

NOTICE

Decision filed 08/19/26. 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) 260497-U

NO. 5-26-0497

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,	)	Saline County.
	)	
v.	)	No. 25-CF-229
	)	
JONATHAN C. LIGHTNER,	)	Honorable
	)	Jayson M. Clark,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Justices Boie and Hackett concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's orders granting the State's verified petition to revoke pretrial release and denying the defendant's motion to reconsider are affirmed.

¶ 2 Defendant, Jonathan C. Lightner, appeals from the Saline County trial court's April 27, 2026, order granting the State's petition to revoke his pretrial release, along with the court's June 1, 2026, denial of his motion to reconsider the revocation order.¹ For the following reasons, we affirm.

¹We note that the record before us, consisting of a common law record, report of proceedings, an impounded common law record, and exhibits, does not contain a written order denying defendant's motion to reconsider. Rather, the report of proceedings reveals that at the June 1, 2026, hearing on defendant's motion, the trial court made an oral ruling denying the motion with reasons given on the record.

¶ 3

I. BACKGROUND

¶ 4 On September 22, 2025, defendant was charged with driving while his driver's license was suspended or revoked (Saline County case No. 2025-CF-229), a Class 4 felony, in violation of section 6-303(d) of the Illinois Vehicle Code (625 ILCS 5/6-303(d) (West 2024)). The same day, defendant was released from custody with conditions, including, as relevant here, that he "not violate any criminal statute of any jurisdiction." Nevertheless, on April 15, 2026, defendant was arrested and subsequently charged with theft of property "exceeding \$10,000 and not exceeding \$100,000 in value" (Saline County case No. 2026-CF-93), a Class 2 felony. 720 ILCS 5/16-1(a)(1), (b)(5) (West 2024).

¶ 5 On April 24, 2026, the State filed a verified petition to revoke pretrial release, alleging that defendant was placed on pretrial release for the offense of driving while his driver's license was revoked, that he was ordered not to violate any criminal statute of any jurisdiction as a condition of his release, and that he violated the terms of his release by allegedly committing the offense of theft of property over \$10,000. Additionally, the State argued that no condition or combination of conditions of release would reasonably ensure defendant's appearance at later hearings or prevent him from being charged with a subsequent felony or Class A misdemeanor. The State asked the trial court to issue an arrest warrant and detain defendant pending the revocation hearing, but its request was ultimately denied.

¶ 6 A hearing on the State's revocation petition followed on April 27, 2026. Officer William Duncan of the Harrisburg Police Department testified that on April 13, 2026, he was dispatched to Egyptian Fitness Center, located on North Main Street in Harrisburg, for a theft that had occurred over the weekend. When Officer Duncan arrived, he spoke to three individuals, Landon Sullivan, Mike Sullivan, and Zayne Hayes, who provided him with information as to what had occurred.

Sometime between Friday after 10 p.m. and Sunday morning at 9 a.m., several thousand dollars' worth of tools and wiring equipment had been removed from the fitness center. As part of his investigation, Officer Duncan obtained video footage from Hayes, as well as exterior video footage from the owner of Rose Block Antiques, a store located next to the fitness center.

¶ 7 The video footage revealed a man, whom Officer Duncan identified as defendant, riding an electric bicycle on a sidewalk outside the fitness center, carrying a painter's drop cloth. The video footage also revealed defendant inside the fitness center where the gymnasium was located, and in the upstairs area where the items were allegedly stolen.² Further, the video footage showed defendant carrying the "large canvas cloth" over his shoulder with "items bundled up in it." Defendant left the fitness center on the bicycle.

¶ 8 Officer Duncan further testified that he was present for a phone call between Deputy Kenny Shires of the Saline County Sheriff's Office and defendant wherein defendant admitted that he had access to the missing items. According to Officer Duncan, defendant claimed he had spoken to Donnetta Hayes, one of the owners of the building, and that she had convinced him to return the items. Officer Duncan testified that the pre-tax value of the stolen items was "somewhere between \$10,000 and \$11,000." Several of the stolen items were recovered, including Milwaukee power tools, a Milwaukee shop-vac, and some DeWalt tools. The recovered items were not damaged, but at least one of them had been defaced. Specifically, someone had written "Lightner" on the vacuum. Officer Duncan was aware that defendant had been previously arrested for driving on a suspended or revoked license and that he was on pretrial release.

¶ 9 Following Officer Duncan's testimony, the trial court took judicial notice of defendant's conditions of pretrial release and his pretrial investigation report entered on September 22, 2025.

²Officer Duncan identified defendant in the courtroom and testified that he was familiar with defendant as he "had him on a couple of different cases in the past, most recently a driving revoked" case.

At defense counsel's request, the court also took judicial notice of a file entry dated March 3, 2026, showing that defendant complied with a pretrial release condition that required him to update his address. Defense counsel then proffered that defendant had signed up for a substance abuse evaluation at Egyptian Health in Harrisburg, and that he was the primary caretaker for his ill mother.

¶ 10 The State argued that defendant was placed on pretrial release on September 22, 2025, and that the conditions of his release were not related to substance abuse or caring for his ailing mother. Rather, the conditions required him to appear in court, apprise the court of any address changes, and not commit any new offenses. The State asserted that at the time of the alleged offense in this case, defendant was already on pretrial release in another case for driving on a revoked license (Williamson County case No. 2025-MT-702) and had failed to appear in court on three separate occasions. Likewise, defendant was on pretrial release in this case for driving on a revoked license. The State further asserted that defendant did not have a valid driver's license in either case since his "license was revoked in the early 2000's for a zero tolerance DUI, an alcohol offense."

¶ 11 Furthermore, defendant had a lengthy criminal history of driving-related offenses, including four driving under the influence (DUI) convictions, two reckless driving convictions, and a driving while his license was suspended or revoked conviction. He also had two more charges pending for driving while his license was suspended or revoked. Defendant had a theft conviction, as well as a prior possession of a stolen motor vehicle conviction. The State argued that given defendant's extensive criminal history and repeated violations of the traffic code, no condition or combination of conditions would reasonably ensure defendant's compliance with court orders or prevent him from committing a new offense. The State asserted that defendant could not follow the four mandatory pretrial release conditions because he continued to commit

theft-related offenses, continued to commit driving-related offenses, and would not stop driving, even though he did not have a driver's license. Finally, the State argued that defendant had a history of committing new offenses while other offenses were pending and of failing to appear in court.

¶ 12 Defense counsel argued that defendant was presumed innocent of the theft charge and that he had complied with his pretrial release conditions, such as attending court and updating his address. Additionally, defense counsel emphasized that the State's earlier request to detain defendant pending the revocation hearing was denied. Defense counsel argued this showed that defendant was willing and able to comply with pretrial release conditions. Moreover, defendant was working on undergoing substance abuse evaluations and was the primary caregiver for his ill mother. Defense counsel argued the foregoing showed that defendant was willing and able to follow the trial court's ruling, appear in court, and not commit any new offenses.

¶ 13 Following arguments from the parties, the trial found that defendant was charged with felony theft while he was on pretrial release and there was clear and convincing evidence that no condition or combination of conditions of release would reasonably ensure defendant's appearance at later hearings or prevent him from being charged with a subsequent felony or Class A misdemeanor since he was already out on pretrial release when he was charged with theft in this case. The court thus revoked defendant's release and ordered that he be detained until trial.

¶ 14 Meanwhile, on April 29, 2026, a final pretrial hearing was held in defendant's underlying case where he was charged with driving while his driver's license was suspended or revoked (Saline County case No. 2025-CF-229). Defense counsel noted defendant's subsequent theft charge and moved to continue or vacate the jury trial so that defendant could "engage the State in a potential global resolution of his charges." The trial court granted defendant's motion without objection from the State, and vacated defendant's jury trial that was set for May 26, 2026. Defense

counsel, without presenting any new evidence, then orally moved, unsuccessfully, to reconsider the revocation of defendant's pretrial release. The trial court found that defendant's continued detention remained necessary for "all the reasons that [were] found when he had his release revoked."

¶ 15 The same day, defendant filed a written motion to reconsider the trial court's order revoking his pretrial release, essentially setting forth the same arguments that he did at the revocation hearing.³ Specifically, defendant alleged that he never failed to appear for court in this case, that he had updated his address with the circuit court clerk, and that he had complied with his pretrial release conditions, aside from committing the alleged theft in this case, although he was presumed innocent of that charge. Moreover, as defendant was the primary caregiver for his sick mother, she was left vulnerable and without a caretaker since he had been detained. Defendant also missed a substance abuse evaluation at Egyptian Health that was scheduled for April 28, 2026, while he was detained. Defendant argued that less restrictive conditions, like electronic monitoring or home confinement, were more appropriate than detention in this case. Defendant, therefore, asked the trial court to vacate its order revoking his pretrial release.

¶ 16 The State filed a response, asserting that defendant was arrested and subsequently charged with felony theft while he was on pretrial release for the offense of driving while his license was suspended or revoked. The evidence at the revocation hearing showed, *inter alia*, that defendant failed to appear in court on multiple occasions in another pending case (Williamson County case No. 2025-MT-702), that he had repeatedly violated court orders by committing offenses while he was on bond and/or pretrial release, and that he had an extensive criminal history. Further, he failed to allege a misapplication of the law or new evidence that would constitute a change in

³While defendant's motion was not specifically titled a "motion for relief," it is clear from the record that his motion was, in essence, a motion for relief and construed as such by the trial court.

circumstances as required to find that continued detention was not necessary. Accordingly, the State asked the trial court to find that continued detention was necessary to prevent defendant from committing further felonies or Class A misdemeanors.

¶ 17 A hearing on defendant’s motion proceeded on June 1, 2026.⁴ Defendant testified that he could reside at his mother’s residence on home confinement if released, and that he would be willing to abide by the court’s rules and regulations regarding home confinement. Defendant further testified that he was the primary caretaker for his mother, who was suffering from early stages of dementia. According to defendant, his mother could not drive or do “a lot of things,” and was “extremely, extremely forgetful.” Following defendant’s brief testimony, the trial court denied his motion to reconsider.

¶ 18 Defendant now appeals.

¶ 19 II. ANALYSIS

¶ 20 On appeal, defendant filed a notice in lieu of memorandum. As such, his motion to reconsider, construed as a motion for relief, serves as his argument on appeal. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024) (“Issues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed.”).

¶ 21 Pretrial release is governed by article 110 of the Code of Criminal Procedure of 1963 (Code), as amended by Public Act 101-652 (eff. Jan. 1, 2023), under which it is presumed all criminal defendants are entitled to pretrial release. 725 ILCS 5/110-2(a) (West 2024); 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). “Revocation of a

⁴The hearing on defendant’s motion to reconsider proceeded before the Honorable Jayson Clark, who also presided over defendant’s April 29, 2026, final pretrial hearing. However, the Honorable Kelly R. Phelps presided over defendant’s revocation hearing and issued the written revocation order in this case.

defendant's previously granted pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release are controlled by section 110-6 of the *** Code." *People v. Ford*, 2026 IL App (4th) 260369, ¶ 14. Section 110-6(a) of the Code states, as relevant here, that:

"When a defendant has previously been granted pretrial release under this Section for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release after a hearing on the court's own motion or upon the filing of a verified petition by the State.

* * *

The court before which the previous felony matter or Class A misdemeanor is pending may revoke the defendant's pretrial release after a hearing. During the hearing for revocation, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The court shall consider all relevant circumstances, including, but not limited to, the nature and seriousness of the violation or criminal act alleged. The State shall bear the burden of proving, by clear and convincing evidence, that no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor." 725 ILCS 5/110-6(a) (West 2024).

¶ 22 "The plain language of section 110-6(a) establishes that if a defendant, while on pretrial release, commits a subsequent felony or Class A misdemeanor, said pretrial release may be revoked." *People v. McClure*, 2024 IL App (5th) 240027, ¶ 26. The trial court may revoke a defendant's pretrial release if the State proves (1) the defendant was charged with a felony or Class A misdemeanor and (2) by clear and convincing evidence, that no conditions or combination of conditions of release would reasonably ensure the defendant's appearance at later hearings or prevent him from being charged with a subsequent felony or Class A misdemeanor. *Id.* As noted by the court in *McClure*, "[t]his is a lower threshold as compared to the requirements set forth in section 110-6.1 to detain a defendant after the initial arrest." *Id.*

¶ 23 Our standard of review of pretrial release determinations depends 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, ¶¶ 21, 54; *People v. Craig*, 2026 IL App (5th) 250867, ¶ 33. Where, as here, live testimony was presented, we will not reverse the lower court’s detention decision or the underlying factual findings supporting that decision unless they were against the manifest weight of the evidence. *Morgan*, 2025 IL 130626, ¶ 54. “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).

¶ 24 Here, the evidence showed that defendant was charged with a Class 2 felony, theft of property “exceeding \$10,000 and not exceeding \$100,000, in value,” while he was on pretrial release in this case. Additionally, defendant’s pretrial investigation report revealed that he had another case pending in Williamson County, in which he was charged with driving on a revoked license (Williamson County case No. 2025-MT-702). The State also highlighted defendant’s extensive criminal history, which consisted of multiple felonies and misdemeanors, including theft, possession of a stolen motor vehicle, DUI, driving while his license was suspended or revoked, and reckless driving. Defendant served multiple sentences of incarceration.

¶ 25 In the present case, defendant’s pretrial release conditions included a condition that he “not violate any criminal statute of any jurisdiction.” Yet, while he was on pretrial release for the offense of driving while his license was suspended or revoked, he was arrested and subsequently charged with theft of property exceeding \$10,000. Officer Duncan knew defendant from prior cases and identified him as the man in the video footage from Egyptian Fitness Center and Rose Block Antiques next door. That footage revealed defendant on an electric bicycle outside the

fitness center carrying a painter's drop cloth, and in the upstairs area of the fitness center where the items were allegedly stolen. The footage also showed defendant leaving the fitness center on the bicycle and carrying the painter's drop cloth over his shoulder, which had "items bundled up in it." Moreover, at least one of the stolen items that was recovered had "Lightner" written on it. Based on these facts and defendant's propensity to violate the law and prior court orders, we agree with the trial court that no condition or combination of conditions of release would reasonably prevent defendant from committing additional felonies or Class A misdemeanors.

¶ 26

III. CONCLUSION

¶ 27 For the foregoing reasons, we affirm the orders of the trial court revoking defendant's pretrial release and denying his motion to reconsider.

¶ 28 Affirmed.