2024 IL App (3d) 230789-U

Order filed March 22, 2024

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IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2024

THE PEOPLE OF THE STATE OF ILLINOIS,	)))	Appeal from the Circuit Court of the 12th Judicial Circuit, Will County, Illinois,
Plaintiff-Appellee,	))	
v.	))	Appeal No. 3-23-0789 Circuit No. 21-CF-1315
	))	
BRYAN D. DANTZLER,	))	Honorable Kenneth L. Zelazo,
Defendant-Appellant.	)	Judge, Presiding.

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JUSTICE BRENNAN delivered the judgment of the court.
Justice Albrecht concurred in the judgment.
Presiding Justice McDade specially concurred.

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ORDER

¶ 1   *Held*:   The trial court did not abuse its discretion in granting the State's petition to deny pretrial release.

¶ 2   Defendant, Bryan D. Dantzler, appeals the trial court's decision to deny him pretrial release. We affirm.

¶ 3   I. BACKGROUND

¶ 4	Defendant, Bryan D. Dantzler, was charged on September 8, 2021, with two counts of armed robbery (Class X) (720 ILCS 5/18-2(a)(2), (b) (West 2020)) and unlawful possession of a weapon by a felon (Class 2) (*id.* § 24-1.1(a), (e)). Defendant filed a motion seeking pretrial release. In response, the State filed a verified petition to deny pretrial release, alleging defendant was charged with a forcible felony, and his release posed a real and present threat to the safety of any person, persons, or the community under section 110-6.1(a)(1.5) of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-6.1(a)(1.5) (West 2022)).

¶ 5	A hearing was held on the petition on December 13, 2023. After the hearing, the court granted the State's petition, finding that it met its burden by clear and convincing evidence.

¶ 6	II. ANALYSIS

¶ 7	On appeal, defendant challenges the court's detention decision. We consider factual findings for the manifest weight of the evidence, but the ultimate decision to grant or deny the State's petition to detain is considered for an abuse of discretion. *People v. Trottier*, 2023 IL App (2d) 230317, ¶ 13. Under either standard, we consider whether the court's determination is arbitrary or unreasonable. *Id.*; see also *People v. Horne*, 2023 IL App (2d) 230382, ¶ 19. We have reviewed the record in this case and find that the court did not abuse its discretion in granting the State's petition to detain.

¶ 8	III. CONCLUSION

¶ 9	The judgment of the circuit court of Will County is affirmed.

¶ 10	Affirmed.

¶ 11	PRESIDING JUSTICE McDADE, specially concurring:

¶ 12   I agree with the majority's decision to affirm the circuit court's order granting the State's verified petition to deny pretrial release. However, I write separately to express my disagreement with the majority's decision not to explain the grounds upon which it reaches its decision.

¶ 13   We review cases like this one to determine (1) if the State met its burden of presenting clear and convincing evidence to prove (a) defendant is charged with a qualifying offense which it is likely he committed, (b) that he posed a specific and present threat to identified persons or the community, and (c) that there were no conditions the court could impose to mitigate either defendant's dangerousness or his flight risk and allow him the release for which he is presumed to be eligible (725 ILCS 5/110-6.1(e)(1)-(3) (West 2022)), and (2) whether the trial court abused its discretion when it reached the decision it did (see *People v. Crawford*, 2024 IL App (3d) 230668, ¶ 7)).

¶ 14   The majority decision does not mention or individually analyze any of the elements under section 110-6.1(e) of the statute. Additionally, although the majority states that it "reviewed the record in this case" in finding that the circuit court did not abuse its discretion, it does not specify which facts in the record support its finding. Despite these inadequacies, I agree with the majority that a review of the record shows that the State met each of the statutory requirements and that the circuit court did not abuse its discretion.