2025 IL App (5th) 241240-U

NO. 5-24-1240

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jefferson County.
	)	
v.	)	No. 24-CF-348
	)	
CHRISTINA M. BLOEMER,	)	Honorable
	)	Jerry E. Crisel,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE WELCH delivered the judgment of the court.
Presiding Justice McHaney and Justice Sholar concurred in the judgment.

ORDER

¶ 1 *Held*: The State met its burden of proof in showing that the defendant met the dangerousness standard; that the State met its burden of proof in showing the defendant met the willful flight standard; and, that no less restrictive conditions would avoid the real and present threat to the safety of any person or the community or prevent willful flight from prosecution.

¶ 2 The defendant, Christina M. Bloemer, appeals the trial court's order regarding her pretrial release pursuant to Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act (Act). See also Pub. Acts 101-652, § 10-255, 102-1104, § 70 (eff. Jan. 1, 2023); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023). At the pretrial release hearing, no live testimony was heard, and both the State and the defendant submitted evidence by proffer. In cases where there is no live testimony, the Illinois Supreme Court has held "the reviewing court is not bound

by the circuit court's factual findings and may therefore conduct its own independent *de novo* review of the proffered evidence and evidence otherwise documentary in nature." *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 3 Pretrial release is governed by the Act as codified in article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2022)). A defendant's pretrial release may only be denied in certain statutorily limited situations. *Id.* §§ 110-2(a), 110-6.1. After 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 defendant has committed a qualifying offense, that defendant's pretrial release poses a real and present threat to the safety of any person or the community or 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 defendant's willful flight from prosecution. *Id.* § 110-6.1(e), (f). The court may order a defendant detained pending trial if defendant is charged with a qualifying offense, and the court concludes 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)).

¶ 4 The Code provides a nonexclusive list of factors that the court may consider in making a determination of "dangerousness," *i.e.*, that defendant poses a real and present threat to any person or the community. *Id.* § 110-6.1(g). In making a determination of dangerousness, the court may consider evidence or testimony as to factors that include, but are not limited to, (1) the nature and circumstances of any offense charged, including whether the offense is a crime of violence involving a weapon or a sex offense; (2) the history and characteristics of defendant; (3) the identity of any person to whom defendant is believed to pose a threat and the nature of the threat;

(4) any statements made by or attributed to defendant, together with the circumstances surrounding the statements; (5) the age and physical condition of defendant; (6) the age and physical condition of the victim or complaining witness; (7) whether defendant is known to possess or have access to a weapon; (8) whether at the time of the current offense or any other offense, defendant was on probation, parole, or supervised release from custody; and (9) any other factors including those listed in section 110-5 of the Code (*id.* § 110-5). *Id.* § 110-6.1(g).

¶ 5 On November 6, 2024, the defendant was charged in Jefferson County via information with the offenses of residential burglary, a Class 1 felony, and criminal trespass to a residence, a Class 4 felony. The charges stemmed from an incident on November 4, 2024. On that date, the defendant allegedly entered a private residence, undressed, took a bath, dressed in the resident's pajamas and winter coat, and took a handbag and "a cold can of coke" before leaving. The defendant then entered a second residence, bringing in the resident's mail. When the resident asked her to leave, she cursed the resident. She exited the backyard and remained on the premises until a neighbor approached her and called the police. The defendant then attempted to enter a third residence but was detained by the police. On November 6, 2024, the State filed a petition seeking to deny pretrial release. On November 7, 2024, the trial court held a pretrial release hearing.

¶ 6 At the hearing, the State proffered that, if the matter proceeded to trial, the State expected to call Deputy Devin Elliot, an officer with the Jefferson County Sheriff's Office, as a witness. Deputy Elliot would testify that on November 4, 2024, he responded to a report of a female entering homes in Belle Rive, Jefferson County. Deputy Elliot found the defendant wearing pajamas and a large winter coat and carrying a handbag containing a can of Coca-Cola and more clothes. Deputy Elliot would also report the sheriff's office had contacted Debbie Parkhill about the defendant's actions. Parkhill was at home that day when the defendant walked into the back

entry of her residence with her mail. Parkhill told the defendant to get out of her house. The defendant "eventually" exited but remained in the backyard, stating she did not have to leave the property, until Parkhill's neighbor, John Ross, arrived.

¶ 7 The State also proffered that it would call Ross as a witness. Ross would testify that he called in the report to dispatch that the defendant had entered his neighbor's property without permission. He would also testify that, after contacting the police, as he was following her, he witnessed the defendant trying to enter another home.

¶ 8 In addition, the State proffered that Laura Schlag was expected to testify. Schlag had contacted the police later that day and advised that she believed the defendant had broken into her home and taken a bath. Schlag had come home that day to find her clothes, a handbag, and a "cold can of coke" were missing; items in her bathroom were moved; and a stranger's clothing was in her laundry room. She identified the clothes in the defendant's possession, the handbag, and the can of Coke as coming from her home and belonging to her.

¶ 9 The State advised that it would admit into evidence an audio and video recording of the defendant's post-arrest interview with Detective Kristina Draege of the Jefferson County Sheriff's Department. During the interview, the defendant said that she entered the house of someone she did not know, took their mail, handed it to them, and cursed them "because she [could]."

¶ 10 The State informed the trial court that, at the time of the arrest, the defendant had multiple cases pending in other counties. In Jasper County, the defendant had one case for criminal damage to government supported property, a Class 4 felony, and one case for possession of a stolen vehicle, a Class 2 felony, and was on pretrial release conditions for both cases. In Effingham County, the defendant had one case pending for violation of an order of protection, a Class A misdemeanor; another case pending for violation of an order of protection, a Class A misdemeanor; and a third

case pending for criminal damage to property, a Class 4 felony. The defendant was released on the pretrial condition of an ankle monitor with GPS tracking for the criminal damage case. The State noted that the defendant was still wearing the ankle monitor at the time of her arrest for the matter at hand. Finally, the defendant had one case of three charges pending in Madison County: retail theft, a Class A misdemeanor; resisting arrest, a Class A misdemeanor; and a misdemeanor escape charge. In addition, the State advised that the defendant had an active warrant for her arrest for failing to appear in her Madison County case.[1]

¶ 11 The State emphasized to the trial court that it was concerned for the defendant's safety as well as the safety of others and the community. It argued that the facts of the case showed bizarre behavior, and that detaining the defendant was for her own protection. She entered strangers' homes, as she stated, "because she [could]." Specifically, the State argued that residents of the area were known to be well armed and that, by breaking into random residences, the defendant was taking the risk of being shot by a resident who felt afraid and threatened by a random woman entering their home.

¶ 12 The State also argued that the number of cases the defendant had pending were "very concerning." As defendant had already been on a GPS ankle monitor at the time of the arrest, the State believed no additional conditions or combination of conditions could mitigate the threat posed by the defendant and her actions to the community or herself. The State pointed out that the defendant also had cases pending for failure to follow court orders, such as the violation of an order of protection, the escape charge, and the warrant for failure to appear. In addition to her

[1]This court would note that the counties in question, with the exception of Jasper and Effingham Counties, are not geographically close and the travel times between the counties are not insignificant.

homeless condition, the State argued she was a flight risk. As such, the State asked that the defendant be detained.

¶ 13 The defense proffered that the defendant was 35 years old, a high school graduate, and had obtained her certified nursing assistant license while attending high school. Defense counsel further proffered that, while homeless, the defendant resided in Jefferson County for several months and reported that she was there visiting friends. In addition, the defendant had never been sentenced by the Illinois Department of Corrections and was not on probation, parole, or work release at the time of the arrest. Defense counsel proffered that the defendant would submit to any pretrial conditions imposed by the court and emphasized that the defendant had neither used a weapon nor committed any violence.

¶ 14 The State ended by asserting that the nature of the charges, the multiple pending cases in other counties, and the defendant's failure to obey the pretrial conditions she had already been placed under had "essentially tied [the] court's hands," and that no conditions could mitigate the threat the defendant posed to herself or others or assure she would appear in court.

¶ 15 The trial court then issued a pretrial detention order finding that the defendant posed a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, and that no condition or combination of conditions could mitigate the real and present threat to the safety of any person or persons. The defendant timely appealed.[2] Ill. S. Ct. R. 604(h) (eff. Apr. 15, 2024).

[2]Pursuant to Illinois Supreme Court Rule 604(h)(8) (eff. Apr. 15, 2024), our decision in this case was due on or before February 24, 2025, absent a finding of good cause for extending the deadline. Based on the high volume of SAFE-T Act appeals currently under the court's consideration, and due to the complexity of issues and the lack of precedential authority available, we find there to be good cause for extending the deadline.

¶ 16 On appeal, the defendant claims that the trial court's order denying pretrial release was in error. The defendant argues that the State failed to prove she was a threat to any person's safety or a flight risk.

¶ 17 In support, the defendant argues she has not targeted anyone or committed a violent felony. The defendant describes her alleged crime as a trespass with intent to commit a theft. The defendant claims that her actions only endangered property rights, not people. That the residents may be armed, she claims, does not elevate the dangerousness of burglary to a detainable offense, as people may be armed nearly anywhere. In addition, the defendant argues that, as she did not know the residents of the houses she entered, she did not target anyone.

¶ 18 The defendant further argues that she has minimal criminal history, which shows that she is not a public safety threat. Regarding the defendant's recent history, she relies on *People v. Bass*, claiming that a defendant's previous charges cannot prove a threat to public safety as the State has not proffered evidence that she will likely be found guilty of those crimes. 2024 IL App (2d) 230579-U. As such, the defendant argues, the court may not infer any facts regarding the outstanding charges against the defendant in other counties.

¶ 19 Finally, the defendant argues that she may have been facing a mental health crisis on the day in question, as even the State noted her behavior was bizarre, and that she otherwise has no previous history of burglary.

¶ 20 In response, the State argues that the possibility of mental instability heightens the risk that the defendant's actions endangered herself and others, as odd or aggressive behavior while entering someone's home could invite an aggressive response from the resident.

¶ 21 As for the willful flight standard, the defendant argues that neither her homeless status nor her prior charge of resisting arrest indicate an intent to avoid the judicial process. In addition, she

argues, a single warrant for failure to appear is an isolated incident as the State did not proffer any evidence that she missed court dates for her other charges. She further argues that the sentencing range for a Class 1 felony does not create an incentive to avoid judicial process as even those with charges of murder or Class X offenses are eligible for pretrial release. Finally, the defendant points to the fact that she was still wearing her GPS ankle monitor at the time of her arrest as proof that she is not a willful flight risk.

¶ 22 Upon review, we find that the State has met its burden of proof regarding the dangerousness standard. The defendant has committed residential burglary, which is a Class 1 felony and carries a lengthy prison sentence, and the State has a strong case with a high likelihood of conviction. As for the defendant's argument to disregard her recent history of multiple felony charges, we find the matter at hand to be distinct from *Bass*. There, the court found a charge-only proffer inadequate proof that the defendant had committed the crime for which she was being detained. 2024 IL App (2d) 230579-U, ¶ 22. However, it is not the State's duty to prove charges against the defendant not being argued in front of the trial court. Whether she will be found guilty of those charges is irrelevant to the fact that she has already been put under pretrial release conditions. Indeed, her recent history shows a pattern of behavior indicating a lack of respect for others' property rights and sanctuaries. Her reckless disregard for entering residences, regardless of whether they were occupied, and multiple felony charges in other counties, leads us to believe she does not take others' safety into consideration, much less her own. Her statements during her post-arrest interview confirm as much. As this shows she is unwilling to change her behavior, we agree with the State that any future actions in this pattern would put herself and others at risk from potential confrontation with residents who would be alarmed to find the defendant in their homes. Thus, we find the defendant to be a danger to others, the community, and herself.

¶ 23 In addition, we find that the State has met its burden of proof regarding the willful flight standard. The defendant's warrant for failure to appear is not an isolated incident as the defendant argues. It has occurred in conjunction with the defendant's two pending cases for violating a protective order and a charge for fleeing a police officer. In addition, less extreme measures, including a GPS monitoring anklet, have failed to prevent the defendant from being charged with the crimes she currently faces. While the defendant argues that she is a resident of Jefferson County despite being homeless, we note that the defendant's prior charges indicate that she has been willing to travel far outside of Jefferson County regardless of any preexisting release conditions.

¶ 24 As the supreme court of Illinois has recently held, we have reviewed the facts of this case *de novo. People v. Morgan*, 2025 IL 130626, ¶ 54. Based on our review of the record, and any memoranda submitted, we find that the State met its burden of proof in showing that the defendant met the dangerousness standard, posing a real and present threat to the safety of any person or persons in the community; that the State met its burden of proof in showing the defendant met the willful flight standard; and, that no less restrictive conditions would avoid the real and present threat to the safety of any person or the community or prevent willful flight from prosecution.

¶ 25 Affirmed.