

NOTICE
Decision filed 10/15/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260612-U
NO. 5-26-0612
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,	)	Pope County.
	)	
v.	)	No. 26-CF-12
	)	
TODD A. LAUSTER,	)	Honorable
	)	Kelly R. Phelps,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Justices Bollinger and Clarke concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court’s orders granting the State’s verified petition to deny pretrial release and denying defendant’s motion for relief due to a real and present threat are affirmed.

¶ 2 Defendant, Todd A. Lauster, appeals the April 21, 2026, order from the Pope County circuit court that granted the State’s petition to deny pretrial release and the July 15, 2026, denial of his motion for relief and immediate release. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On April 16, 2026, defendant was charged with three counts of predatory criminal sexual assault of a child in that he made sexual contact with a minor under the age of 13. 720 ILCS 5/11-1.40(a)(1) (West 2024). The State filed a verified petition to deny defendant pretrial release on

April 17, 2026. The State alleged that defendant was charged with a detainable offense and posed a real and present threat to the safety of any person or persons or the community.

¶ 5 On April 21, 2026, the matter proceeded to a hearing on the petition. The State called Pope County Sheriff Jerry Suits to testify. On April 3, 2026, Sheriff Suits received a phone call from an Illinois Department of Children and Family Services (DCFS) investigator, Christy Vick, about a minor, K.F., who was born in 2015. Vick requested that Sheriff Suits be present for a Child Advocacy Center (CAC) interview about a report of sexual conduct by the defendant with K.F. Sheriff Suits attended the CAC interview with K.F. and observed while the CAC employee conducted the interview. During the interview, K.F. disclosed that the defendant, whom she calls “grandpa,” “touched her private parts” over and inside her clothing. K.F. stated that she was between 8 and 9 years old when the contact occurred in the bedroom of defendant. Sheriff Suits spoke with K.F.’s mother, Ashley, who confirmed that K.F. spent time with defendant routinely on the weekends and throughout the summer. Defendant was Ashley’s stepfather, and Ashley’s mother, Melinda, resided with defendant in the residence where the alleged conduct occurred. Melinda and defendant lived together but did not share a bedroom. During the interview, Sheriff Suits was informed that defendant did not sleep clothed. When K.F. stayed at the house of defendant and Melinda, she would sleep on the couch with Melinda or in a bedroom close to defendant’s room.

¶ 6 K.F. initially disclosed the sexual abuse to Ashley through two notes she put under the door, in which she stated that defendant “kind of raped” her and touched her “not in a good way.” The notes were consistent with her statements during the CAC interview. K.F. stated that defendant touched her over and under her clothing, touched her vagina with his hands, touched her breasts, and penetrated her vaginally and anally. K.F. informed the CAC employee that the first time it

happened, it was during a storm, and she became scared and went to defendant before he raped her. He then instructed her not to tell Melinda. Sheriff Suits also testified that defendant owned firearms and had a Firearm Owner Identification (FOID) card and a concealed carry license (CCL).

¶ 7 On April 8, 2026, Sheriff Suits contacted defendant and asked him to come in for an interview, and requested that Melinda come as well. When they arrived the following day, Sheriff Suits did not interview defendant or Melinda after they invoked their right to an attorney. Also on April 8, 2026, Ashley called Sheriff Suits to inform him that defendant sent her text messages to inquire about repairs on her vehicle, which was odd to Ashley as defendant had “never” texted her before. Melinda also sent a text message to Ashley that day, asking if K.F. would be staying at their house that weekend, to which Ashley responded she would not.

¶ 8 The State argued that defendant’s charged offense of predatory criminal sexual assault was nonprobationable. The State asserted that it presented clear and convincing evidence that defendant committed a detainable offense. While defendant had no previous criminal history, the State argued that he was still a danger to K.F. and her mother, stating that the

“nature of these charges in and of itself provide a dangerousness element, not to mention the psychological and emotional damage this has done to [K.F.] and the significant future damage both psychologically and emotionally that it can provide if he is let out and continues to have contact with the family or has [a] member of his family make contact.”

The State said that after Sheriff Suits called defendant to speak with him about allegations, he made contact with Ashley, which “never” happened, and Melinda asked if K.F. would come to their house the following weekend. Another family member contacted Ashley regarding “the allegations in this case.” The State further argued that conditions, such as home arrest or electronic monitoring, would not be sufficient to “prohibit further contact” with K.F. or Ashley. Defendant

could have access to phones, and those conditions would only “possibly tell us of his whereabouts after such contact occurred.” The State asked for defendant’s pretrial release to be denied.

¶ 9 Defense counsel proffered that defendant was 55 years old, a lifelong resident of the area, with no criminal history, and was retired after working for over 20 years. He had been married to Melinda for over 26 years. Defense counsel asserted that conditions would be sufficient to eliminate “any possible risk of contact.” Specifically, a no contact order with K.F. and Ashley, electronic monitoring on home confinement, and no access to phones. Defendant would also be willing to surrender his firearms, FOID card, and CCL while the case was pending. Defendant would also undergo a mental health evaluation and any recommended treatment if required. Defense counsel asked for defendant’s release with conditions pending trial.

¶ 10 The State responded to defense counsel’s suggested conditions, arguing that they would not be sufficient. Defendant could still contact K.F. and posed a risk of dangerousness to her. Upon inquiry from the court, the State clarified that defendant and Melinda sent Ashley text messages after Sheriff Suits asked them to come in for an interview, and stated that Ryan Richards, defendant’s relative, sent Ashley a text message that said, “WTF [(what the f*** is wrong with you)], you’re about to lose this whole side of the family. You’re going to ruin a lot of lives with this nonsense, Ash.”

¶ 11 The circuit court found that the State proved, by clear and convincing evidence, that the proof was evident or presumption great that defendant committed a qualifying offense, that he posed a real and present threat to K.F. and Ashley, and that no condition or combination of the conditions could mitigate that threat. The circuit court said the offered conditions would not mitigate defendant’s risk due to K.F.’s age, “the potential mental and emotional impact on” K.F., and the attempted contact with Ashley.

¶ 12 On May 20, 2026, the circuit court held a preliminary hearing, during which Sheriff Suits and defendant testified. Sheriff Suits provided the same testimony he gave during the initial detention hearing. The additional information included that when Sheriff Suits called defendant to schedule an interview, he did not discuss the specific allegations. Further, K.F. previously reported abuse from defendant but recanted. Sheriff Suits, however, was not part of that interview or investigation and was unfamiliar with the allegations and recanting.

¶ 13 Defendant testified on his own behalf, first providing an exhibit of text messages between defendant and Ashley from October 2022 until April 2026. The messages included information about a few car repairs, and the message he sent on April 8, 2026, was in relation to further car repairs for Ashley. Defendant was unaware of the allegations against him when Sheriff Suits made contact on April 8, 2026. Defendant testified that he and Melinda slept in different rooms due to medical issues and sleep habits. Defendant would routinely take his pain medication before dinner and drink a few beers before getting in bed. Defendant testified that K.F. was the one who initiated any inappropriate contact after he was already in bed, and denied the sexual assault allegations. Defense counsel asked that the circuit court revisit the issue of pretrial detention and release defendant on conditions.

¶ 14 At the end of the hearing, the circuit court found probable cause. The circuit court also revisited whether continued detention was necessary, finding that there was no change in circumstances and ordered continued detention. The court said that GPS monitoring or home confinement “would not adequately protect the victim in this case.”

¶ 15 On June 16, 2026, defendant filed a motion for relief, which he later amended on July 14, 2026. The amended motion argued that the circuit court’s reliance upon the text messages sent from defendant and Melinda was given improper weight during the initial detention hearing

because the parties were unaware of the accusations when Sheriff Suits contacted them. The motion specifically presented the following issue: “whether the State has proven by clear and convincing evidence that no condition or combination of conditions can protect the alleged victim or the community.” The motion offered 15 potential conditions of release, such as home confinement and monitoring, no contact with K.F. or Ashley, no access to social media or a smart phone, and no contact with any minors.

¶ 16 The matter proceeded to a hearing on the motion on July 15, 2026. During the hearing, defense counsel first asserted that he was “not asking the [c]ourt to minimize the seriousness of the charges,” but rather was challenging the finding that no conditions would be sufficient to mitigate defendant’s risk. Due to the evidence presented during the preliminary hearing, the proposed conditions would “directly eliminate any possible harm.” Defense counsel argued that during the initial detention hearing, the circuit court relied upon the fact that defendant made contact with Ashley after being contacted by Sheriff Suits to schedule a time to come in, even though, at that time, the defendant would not have been aware of the reason for the interview. Defendant did not make any further contact with K.F. or Ashley once he was made aware of the allegations. Defense counsel argued that there were no specific facts that showed defendant would not comply with pretrial conditions, especially considering that the circuit court relied upon “incorrect false information” about the text messages in this case.

¶ 17 The State argued that defendant should remain detained pending trial, even if he did not have a criminal history. Citing to *People v. Romine*, 2024 IL App (4th) 240321, the State said that, “[T]he evidence of a defendant’s charged conduct, even if it took place on a single occasion, may reflect such a departure from the basic expectations of civil society that it

becomes difficult to predict the defendant's compliance with court orders or even societal norms regarding the safety of others if the defendant is placed on pretrial release."

In this case, defendant was charged with three counts of predatory criminal sexual assault of a child. The State presented evidence that supports defendant's detention, including the nature and circumstances of the offenses charged, the history and characteristics of defendant, the identity of any person or persons whose safety defendant was believed to pose a threat, statements made by defendant, age and physical condition of defendant and the victim, and whether defendant owns any weapons. The State argued that defendant's release posed a "significant threat" to K.F., including mental and emotional harm. The State asked that defendant remain detained, as the suggested conditions would "only indicate" defendant's location, not whether he was in the presence of any minor child, and there was not an adequate way to monitor his contact or internet usage.

¶ 18 The circuit court considered the arguments from the parties and the applicable case law on this issue. The court addressed the nature and circumstances of the offense, the age of K.F. being 8 to 9 years old when the offenses occurred, and the potential psychological or emotional harm to her. The court found relevant that defendant and his family members attempted to communicate with Ashley after Sheriff Suits contacted the defendant. In particular, the court found concerning a text from defendant's relative about Ashley "losing" part of the family. The court also noted that defendant testified during the preliminary hearing that "any questionable physical contact between him and the 8- to 9-year-old victim was initiated by the victim." The court said that defendant's conduct reflected "a departure from the basic expectations of civil society," which made it "difficult to predict" defendant's compliance with court orders if he was released. The circuit court denied defendant's motion. Defendant appealed.

¶ 20 Pretrial release, including the conditions related thereto, is governed by article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)), as amended by Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act. A defendant's pretrial release may be denied only in certain statutorily limited situations. 725 ILCS 5/110-6.1 (West 2024). Upon filing a timely, verified petition requesting denial of pretrial release, the State has the burden to prove by clear and convincing evidence that the proof is evident or the presumption great that the defendant has committed a qualifying offense, that the defendant's pretrial release poses a real and present threat to the safety of any person or the community or poses a flight risk, and that less restrictive conditions would not avoid a real and present threat to the safety of any person or the community and/or prevent the defendant's willful flight from prosecution. *Id.* § 110-6.1(e), (f). The State or the defendant may present evidence to the circuit court by way of proffer based upon reliable information. *Id.* § 110-6.1(f)(2). The circuit court may order a defendant detained pending trial if the defendant is charged with a qualifying offense and the circuit court concludes the defendant poses a real and present threat to the safety of any person or the community (*id.* § 110-6.1(a)(1)-(7)) or there is a high likelihood of willful flight to avoid prosecution (*id.* § 110-6.1(a)(8)).

¶ 21 Our standard of review of pretrial release determinations is dependent on whether the trial court heard live witness testimony or whether the parties proceeded solely by proffer or submission of documentary evidence. *People v. Morgan*, 2025 IL 130626, ¶ 54. Where the parties to a pretrial detention hearing proceed solely by proffer or submission of documentary evidence, this court stands in the same position as the circuit court and may conduct its own independent review of the proffered evidence, thus reviewing the record *de novo*. *Id.* However, when the circuit court

considers live-witness testimony and makes factual findings, we review under the manifest weight of the evidence standard. *Id.* “A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented.” *People v. Deleon*, 227 Ill. 2d 322, 332 (2008). Given the live testimony at the detention hearing in this matter, we will apply the manifest weight of the evidence standard.

¶ 22 Defendant was permitted, but not required, to file a memorandum on appeal. Defendant did not file a memorandum. “Issues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed.” Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). Therefore, our review is limited to the issues raised in the motion for relief.

¶ 23 The State argues on appeal that defendant waived the issues of whether the State proved by clear and convincing evidence that the proof was evident or presumption great that he committed a detainable offense, and whether defendant posed a real and present threat. We agree. The motion for relief makes clear that the only issue the defendant asked the circuit court to review at the hearing was whether conditions could mitigate his threat. As such, we will review whether the circuit court erred in finding that no condition or combination of conditions would mitigate defendant’s threat under the manifest weight of the evidence standard.

¶ 24 Once a court determines that the defendant poses a threat to the safety of any individual or the community, the trial court must determine whether the State has met its burden of proving by clear and convincing evidence what pretrial release conditions, “if any, will reasonably ensure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of pretrial release.” 725 ILCS 5/110-5(a) (West 2024). In reaching its determination, the trial court must consider (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant;

(3) the history and characteristics of the person;¹ (4) the nature and seriousness of the specific, real, and present threat to any person that would be posed by the person’s release; and (5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process. *Id.* § 110-5(a)(1)-(5). The Code lists no singular factor as dispositive. See *id.* § 110-5(a). The nature and circumstances of the underlying offense is “just one factor to consider in determining whether the threat posed can be mitigated by conditions of release.” *People v. Lopez*, 2025 IL App (2d) 240709, ¶ 19.

¶ 25 We have thoroughly reviewed the record on appeal in this matter, including the initial detention hearing and the motion for relief hearing. The circuit court spent time during the detention and motion for relief hearings detailing the reasons why conditions would not be sufficient to mitigate defendant’s risk. The court stated that defendant was charged with three counts of predatory criminal sexual assault of a child. The charge is a sex offense, which may be considered under the nature and circumstances of the offense charged. See 725 ILCS 5/110-5(a)(1) (West 2024). The court also considered the age of K.F. and the future psychological or emotional harm to the victim if defendant was released. *Id.* § 110-5(a)(4). Defense counsel offered multiple conditions related to defendant’s phone and internet usage. The court focused on this issue because defendant and defendant’s family members contacted Ashley, stating that their contact showed they “were aware of the purpose and the request of Sheriff Suits’ request for an interview,” and that the contact was “concerning.” The circuit court considered all the offered conditions and the

¹The defendant’s history and characteristics include: “the defendant’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, *** criminal history, and record concerning appearance at court proceedings,” as well as “whether, at the time of the current offense or arrest, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state.” 725 ILCS 5/110-5(a)(3)(A), (B) (West 2024).

specific facts of this case, but found that defendant’s conduct reflected “a departure from the basic expectations of civil society” and made it “difficult to predict the defendant’s compliance with court orders or even societal norms regarding the safety of others if the defendant were placed on pretrial [release].”

¶ 26 Based on these facts, the circuit court found that no condition or combination of conditions could reasonably mitigate the danger the defendant posed to the victim and her mother. An opposite conclusion is not clearly evident, and the finding is not unreasonable, arbitrary, or unsupported by the evidence presented. Therefore, we find that the circuit court’s decision to detain the defendant was not against the manifest weight of the evidence. *Morgan*, 2025 IL 130626, ¶¶ 38, 43.

¶ 27 III. CONCLUSION

¶ 28 Based on the foregoing reasons, we affirm the circuit court’s orders of April 21, 2026, and July 15, 2026.

¶ 29 Affirmed.