2026 IL App (2d) 260377-U
No. 2-26-0377
Order filed November 3, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

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

v.

ANTHONY J. JACKSON, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable David P. Kliment, Judge, Presiding.
No. 26-CF-423

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices Hutchinson and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in ordering defendant's pretrial detention.

¶ 2 Defendant, Anthony J. Jackson, appeals from the circuit court of Kane County's order denying him pretrial release pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110 (West 2024)). He argues the State failed to prove that he was a real or present threat to anyone and that no condition or combination of conditions of pretrial release could mitigate the threat he posed. He therefore asserts that the trial court erred in denying him pretrial release. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On February 24, 2026, defendant was charged with aggravated domestic battery (strangulation) (720 ILCS 5/12-3.3(a-5) (West 2024)), domestic battery causing bodily harm (3 prior convictions) (*id.* § 3.2 (a)(1)), aggravated battery to a pregnant or handicapped person (*id.* § 3.05 (d)(2)), and three counts of domestic battery (*id.* § 3.2 (a)(1), (2)). The charges stemmed from a January 20, 2026, incident where he allegedly physically assaulted and strangled his pregnant ex-girlfriend. Also on February 24, 2026, a warrant was issued for defendant's arrest.

¶ 5 On April 9, 2026, after defendant had turned himself into the police, the State filed a verified petition to deny defendant pretrial release (725 ILCS 5/110-6.1 (West 2024)), and the trial court held a hearing on the petition. The State presented as evidence the Aurora police department synopsis.

¶ 6 The synopsis indicated that defendant and Selena G. had been in a dating relationship since 2022. They had two children together and Selena was six months' pregnant with their third child. On January 20, 2026, at 3:58 a.m., defendant and Selena were arguing about defendant having a new relationship. Selena collected defendant's items and asked him to leave. Defendant responded by repeatedly pushing Selena. He then grabbed her by the hair and threw her onto the floor. Selena subsequently walked out of the house.

¶ 7 At 5:25 a.m., Selena was speaking with her sister, Carolina, on FaceTime. Defendant "repeatedly pointed his finger on Selena's head while making contact" and making disparaging comments. Selena pushed defendant and asked him to leave. Defendant pushed her back. Selena struck defendant with a paper towel holder and a baby toy. Defendant then grabbed Selena by placing both hands around her neck. Selena felt that she was going to pass out as defendant lifted her off the ground. Selena's sister, Juana, witnessed the incident and noticed that Selena was

unable to talk and that her eyes were red. Defendant released Selena after she bit his hand. Upon police arrival, Selena requested medical treatment. The police observed that Selena was bleeding from an injury to her arm and that she had scratches on her neck.

¶ 8 The State also proffered that defendant had three prior convictions for domestic battery in 2006, 2009, and 2021. He also had convictions for an unlawful possession of controlled substance and aggravated discharge of a firearm.

¶ 9 The State argued that the above facts demonstrated that the proof was evident and the presumption great that defendant had committed the charged offenses and that he was a threat to a person or the community, specifically Selena. The State maintained that no conditions could mitigate this dangerousness.

¶ 10 In response, the defense proffered that defendant had a full-time job and that he was supporting his seven children and helping his 60-year-old mother. He had had no contact with Selena since January 20, 2026. He was in court on April 9 because he had turned himself in after learning that a warrant had been issued against him. The defense argued that the logical inference from there being almost a three-month delay between when the offense allegedly occurred and when he turned himself in indicated that the police did not perceive the situation to be dangerous. The defense further argued that either no conditions should be imposed or, at most, a no-contact order with Selena and GPS tracking.

¶ 11 At the close of the hearing, the trial court granted the State's petition for pretrial detention. It found that the State had met its burden that defendant had committed a detainable offense and that he was dangerous. It further found that conditions less than detention would not mitigate the threat he posed to Selena.

¶ 12 On May 6, 2026, defendant filed a motion for relief, raising the same arguments that he had at the detention hearing. After the trial court denied his motion, defendant filed a timely notice of appeal.

¶ 13 II. ANALYSIS

¶ 14 Upon filing a verified petition requesting denial of pretrial release, the State has the burden to prove, by clear and convincing evidence, that (1) the proof is evident or the presumption great that the defendant has committed a qualifying offense (*id.* § 110-6.1(e)(1)), (2) the defendant's pretrial release would pose a real and present threat to the safety of any person or persons or the community (*id.* § 110-6.1(e)(2)), and (3) no condition or combination of conditions can mitigate the real and present threat to the safety of any person or persons or the community or prevent the defendant's willful flight from prosecution (*id.* § 110-6.1(e)(3)). "Evidence is clear and convincing if it 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. Where both parties proceed solely by proffer, such as here, our review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 22; *People v. Lopez*, 2025 IL App (2d) 240709, ¶ 18.

¶ 15 On appeal, defendant stands on his motion for relief. There, he did not challenge that the State carried its burden as to whether his alleged battery against Selena constituted a detainable offense. Rather, he insisted that the State failed to prove that his release posed any danger to Selena, or anyone else, because he had no contact with her between the alleged incident and the detention hearing, which was almost three months later. He also asserted that lack of police action for almost three months demonstrated that they did not view him as a threat. Absent any danger he posed, he argued that the State failed to present clear and convincing evidence that less restrictive conditions could not mitigate any alleged threat he posed.

¶ 16 In response, the State argues that defendant's dangerousness is evident from his actions that showed complete disregard for Selena and her unborn child's safety by violently lashing out at her during an argument. The State further asserts that "[d]efendant has a long history and multiple convictions for similar dangerous and abusive conduct towards his romantic partners." Based on defendant's dangerousness, the State maintains that there were no conditions "that would curtail or mitigate defendant's demonstrated willingness to violently lash out at those around him."

¶ 17 In *People v. Reyes*, 2026 IL App (1st) 252639, the Illinois Appellate Court, First District, considered a similar issue that we are presented with here. There, the defendant was charged with multiple counts of criminal sexual assault. *Id.* ¶ 2. He was not arrested until a month after the incident when he "voluntarily walked into the police station when he learned he was wanted by them." *Id.* ¶ 25. The defendant argued that the gap in time between the incident and his arrest demonstrated that "the police clearly did not think he was a danger." *Id.* Furthermore, the defendant argued that he was not a danger to the victim because he had not had contact with her for over a month, "except for passing her by in a Walgreens." *Id.* ¶ 28.

¶ 18 The trial court rejected the defendant's argument, explaining "that the issue was not 'whether the police believed he's a danger,' but 'whether I believe he's a danger' to the victim and the community." *Id.* ¶ 32. The trial court found that the defendant was dangerous based on the evidence in the case that the defendant had "forced himself upon the victim." *Id.*

¶ 19 On appeal, the reviewing court affirmed. *Id.* ¶ 67. The court determined that, based on the proffered facts and the relevant statutory factors, the defendant posed "a danger to victim and to similarly situated young women." *Id.* ¶ 60. The reviewing court attached no significance to the one-month delay between when the incident occurred and when defendant turned himself into the police. *Id.* ¶¶ 56-60.

¶ 20 Here, based on the proffered facts, and in consideration of the relevant statutory factors, we believe that the record indeed indicates that defendant's acts were dangerous and that he posed a real threat. Defendant attacked Selena while she was six months' pregnant, grabbed her by the neck, lifted her off the ground, and caused her to feel as if she was about to pass out as he strangled her. Defendant's attack on Selena also caused injuries to her arm. Additionally, we note that the record indicates defendant had three prior convictions for domestic battery. See 725 ILCS 5/110-6.1(g)(2) (West 2024) (appropriate to consider evidence of defendant's prior criminal history indicative of violent, abusive or assaultive behavior). Further, as defendant was the father of three of Selena's children, there remained an ongoing relationship between them.

¶ 21 Like the *Reyes* court, we attach no significance to the delay between when the incident occurred and when the police arrested defendant. It is not relevant to our analysis whether the police considered defendant dangerous. That is because it is the role of the court—not the police or anyone else—to assess a defendant's dangerousness. See *People v. Long*, 2023 IL App (5th) 230881, ¶¶ 18-19 (court found that opinions of victim and her father that the defendant was not dangerous did not alter the underlying facts that the defendant posed a real and present threat to the victim or the community).

¶ 22 Finally, exercising *de novo* review, we determine that the State tendered proffers at the hearings that established "by clear and convincing evidence" that "no condition or combination of conditions *** can mitigate" the risk of the defendant's "real and present threat to the safety of *** the community, based on the specific articulable facts of the case." 725 ILCS 5/110-6.1(e) (West 2024). Defendant argues that either a no contact order with Selena or GPS monitoring would be sufficient.

¶ 23 We agree with the trial court that such conditions would not be sufficient. Again, defendant has three prior convictions for domestic battery. His assault on Selena in the instant case was particularly violent. Defendant's history gives us no confidence that he will not harm Selena, or someone else, again. Further, as our courts have repeatedly noted, although GPS may confirm what a defendant is doing, it "does not provide much in the way of prevention." *Reyes*, 2026 IL App (1st) 252639, ¶ 63.

¶ 24 III. CONCLUSION

¶ 25 For the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 26 Affirmed.