

2026 IL App (3d) 260414-U  
No. 3-26-0414  
Order filed October 21, 2026

**NOTICE:** This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

BRIANA AMBERAE TRUMBO, Defendant-Appellant.

Appeal from the Circuit Court of Will County.  
Honorable Sarah-Marie F. Jones, Judge, Presiding.  
No. 26-CF-268

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JUSTICE DAVENPORT delivered the judgment of the court.  
Justices Holdridge and Anderson concurred in the judgment.

**ORDER**

¶ 1 *Held:* The State proved by clear and convincing evidence that no condition of release would mitigate the threat defendant posed. Affirmed.

¶ 2 Defendant Briana Amberae Trumbo appeals the order granting the State's petition to deny her pretrial release, arguing the State failed to prove that no conditions could mitigate the threat she posed. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On February 19, 2026, a grand jury indicted defendant for drug-induced homicide (720 ILCS 5/9-3.3(a) (West 2024)) and unlawful delivery of a controlled substance (fentanyl) (720 ILCS

570/401(d)(iii) (West 2024)). Defendant was arrested in Colorado and transferred to Illinois after waiving extradition. The State petitioned to deny pretrial release, alleging a detainable offense and that defendant's release posed a real and present threat to the community. 725 ILCS 5/110-6.1(a)(1) (West 2024).

¶ 5 The State's proffer established the following. On September 16, 2023, officers found Trent Veleker dead in his bedroom. An autopsy noted a needle mark on his right forearm and attributed death to combined fentanyl and alprazolam toxicity. On and in his dresser, officers found syringes, a burnt spoon with cotton containing fentanyl and cocaine, unlabeled pill bottles, and a corner-cut baggie of fentanyl.

¶ 6 Two weeks earlier, defendant had advised Veleker by Snapchat what to tell 911 during an overdose. On September 15, 2023, Veleker asked her to get him "sum"; she placed his order with her dealer and had him send \$40 via Cash App, writing, "I gotta trust you for this too. What if you die?" She complained that Veleker used her real name and urged him to pay before she reached her dealer. Veleker paid.

¶ 7 Defendant then told Veleker to ready foil, a straw, and a lighter. She wrote, "please still don't die or imma be [p\*\*\*]," said she disliked selling, and admitted keeping "a baby bit" for herself—her third time using heroin—adding that her roommate "nodded off 1 hit." Veleker later wrote, "This [s\*\*\*] is fire as [f\*\*\*]," and "The nod is so good from it." Defendant deleted seven messages. Although the parties discussed heroin, lab testing showed the substance was fentanyl.

¶ 8 Cash App records confirmed a \$40 payment from Veleker to defendant's account, which bore her legal name, birth date, and Social Security number. Defendant told officers she brought the drugs to Veleker.

¶ 9 A pretrial investigation report listed three misdemeanor convictions—assault causing bodily injury (2011), driving under the influence of drugs (2024), and unlawful possession of methamphetamine (2025), for which she was on probation—and an outstanding Iowa theft warrant. Defendant reported methamphetamine and fentanyl abuse, last using a week before arrest, worked as a live-in caregiver, and had one child not in her custody. A risk assessment rated her level five of a possible six.

¶ 10 At the March 11, 2026 hearing, the State argued defendant posed a real and present threat, stressing that she knew the drugs’ dangers yet sold to Veleker, kept using drugs after his death, and had since been convicted of a drug DUI. Defense counsel questioned whether the supplied drugs caused Veleker’s death, noted the two-year charging delay, and proposed that defendant live with the Colorado client she cared for—who would fund her court trips—or, if confined to Illinois, work with a mitigation specialist to find housing. In rebuttal, the State cited three recent Colorado police reports showing defendant with fentanyl or methamphetamine. Veleker’s mother and the mother of his children opposed release. The court found by clear and convincing evidence that defendant committed a detainable offense, posed a real and present threat, and that no conditions could mitigate it, citing the nature of the offense and defendant’s own statements.

¶ 11 Defense counsel twice moved orally to review detention, seeking release to inpatient treatment or home confinement at a rehabilitation facility. The court denied the motions.

¶ 12 On July 15, 2026, defendant moved for relief, citing 141 days in custody and arguing there were “less restrictive means than incarceration ‘to ensure the Defendant’s presence in Court.’ ” She sought release to a treatment facility and then a halfway house, noting she had begun reentry, parenting, and substance-abuse classes. The State objected that defendant could leave inpatient treatment at will. Counsel conceded defendant could not be held at a treatment center but offered

her treatment evaluation, which the court found unreliable given her forced jail sobriety. After the client defendant cared for died, and counsel reported finding no authority on treatment as a condition of release, the court denied relief, concluding no conditions could mitigate the danger. This appeal followed.

¶ 13

## II. ANALYSIS

¶ 14 A defendant is eligible for pretrial release, which may be denied only in limited circumstances. 725 ILCS 5/110-2(a), 110-6.1 (West 2024). On a verified petition, the State must prove by clear and convincing evidence that (1) the proof is evident or the presumption great that defendant committed a detainable offense, (2) defendant poses a real and present threat or a flight risk, and (3) no conditions could mitigate that threat or risk. *Id.* § 110-6.1(e). The court weighs the nonexhaustive statutory factors. *Id.* §§ 110-6.1(g), 110-5; *People v. Mikolaitis*, 2024 IL 130693, ¶¶ 20-21. Because the hearing proceeded by proffer and no live testimony was presented, our review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54. The victims’ family members’ unsworn statements were not evidence and required no credibility finding; the State’s manifest-weight argument therefore fails. *Id.*

¶ 15 Defendant’s motion for relief argued only that less restrictive conditions existed “to ensure the Defendant’s presence in Court,” yet she was detained for dangerousness, not flight. Her mitigation argument was thus not raised below. See Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). Even construing the motion broadly, it fails.

¶ 16 The State proved no conditions could mitigate the threat. See 725 ILCS 5/110-5 (West 2024). Its proffer showed defendant sold Veleker fentanyl despite acknowledging its dangers and established the proof evident or presumption great that the fentanyl she delivered caused his death. Her criminal history included an assault conviction, and after this offense she reoffended with a

drug DUI and methamphetamine possession. Three recent Colorado reports showed her with fentanyl or methamphetamine while she served as an in-home caregiver, and she had an outstanding Iowa theft warrant. This record demonstrates continued drug use and disregard for community safety.

¶ 17 Defendant’s reliance on evidence from the later hearings to attack the initial detention fails. She invokes *People v. Kelly*, 2026 IL App (4th) 260002, ¶¶ 40-47, where the Fourth District held a court may consider new information—there, an inpatient-treatment bed—first offered at a motion-for-relief hearing. This district has rejected that reading of Rule 604(h)(2). *People v. Walters*, 2026 IL App (3d) 260262, ¶¶ 16-18. *Walters* held it “improper to introduce new evidence in support of a motion for relief,” which “does not contemplate a second, full pretrial detention hearing” or let a defendant “redo an unfavorable initial detention hearing by presenting evidence that could have been presented earlier.” *Id.* ¶ 17. Bound by *Walters*, we do not consider the later treatment evidence in assessing the initial hearing. Defendant does not argue her continued detention was unnecessary and has forfeited that point.

¶ 18 Even considering the treatment evidence, the result is the same. See *Walters*, 2026 IL App (3d) 260262, ¶ 22. Defendant offered a 30-day inpatient program and a halfway house with electronic monitoring, but she could leave at will, continued using drugs while a caregiver, and reoffended after Veleker’s death. On *de novo* review, we independently find clear and convincing evidence that treatment and monitoring would not mitigate the threat. This case is unlike *Kelly*, where the defendant had no criminal history and no record of noncompliance. See *Kelly*, 2026 IL App (4th) 260002, ¶ 38.

¶ 19 Defendant also argues the court wrongly believed it lacked authority to order treatment. We need not resolve that question, because on *de novo* review we assess the judgment, not the

court’s reasoning. See *Morgan*, 2025 IL 130626, ¶ 54; *People v. Anderson*, 401 Ill. App. 3d 134, 138 (2010). Although the Act permits rehabilitative conditions “directly tied to the risk of pretrial misconduct” (725 ILCS 5/110-10(b); see also *id.* § 110-5(c) (West 2024)), we have independently found that no condition, including inpatient treatment with monitoring, would mitigate the threat. The judgment was therefore correct regardless of the court’s rationale. In any event, counsel agreed below that the court could not compel defendant to remain in treatment, and defendant cannot now assail a position she advanced. See *People v. Boyd*, 2023 IL App (2d) 220053, ¶ 19.

¶ 20

### III. CONCLUSION

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

¶ 22 Affirmed.