defendant's location, confronted the defendant about the context of the messages, and called the police.

¶ 7 According to the State's proffer, Mount Vernon Police Detective Osborn observed the chat conversations between the defendant and the decoy on the defendant's phone and took the defendant into custody. The State indicated that there were numerous messages between the defendant and the decoy but proffered only several to show "the gist of the conversations that were being had."

¶ 8 In the proffered messages, the defendant asked the decoy for her age, and whether she was single and wanted to be his girlfriend. After the decoy responded, "I'm 13, if that's cool," the defendant offered her his "WhatsApp number" so that she could send him "any kind of pictures there." The defendant then instructed the decoy to, "[s]end daddy some sexy pictures," and asked if she "want[ed] to f***, LOL?" The defendant also inquired if anybody was "reading [the decoy's] texts?" When the decoy responded that nobody was reading her messages, the defendant asked: "Would you like to suck my" followed by a period. The defendant also texted: "What if I asked to have sex, would you give that p*** up too? I'm still waiting on some sexy pictures. Send me some hot pictures of you." Later, during the conversation, the defendant again inquired if the decoy deleted her messages before she went to bed. When the decoy responded that she "got into trouble" and that her mother had taken her phone away, the defendant texted, "Did you delete everything?"

¶ 9 At the detention hearing, the State also proffered that on the morning prior to the defendant's arrest, Mount Vernon Police Officer Hawkins responded to a separate call involving the defendant commenting on a female child's Facebook account. The minor was identified as 15-

year-old Z.D. The minor's foster mother, Mary Wright, reported that the defendant, who lived across the street, had called Z.D. "baby" in Facebook comments, and that Z.D. had deleted her old Facebook account because the defendant had repeatedly asked her out on dates and requested that she meet him in the park. Wright further reported that the defendant had followed Z.D. to the park more than once, and that, on one occasion, he had photographed her when she was bending over.

¶ 10 The State further proffered that the defendant had made several admissions during his interview with the police. The defendant acknowledged that he communicated with "underage people" through "TikTok and various electronic means like WhatsApp and Facebook," and that he had "pornographic material on [his two] phones." In addition, the defendant admitted to Detective Osborn that he had been having "explicit conversations" with "several girls online," and that he had received a nude photograph from one girl, named "Melissa," who told him that she was 15 or 16 years old. The State proffered that search warrants for the defendant's phones had been issued, and that it anticipated further charges once those warrants were executed. Upon the court's inquiry as to the nature of the additional charges, the State explained that when officers at the scene looked at one of the defendant's phones, with the defendant's consent, they viewed a sexually explicit video they believed depicted an underage female.

¶ 11 Based on the above facts, the State argued that the defendant had committed the detainable offense of grooming, that he posed a danger to the community at large, and that no condition or combination of conditions could mitigate that threat. The State asserted that because the defendant's messages to the decoy and his harassment of Z.D. occurred in the same timeframe, they reflected a pattern of behavior. The State argued that in light of the defendant's conduct and his location near other children, there was no set of conditions that would protect the public from the defendant should he be released pretrial.

¶ 12 In mitigation, defense counsel proffered that the defendant was a 49-year-old high school graduate, with four adult children, who had resided in Jefferson County his whole life. The defendant's mother and two brothers also lived in the area. The defendant was employed full-time at a restaurant and held two additional part-time jobs. The defendant reported that he was bipolar but was not being treated with prescription medication. In addition, the defendant no longer resided across the street from Z.D. He had moved a few weeks earlier, was "buying a trailer," and lived with his brother.

¶ 13 Defense counsel also proffered that the defendant did "not have a very lengthy criminal history," had never been sentenced to prison, and was not on probation, bond, pretrial release, or parole at the time of the instant offense. The defendant had only one prior 2009 Class A misdemeanor conviction for possession of a methamphetamine precursor. In addition, the pretrial investigation report reflects that an active plenary order of protection was issued against the defendant in Sangamon County on December 11, 2025, and that the listed "protected party" was female.[3]

¶ 14 In mitigation, defense counsel further asserted that the defendant's score on the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R) was "relatively low." According to the pretrial investigation report, the defendant scored 4 out of 14 on this assessment, placing him in risk level 2, which has a failure rate of 9.8% for violating pretrial conditions. The defendant's score reflected two points for prior criminal history and two points for history of drug abuse.

¶ 15 Under these circumstances, defense counsel argued that pretrial detention was unnecessary and would unduly burden the defendant. Counsel contended that because the defendant denied all

[3]When questioned by the court, the State indicated that it had no additional information about this order.

charges, no injuries were alleged, and no weapons were used, the defendant was not a real or present threat to the community, or to Z.D., near whom he no longer resided. On the other hand, if he were detained, the defendant would lose his various jobs, house, rent-to-own furniture, and the animals he had in his home. Counsel, therefore, requested that the court release the defendant on electronic monitoring and home confinement with work release.

¶ 16 At the conclusion of the hearing, the circuit court granted the State's petition to deny the defendant pretrial release. The court found that based on the State's proffer there was a "strong likelihood" that the defendant would be convicted of grooming. The court also found that the defendant posed a present threat to both Z.D. and the community, and that no condition or combination of conditions could mitigate that threat.

¶ 17 In ordering pretrial detention, the court acknowledged that the defendant was a hard-working, middle-aged man with "very little criminal history," consisting of a single Class A misdemeanor conviction for methamphetamine possession, and that his VPRAI-R scores were "relatively low." Nonetheless, the court found that the serious nature of the charged offense and the defendant's pattern of inappropriate sexual behavior with female minors necessitated his pretrial detention.

¶ 18 The court found relevant that the defendant had attempted to entice 15-year-old Z.D. into "some type of sexual liaison" and that he "went so far as to follow her to the park" and took photographs of her posterior. In addition, the court noted that the defendant admitted to police that he had been talking to several underage girls online, one of whom he believed to be only 15 or 16 years old. The court also mentioned that the police suspected that the defendant had child pornography on his phone.

¶ 19 Based on this evidence, the court concluded that the defendant exhibited a pattern of behavior reflective of a "really strong infatuation with underage girls." The court found that the defendant's conduct endangered the community at large and needed to be "nipped in the bud" before it led to something worse. The court determined that no condition or combination of conditions would safeguard the community from the threat posed by the defendant because the defendant's recurrent behavior showed that he could not be controlled by any court-ordered pretrial conditions. The court's written detention order explicitly stated that less restrictive conditions would not assure the safety of any person or persons or the community "based on the State's proffer" and because the defendant posed a real and present threat to "the underage female community."[4]

¶ 20 On August 11, 2026, defense counsel filed a motion for relief challenging the defendant's pretrial detention and seeking immediate pretrial release. See 725 ILCS 5/110-6.1 (West 2024). Therein, defense counsel argued that the State failed to prove by clear and convincing evidence that the proof was evident or presumption great that the defendant committed the offense of grooming, that he posed a real and present threat to the safety of any person or the community, and that no condition or combination of conditions could mitigate that threat.

¶ 21 Defense counsel contended that the circuit court failed to adequately consider the defendant's employment opportunities, his willingness to comply with conditions of release, and the fact that no weapon was used in the offense and no injuries resulted from the defendant's conduct. Defense counsel maintained that the State presented no evidence regarding the defendant's background or personal characteristics that would overcome the presumption in favor

[4]The court made no findings regarding whether any conditions of pretrial release would mitigate against the defendant's willful flight.

of release under appropriate pretrial conditions. According to counsel, where the defendant denied all charges, maintained steady employment at three restaurants, and had relocated from the address in proximity to the alleged victim, a GPS ankle monitor was sufficient to mitigate any threat of harm posed by his pretrial release.

¶ 22 On August 13, 2026, the circuit court held a hearing on the defendant's motion for relief. Therein, defense counsel summarized the mitigation evidence from the detention hearing and repeated the arguments raised in his motion for relief. Counsel further argued that, in ordering detention, the court had erroneously focused on the serious nature of the charge rather than on the defendant's particular circumstances.

¶ 23 In response, the State summarized the evidence it proffered at the original detention hearing and reiterated that grooming was a serious and detainable offense. During its summary of the original proffer, in describing the defendant's admission to Detective Osborn that he received a nude photograph from a girl he knew to be underage, the State misspoke and said that the defendant "believed [that] juvenile to be 13 or 14 years old" instead of "15 or 16" as proffered at the original detention hearing. In addition, the State inaccurately said that the defendant admitted that he would have child pornography "consisting of four to five videos and pictures" on his phone. The State also attempted to discuss "changes" that had occurred since the last hearing and its subsequent conversations with Detective Osborn, but "out of an abundance of caution," the court sustained defense counsel's objection to the introduction of this "new information."

¶ 24 At the hearing, the State next argued that the defendant posed a threat to the community, and that no conditions could mitigate that threat. Specifically, the State contended that neither GPS nor electronic monitoring would stop the defendant from going outside or "wander[ing] off" for days and using electronic devices to speak to and obtain more images from underage girls.

¶ 25 At the conclusion of the hearing, the circuit court denied the defendant's motion for relief. The court found that the defendant had admitted to inappropriate sexual communications with underage girls, that he had "pornographic material on his phone," and that his criminal history included a prior conviction for methamphetamine.[5] The court determined that the defendant's behavior posed a real and present threat to Z.D. and the community, and that there was no combination of conditions that it could impose that would prevent the defendant from engaging in "further activity" of this kind. The defendant now appeals seeking reversal of his pretrial detention.

¶ 26 II. ANALYSIS

¶ 27 Pursuant to the Pretrial Fairness Act (Act), all defendants are "presumed eligible for pretrial release." 725 ILCS 5/110-6.1(e) (West 2024). To overcome this presumption, the State must file a verified petition seeking pretrial detention, and prove, by clear and convincing evidence: (1) that "the proof is evident or the presumption great" that the defendant has committed an eligible detainable offense; (2) that "the defendant poses a real and present threat to the safety of any person or persons or the community"; and (3) that no condition or combination of conditions could mitigate either that threat, "based on the specific articulable facts of the case," or the defendant's willful flight. *Id.* § 110-6.1(a), (e)(1)-(3); *People v. Post*, 2026 IL 132403, ¶ 34. Clear and convincing evidence is that quantum of proof that "leaves no reasonable doubt in the mind of the trier of fact as to the truth of the proposition in question." *Chaudhary v. Department of Human Services*, 2023 IL 127712, ¶ 74. This standard "requires proof greater than a preponderance, but not quite approaching the criminal standard of beyond a reasonable doubt." *In re D.T.*, 212 Ill. 2d 347, 362 (2004).

[5]The circuit court inaccurately described this conviction as a "Class 3 felony." However, at the original detention hearing, the court correctly stated that the defendant's sole conviction was for a Class A misdemeanor.

¶ 28 Following the filing of a petition for detainment, the circuit court must hold a hearing. 725 ILCS 5/110-6.1(a), (c)(2), (f) (West 2024). If the circuit court determines that the State has met its burden and that the defendant should be denied pretrial release, the court is required to make a written finding summarizing the reasons for denying pretrial release. *Id.* § 110-6.1(h)(1).

¶ 29 When a circuit court orders pretrial detention, the defendant is entitled to appeal. *Post*, 2026 IL 132403, ¶ 34. However, as a prerequisite to appeal, the defendant must first present to the circuit court a written motion requesting the same relief that will eventually be sought on appeal and "the grounds for such relief." Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024); *Post*, 2026 IL 132403, ¶ 34; *People v. Lanier*, 2025 IL App (1st) 242603, ¶ 1. A proper hearing on such a motion consists of "an examination of the State's evidence at the initial detention hearing and a determination of whether the State ha[s] met its burden of proof." *People v. Williams*, 2024 IL App (1st) 241013, ¶ 29; see also *People v. Badie*, 2025 IL App (3d) 250033, ¶ 27.

¶ 30 On appeal from an initial order of detention, our review is dependent upon the type of evidence presented at the detention hearing. *Post*, 2026 IL 132403, ¶ 37; *People v. Morgan*, 2025 IL 130626, ¶¶ 51-54. Where live testimony is presented, "the circuit court's ultimate detention decision ***, in addition to any underlying factual findings supporting [that] decision, will not be disturbed on review unless found to be contrary to the manifest weight of the evidence." *Morgan*, 2025 IL 130626, ¶ 54. However, where the hearing proceeds solely by proffer, "the reviewing court is not bound by the circuit court's factual findings" and may "conduct its own independent *de novo* review of the proffered evidence." *Id.*

¶ 31 Because the underlying detention hearing, here, did not involve any live witness testimony, and the parties proceeded solely by proffer, we accord no deference to the circuit court and review

its decision to detain the defendant pretrial *de novo*. *Id.* Under *de novo* review, we perform the "same analysis that the trial court would perform." *People v. McDonald*, 2016 IL 118882, ¶ 32.

¶ 32 In the present case, on appeal, the defendant does not challenge the circuit court's findings that the proof is evident and the presumption great that he committed a detainable offense, or that his pretrial release poses a real and present threat to the safety of any person or the community. As such, he has abandoned these issues for purposes of appeal, and we need not address them. See *People v. Drew*, 2024 IL App (5th) 240697, ¶ 21; Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024) ("If a memorandum is filed, it must identify which issues from the motion for relief are being advanced on appeal.").

¶ 33 The defendant's sole argument, on appeal, is that the State failed to establish, by clear and convincing evidence, that no conditions of pretrial release could mitigate his threat to the public.[6] According to the defendant, at the detention hearing, the State presented no evidence as to this element and instead improperly relied on "generalizations." The defendant further contends that when combined with electronic monitoring and home confinement, an internet ban, a device surrender, and no-contact orders would have sufficiently safeguarded the public from any harm. The defendant contends that neither the State nor the circuit court considered these conditions of pretrial release. In addition, the defendant argues that, given his "strong work" ethic, limited criminal history, successful completion of conditional release upon his 2009 conviction, and cooperation with the police, he is likely to comply with all pretrial conditions. For the following reasons, we disagree.

[6]The defendant makes no arguments regarding the potential for conditions of pretrial release to mitigate his willful flight.

¶ 34 At the outset, we note that the defendant did not argue, either at his detention hearing or in his motion for relief, that the imposition of an internet ban, device surrender, and no-contact orders would have mitigated his threat to the public. See Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024) ("Upon appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived."). Instead, he solely asked to be released on electronic monitoring (with a GPS ankle monitor) and home confinement with work release.

¶ 35 Regardless, contrary to the defendant's position, our supreme court has held that the State's burden of proof does not require it to specifically address the efficacy of "every conceivable condition or combination of conditions" listed in the Act. *People v. Mikolatis*, 2024 IL 130693, ¶ 20. Instead, the State must only "present sufficient evidence regarding the specific scenario presented by each case," such that the circuit court can determine whether pretrial release is appropriate. *Id.*

¶ 36 In assessing whether pretrial release conditions, if any, would reasonably ensure the safety of any persons or the community, we consider "the *likelihood* of compliance by the defendant with all the conditions of pretrial release." (Emphasis added.) 725 ILCS 5/110-5(a) (West 2024). Section 110-5 of the Act provides a nonexhaustive list of factors that we may take into account in making this determination, including, among other things: (1) the nature and circumstances of the charged offense; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant, including, *inter alia*, his conduct, physical and mental condition, family and community ties, employment, financial resources, and past relating to drug abuse; and (4) the nature and seriousness of the safety threat that would be posed by the defendant's release. *Id.* § 110-5(a)(1)-(4); *People v. Saucedo*, 2024 IL App (1st) 232020, ¶ 49; *People v. Jones*, 2023

IL App (4th) 230837, ¶ 32; *People v. Reed*, 2023 IL App (1st) 231834, ¶ 31. "The proof as to the danger presented by a defendant's pretrial release will frequently overlap with the evidence supporting a conclusion that less restrictive conditions cannot mitigate the threat," and "that proof may overlap again with the elements of the crime charged, but that does not render those facts any less compelling." *People v. Carpenter*, 2024 IL App (1st) 240037, ¶ 17.

¶ 37 Here, the aforementioned factors weigh heavily in support of the defendant's detention. As reflected by the State's proffer, the nature and circumstances of the defendant's offense (725 ILCS 5/110-5(a)(1) (West 2024)), the weight of evidence against him (*id.* § 110-5(a)(2)), the defendant's character as reflected by his conduct (*id.* § 110-5(a)(3)), and the seriousness of the safety threat posed by his release (*id.* § 110-5(a)(4)) all support the conclusion that there are no less restrictive conditions that would safeguard the public from harm.

¶ 38 The threat posed by the defendant is not confined to one act or to one identifiable victim. Instead, the defendant's conduct reflects a pattern of sexual pursuit of minors across different platforms, devices, and settings. As the State's proffer shows, the defendant sent sexually explicit TikTok messages to a decoy he believed to be a 13-year-old girl. In these TikTok messages, the defendant not only pressed the decoy to "suck" him, to have sex with him, and to "[s]end daddy some sexy pictures," but also went to great lengths to ensure that the decoy deleted his messages in order to avoid detection. The State also proffered that the defendant admitted to the police that he communicated with "underage" girls through TikTok, WhatsApp, and Facebook, had "explicit conversations" with several of them, and received a nude photograph from one girl he believed to be 15 or 16 years old. In addition, the State proffered that the defendant harassed his 15-year-old neighbor, Z.D., on Facebook by calling her "baby" and pestering her for dates until she was forced to delete her Facebook account. Despite Z.D.'s efforts, however, the defendant continued to pursue

her by repeatedly following her to a public park, where he subsequently photographed her backside from behind.

¶ 39 As evinced by these facts, the unrelenting and predatory nature of the defendant's conduct both in person and online, as well as his cunning attempts to have the decoy delete his messages to avoid exposure, undermine any confidence that he would comply with the suggested conditions of pretrial release and refrain from targeting more vulnerable victims. Banning the defendant from access to electronic devices or the internet would entirely depend on the defendant's voluntary compliance. Similarly, a no-contact order could not address the threat posed by the defendant to every potential victim. Because electronic monitoring and home confinement would allow the defendant two days a week of unmonitored movement,[7] nothing would prevent the defendant from obtaining and using another device to scour the internet and engage more underage victims in sexually inappropriate conversations. Nor would any of these conditions prevent the defendant from lurking in public locations frequented by underage girls, stalking them, or inappropriately photographing them.

¶ 40 As things stand, the defendant's conduct shows a pattern of compulsive and disturbing behavior, which cannot be allayed by simply limiting his contact with Z.D., denying him access to electronic devices and the internet, or curtailing his physical movements. Accordingly, we find nothing erroneous in the circuit court's conclusion that no conditions of release could mitigate the defendant's threat to the "underage female community," necessitating pretrial detention.

¶ 41 To the extent that the defendant's brief challenges the circuit court's detention order on the basis of certain erroneous statements made by the State and the trial judge at the motion for relief

[7]See 730 ILCS 5/5-8A-4(A-1) (West 2024) ("At a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with movement spread out over no fewer than two days per week, to participate in basic activities ***.").

hearing, we find those arguments to be irrelevant. As already noted above, our review of the circuit court's order granting pretrial detention is *de novo* and we have not considered any of those improper comments in our ruling. Rather, our analysis is based on a review of the accurate record from the original detention hearing. See *McDonald*, 2016 IL 118882, ¶ 32 (with *de novo* review, we afford no deference to the circuit court and instead perform "the same analysis that the trial court would perform"); *People v. Jackson*, 2021 IL App (1st) 190263, ¶ 38 (as a reviewing court we "may affirm on any basis found in the record"). Since we find that the State's proffer established, by clear and convincing evidence, that there were no less restrictive conditions that could mitigate against the defendant's threat to the community, we find that granting pretrial dentation was proper.

¶ 42 III. CONCLUSION

¶ 43 For the reasons stated, we affirm the judgment of the circuit court.

¶ 44 Affirmed.