

**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).

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
	)	Cook County.
	)	
Plaintiff-Appellee,	)	
	)	No. 23 CR 1083901
v.	)	
	)	
KELSEY CROSS,	)	Honorable
	)	Carl Boyd,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE COBBS delivered the judgment of the court.  
Presiding Justice Howse and Justice Ellis concurred in the judgment.

**ORDER**

¶ 1 *Held:* We do not have jurisdiction to review the circuit court’s September 20 initial detention order. The circuit court’s March 7 order of defendant’s continued detention is affirmed where the record supports the finding that his detention remains necessary to protect against a real and present threat to the victim and community.

¶ 2 Defendant-appellant Kelsey Cross appeals from the March 7, 2024 order of the circuit court of Cook County continuing his pretrial detention pursuant to article 110 of the Code of Criminal

Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2022)), as amended by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023). See also *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023). Specifically, defendant argues on appeal that (1) the State’s September 18, 2023, petition was erroneously filed and all subsequent proceedings under the Act were improper because defendant never elected to proceed under the Act, as opposed to remaining on previously ordered pretrial conditions; (2) the State failed to meet its burden of proof that “the proof is evident or the presumption great” that he committed the initial offense of aggravated battery where the State failed to tie its proffer to the statute; (3) the State failed to meet its burden of proof that defendant poses a real and present threat to the safety of any persons or the community based on the specific articulable facts of the case; (4) the State failed to meet its burden of proof that no condition or combination of conditions can mitigate the threat posed by defendant; and (5) the court erroneously considered the willful flight prong where it was not applied in the initial detention order. For the following reasons, we affirm.

¶ 3

### I. BACKGROUND

¶ 4 Based on an incident occurring on September 10, 2023, defendant was charged via complaint with aggravated domestic battery (720 ILCS 5/12-3.3(a) (West 2022)). The charging instrument alleged that defendant “knowingly or intentionally caused great bodily harm to [his girlfriend], to wit: shoved [her] face into the dashboard of a vehicle, causing injury to her mouth and face.”

¶ 5 On September 12, 2023, defendant appeared before circuit court judge Luciano Panici. The court set a deposit bond at \$250,000 and ordered defendant to be placed on GPS monitoring and to not contact the victim or enter the premises of the victim’s home, work, or school. At that time, pretrial services submitted its public safety assessment report for defendant. The report

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showed that defendant received a 4 out of 6 on the new criminal activity scale and a 5 out of 6 on the failure to appear scale. Additionally, the report recommended maximum conditions should defendant be released.

¶ 6 Six days later, on September 18, 2023, the State filed a verified petition seeking to deny defendant pretrial release pursuant to section 110-6.1(a)(4) of the Code (725 ILCS 5/110-6.1(a)(4) (West 2022)). The State generally alleged that defendant was charged with a detainable offense—aggravated domestic battery—and that defendant’s pretrial release posed a real and present threat to the safety of persons or the community, based on the specific articulable facts of the case, and that no less restrictive conditions would avoid that threat. More specifically, the State alleged that:

“Defendant and victim have been dating for 2 years. On [September 10, 2023,] defendant was driving victim’s truck. Defendant became irate with victim and began slapping victim in the face. Defendant stopped the truck and victim exited and began screaming for help[,] at which time defendant grabbed victim by her hair and pulled her back in the truck. Defendant began driving again and began smashing the victim’s head off of the dashboard. Victim lost consciousness and when she awoke[,] she had defendant’s shirt in her mouth and was bleeding profusely. Defendant told victim the only way she was leaving the relationship was if defendant killer her. Defendant stopped at a gas station where [two witnesses] observed victim. [The witnesses] called 911 for victim and defendant fled.”

¶ 7 On September 20, defendant, having remained in custody since September 12, filed a motion to strike the State’s petition for detention. Therein, defendant argued that he had not elected to have a pretrial detention hearing under the amended Code and thus he should remain under the court ordered pretrial conditions set on September 12.

¶ 8 On that same day, following a detention hearing, the court granted the State's petition and remanded defendant into custody.<sup>1</sup> In its preprinted form order, the court found that the State had shown by clear and convincing evidence that the proof is evident or the presumption great that defendant committed the offense of aggravated domestic battery and caused great bodily harm to the victim, noting that defendant and the victim were in a domestic relationship at the time of the incident. As to dangerousness, the court found that defendant threatened the victim that the only way out of their relationship would be if he killed her and noted that independent witnesses observed the victim's injuries, defendant fled the scene, and defendant had two pending cases with the same victim when the incident occurred. In light of defendant's threat to kill the victim and his two pending cases involving the same victim, the court further found that there were no conditions that could mitigate the threat to the victim.

¶ 9 The record reflects that on October 3, 2023, defendant filed a notice of appeal. In the notice, defendant identified the September 20, 2023 detention order as the subject of the appeal and requested that he be subject to the order entered on September 12, 2023.

¶ 10 On October 6, 2023, a grand jury indicted defendant on charges of attempt first degree murder, aggravated kidnapping, aggravated domestic battery, and unlawful restraint.

¶ 11 On March 4, 2024, the parties appeared before circuit court Judge Carl Boyd to address discovery matters. At that time, the court also considered whether detention was still necessary. Prior to doing so, defense counsel informed the court that a prior appeal had been filed as to the initial (September 20, 2023) detention order, which had been dismissed for want of prosecution.

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<sup>1</sup> No transcript of the September 20 pretrial detention hearing was included in the record on appeal.

The court also recognized that circuit court Judge Jerome Barrido previously presided over the initial detention hearing. As to the issue of continued detention, the State proffered the following:

“Judge, the victim and the defendant in this case at the time of the occurrence were in a dating relationship and had dated for approximately two years.

On September 10, 2023, in the evening hours, the defendant drove the victim’s truck to pick the victim up at a restaurant in Burr Ridge. The victim entered that truck, was in the passenger seat.

Shortly into that ride, the defendant took the victim’s phone and became irate about things that he saw on the phone. The defendant began slapping the victim with an open hand on the back of the head and cheek.

The defendant arrived at his cousin’s house in Matteson, where the victim was able to get out of the truck and began screaming for help down the street. The defendant stopped the victim, pulled her back into the truck by her hair. He then drove off again with the victim in the front passenger seat.

As the defendant was driving, the victim saw a passing police car coming towards them so the victim put herself out of the passenger side window and began waving her hands as if to ask for help. That police car turned on their emergency lights. The defendant then drove through a grassy median and attempted to evade the stop.

At that point, the defendant reached over, grabbed the victim by the back of her head, balling up a chunk of her hair, and smashed the victim’s head into the dashboard of the truck. He did this approximately two times when the victim then lost consciousness. The defendant did this an additional time after [the victim] passed out.

I should also point out that earlier [that] evening, when the victim attempted to break up with the defendant, the defendant said something to the effect of, the only way you're going to get rid of me is if you're dead.

After the defendant smashed the victim's head into the dashboard after she was unconscious, the victim awoke sometime later pulling into a BP gas station in Hazel Crest, Cook County, Illinois. She had the defendant's black shirt in her mouth when she woke up. She looked in the mirror and she saw dark red blood coming from her mouth.

Video footage was recovered from that gas station which shows the defendant walking into that gas station, the victim getting out of the truck, and then two individuals who were a husband and wife helping the victim. The husband and wife called 911.

The defendant then came out of the gas station and saw police were being contacted, so he then ran from the scene. Hazel Crest Police arrived shortly after the call. The bystanders pointed the officers the direction that the defendant had ran. Officers found the defendant hiding in a wooded area and placed him into custody.

Both of those witnesses, the husband and wife, participated in a show-up and positively identified the defendant as the man who had just run from the gas station.

The victim was transported to South Suburban Hospital where her injuries were a deviated septum, a broken cheek bone, and two busted teeth. She also had braces on her teeth which became removed during this incident. She had to undergo at least two surgeries for facial reconstruction and oral surgery for her teeth.”

¶ 12 The State related that, at the time of this incident, defendant was out on warrant in DuPage County for a domestic battery offense and in Lee County for a Class 2 aggravated domestic battery and a Class 3 aggravated battery in a public place, all of which involved the same victim.

Defendant was also out on warrant in Will County for “a domestic-related criminal damage to property arrest” that involved a different victim and for driving on a suspended license.

¶ 13 The State informed the court that an order of protection for the victim was entered in September, prohibiting any contact with the victim, but “the victim, just this week, had received text messages from an unknown number which she believes to be, based upon the context, a current girlfriend of the defendant.” One of the text messages read, “we will surprise you, b\*\*\*.” The court was given copies of the messages.

¶ 14 The State argued that it had shown that “there’s no set of conditions that can protect the victim in this case from the defendant \*\*\* based upon the facts of the case[,]” “the contact despite the order of protection[,]” and “the fact that he had two pending cases with this victim in two separate counties, one of those at least being a felony case.” The State also argued that it had shown that “no set of conditions will assure [defendant’s] appearance in court \*\*\* based upon the fact that he was out on four different warrants [in] three different counties, including domestic cases involving this victim, at the time of this offense” and “at the time of this offense, he fled from the police officers when [they] activated their emergency equipment” and he fled from them at the gas station where he was found hiding in a bush.

¶ 15 In response, defense counsel argued that defendant is a lifelong resident of Cook County; has been living at the same address for 21 years; is a caregiver for his elderly uncle; drops off food at homeless shelters; owns two businesses; and did not have any convictions in his criminal background. Counsel further stated that defendant denied the allegations and questioned the victim’s credibility “because she continuously contacts [defendant].” She also argued that there had been no verification of who sent the text messages and in any case defendant did not have control over third parties. In regard to the issue of willful flight, counsel cited *People v. Quintero*,

2024 IL App (1st) 232129-U, in arguing that “flight from arrest does not equate to flight from prosecution.” Finally, counsel requested that defendant be released and suggested that conditions such as GPS monitoring and electronic monitoring would ensure the safety of the victim and community.

¶ 16 The court ordered continued detention for defendant. In so ordering, the court found that the State had shown by clear and convincing evidence that the proof is evident or presumption great that defendant committed aggravated battery, which is an eligible offense under the Act. It further found that defendant posed a real and present threat to the safety of persons in the community where defendant had two pending cases involving the victim when this offense occurred, defendant fled from the scene, he had four active warrants out for his arrest at the time of the offense, and the proffer showed that defendant “brutally attacked and inflicted great bodily harm” to the victim. The court also stated that, even if released on electronic monitoring, “defendant would be entitled to receive two days of movement, and the Court has serious apprehension about such movement, as the defendant has shown a propensity for violence, particularly against this one victim.” Thus, the court concluded that there were no less restrictive conditions that would prevent defendant’s willful flight or avoid a real and present threat to the community. The court’s March 7, 2024 written order appears in the record.

¶ 17 This appeal followed.

¶ 18 **II. ANALYSIS**

¶ 19 In this appeal, defendant raises the following claims of error: (1) the State’s September 18, 2023, petition for pretrial detention was erroneously filed and all subsequent proceedings under the amended Code were improper because defendant never elected to proceed under the amended



Cod but, instead, elected to continue on the previously ordered (September 12, 2024) pretrial conditions; and as to the March 7, 2024 order of continued detention, (2) the State failed to meet its burden of proof that “the proof is evident or the presumption great” that he committed the initial offense of aggravated battery where the State failed to tie its proffer to the statute; (3) the State failed to meet its burden of proof that defendant poses a real and present threat to the safety of any persons or the community based on the specific articulable facts of the case; (4) the State failed to meet its burden of proof that no condition or combination of conditions could mitigate the threat posed by defendant; and (5) the court erroneously considered willful flight where it was not one of the findings in the initial detention order.

¶ 20 We note that defendant has chosen not to file an appellant’s memorandum and has instead opted to stand on the points raised in his notice of appeal. See Ill. S. Ct. R. 604(h)(2) (eff. Sept. 18, 2023) (appellant may file, but is not required to file, a memorandum on appeal). However, he provides additional support for the points raised in his notice of appeal in his notice in lieu of memorandum. In considering this appeal, we have reviewed the following documents that were submitted pursuant to Rule 604(h): the supporting common law record, the supplemental record, report of proceedings, defendant’s notice of appeal, defendant’s notice in lieu of memorandum, and the State’s response memorandum.<sup>2</sup>

¶ 21

#### A. Jurisdiction

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<sup>2</sup> Of note, we apply the newly amended Illinois Supreme Court Rule 604(h)(8) (eff. Apr. 15, 2024) retroactively, which allows a disposition to be filed 100 days from the date the appellant filed the notice of appeal. This amendment is clearly procedural in that it mandates the time allotment for the issuance of a disposition (*id.*), and we may apply the retroactivity framework for statutes equally to supreme court rules (*People v. Barr*, 2019 IL App (1st) 163035, ¶ 7 (citing *People v. Easton*, 2018 IL 122187, ¶ 13)).

¶ 22 Initially, we must address defendant's claim that the circuit court should not have considered the State's September 18, 2023, pretrial detention petition because defendant had not elected to proceed under the new statutory framework for pretrial release. This claim necessarily involves a determination of whether we have jurisdiction to consider the circuit court's September 20, 2023 pretrial detention order. See *People v. Hongo*, 2024 IL App (1st) 232482, ¶ 24 (the reviewing court has an independent duty to consider its own jurisdiction).

¶ 23 In this appeal, defendant incorporates his argument concerning the court's alleged inappropriate consideration of the State's September 18, 2023 petition by reference to his notice of appeal filed following the entry of the circuit court's September 20, 2023 detention order. Defendant contends that the State's September 18, 2023, petition was erroneously filed. Thus, he maintains that all subsequent proceedings were improper, including the court's September 20, 2023 detention order, because defendant never elected to proceed under the amended Code. He intended instead to continue with the previously ordered pretrial conditions as set by the court on September 12, 2023.

¶ 24 In response, the State argues that this court lacks jurisdiction to consider defendant's challenge to the September 20, 2023 detention order. Further, because defendant failed to provide a report of proceedings from that detention hearing, all doubts must be resolved against defendant as appellant. The State also points out that defendant's prior appeal was dismissed for want of prosecution.<sup>3</sup>

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<sup>3</sup> Although we find no document in the record reflecting the Appellate Court's dismissal of defendant's appeal of the circuit court's September 20, 2023 order, defendant does not dispute that the matter was dismissed for want of prosecution.

¶ 25 In this case, before the amended Code went into effect, defendant was granted pretrial release subject to depositing bond. The court also imposed the following conditions: (1) that he be placed on GPS monitoring and (2) that he not contact the victim or enter the premises of the victim's home, work, or school. Defendant's deposit bond was set at \$250,000. Although granted pretrial release, defendant remained in jail as he was unable to post the required \$25,000 bond. Defendant thus argues that his case falls under subsection (b) of section 110-7.5 of the Code. See 725 ILCS 5/110-7.5(b) (stating that "any person who remains in pretrial detention after having been ordered released with conditions \*\*\* shall be entitled to a hearing under subsection (e) of Section 110-5"). He maintains that he is not subject to section 110-6.1 of the Code, the section under which the State filed its petition for pretrial detention. See 725 ILCS 5/110-6.1 (providing the requirements for denial of pretrial release following the State's filing of a verified petition for pretrial detention).

¶ 26 As we explain below, we do not have jurisdiction to review the propriety of the court's September 20, 2023 order.

¶ 27 Prior to April 15, 2024, the supreme court rules required a party seeking to appeal an order denying pretrial release to file a notice of appeal in the circuit court within 14 days of the entry of that order.<sup>4</sup> Here, defendant filed a timely notice of appeal of the September 20, 2023 order; however, that appeal was not pursued and was therefore dismissed for want of prosecution. The time has now passed for defendant to appeal the court's September 20, 2023, order and thus, we are deprived of jurisdiction to review that order. See *Hongo*, 2024 IL App (1st) 232482, ¶ 25. The

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<sup>4</sup> The amended rules, which took effect after defendant filed his notice of appeal in this case, now require that the party taking the appeal first file a motion for relief in the circuit court, and after disposition of that motion, the party may initiate an appeal at any time prior to conviction. Ill. S. Ct. R. 604(h)(3) (eff. Apr. 15, 2024).

notice of appeal filed in this case relates to the March 7, 2024, order for defendant's continued detention. As such, defendant's claim that the circuit court should not have considered the State's September 18, 2023, petition for pretrial detention cannot be considered by this court. Rather, we only have jurisdiction to review those claims on appeal related to the court's order of continued detention, to which we now turn. But see *People v. Triplett*, 2024 IL App (2d) 230388, ¶ 11 (finding that the court could review the timeliness of the State's petition upon a notice of appeal from a later order of continued detention where the trial court expressly incorporated its findings from the prior order addressing timeliness); *People v. Williams*, 2024 IL App (1st) 240480-U, ¶¶ 21-27 (relying on *Triplett* and distinguishing *Hongo*, in finding that the trial court "impliedly incorporated its earlier decision" and therefore the prior order was "a step in the procedural progression leading to the later order specified in the notice of appeal").

¶ 28

#### B. Continued Detention Order

¶ 29 Pretrial release is now governed by article 110 of the Code (725 ILCS 5/art. 110 (West 2022)). Under the Code, all criminal defendants are presumed eligible for pretrial release. 725 ILCS 5/110-2(a) (West 2022). That presumption is overcome, and a defendant may be denied pretrial release, only if the State proves by clear and convincing evidence that (1) the proof is evident or the presumption great that the defendant committed a qualifying offense, (2) the defendant's pretrial release poses a real and present threat to the safety of any person or the community or a flight risk, and (3) no condition or combination of conditions would be sufficient to mitigate the real and present safety threat or flight risk. *Id.* § 110-6.1(e)(1)-(3). In determining whether a defendant poses a real and present safety threat, the Code provides that the circuit court may consider certain factors, including the nature and circumstances of the charged offense(s); the history and characteristics of the defendant, especially criminal history indicative of violent or

abusive behavior; the identity of the victim; any statements made by or attributed to the defendant, together with the circumstances surrounding them; whether the defendant has access to weapons; and whether the defendant was on probation, parole, or other form of supervised release at the time of the alleged offense(s). *Id.* § 110-6.1(g). If the circuit court grants the State’s petition, it must issue a written detention order “summarizing the court’s reasons for concluding that the defendant should be denied pretrial release.” *Id.* § 110-6.1(h).

¶ 30 As relevant in this case, if a defendant is detained pretrial, the “statute also imposes a continuing obligation for the court to assess whether continued detention is necessary.” *Hongo*, 2024 IL App (1st) 232482, ¶ 21. Specifically, the statute provides: “At each subsequent appearance of the defendant before the court, the judge must find that continued detention is necessary to avoid 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, or to prevent defendant’s willful flight from prosecution.” 725 ILCS 5/110-6.1(i-5) (West 2022).

¶ 31 Before reaching the merits of defendant’s arguments regarding the court’s order of continued detention, we must first address the standard of review.

¶ 32 The appropriate standard of review for pretrial release orders remains unresolved and the subject of considerable debate among the appellate districts, and even among different divisions here in the First District. See *People v. Miller*, 2024 IL App (1st) 240588, ¶ 27 (setting forth the court’s various positions). Continued pretrial detention orders have not avoided this debate, as some districts and divisions of our appellate court have applied the abuse of discretion standard (see *People v. Casey*, 2024 IL App (3d) 230568, ¶¶ 11-13; *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 16) and at least one of our sister districts has applied the manifest weight standard (see *People v. Alcantara*, 2024 IL App (5th) 240195-U, ¶ 33). We need not determine which standard

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applies here, however, because the outcome would be the same under either standard, even *de novo*. See *Saucedo*, 2024 IL App (1st) 232020, ¶ 122 (Ellis, J., specially concurring) (advocating for a *de novo* standard of review).

¶ 33 Subsection (i-5), as set forth above, requires that, at any subsequent appearance of a defendant before the court, the circuit court must conduct some review of the appropriateness of the defendant's continued detention. 725 ILCS 5/110-6.1(i-5) (West 2022). Although, like at the initial hearing, the court must make its findings based on the specific, articulable facts of the case, determinations of continued detention "are not subject to every statutory requirement that applies to initial detention hearings." *People v. Harris*, 2024 IL App (2d) 240070, ¶ 37; see also *Casey*, 2024 IL App (3d) 230568, ¶ 13 ("the Code does not require the court to again make specific findings that the State proved the three propositions by clear and convincing evidence as required at the initial hearing."). Rather, the court need only consider whether continued detention of the defendant is necessary to avoid a safety threat or prevent willful flight.

¶ 34 As defendant points out, the circuit court here appeared to make the findings necessary for an initial pretrial detention order. That is to say, the court addressed all three propositions that the State is required to prove by clear and convincing evidence (725 ILCS 5/110-6.1(f)), despite the fact that, for purposes of subsequent review of detention, the statute only requires that the court address whether continued detention is necessary to avoid a safety threat or to prevent willful flight from prosecution (725 ILCS 5/110-6.1(i-5)). According to defendant, because the circuit court addressed all three propositions, this court should also review the circuit court's rulings for each of those requirements. We disagree with this proposition.

¶ 35 The Code does not provide for repeated, comprehensive detention hearings. See *People v. Stokes*, 2024 IL App (1st) 232022-U, ¶ 36 ("only where a verified petition to deny pretrial release

is before the court does the Code mandate a comprehensive pretrial hearing”). Here, the State’s petition to deny pretrial release pursuant to section 110-6.1 was heard and ruled on in September 2023, and defendant was ordered detained at that time. If defendant wished to challenge the court’s rulings on the three initial propositions, the prior appeal should have been pursued, rather than abandoned. As we have already made clear, those issues are not properly before us. See also *Casey*, 2024 IL App (3d) 230568, ¶ 13 (finding issues regarding the three propositions were not before the court when defendant only appealed his continued detention following a subsequent appearance).

¶ 36 The only issue which required a finding by the court at the time of the March 7 proceeding was whether defendant’s continued detention was necessary to avoid a safety threat or prevent his willful flight. Although the circuit court’s ruling included those factors required at an initial detention hearing, the court ultimately found that defendant remained a safety threat and that electronic monitoring would not be appropriate as the court was concerned with defendant’s potential conduct during his two days of permitted movement. Thus, its breadth notwithstanding, the court’s ruling is consistent with a subsection (i-5) finding that defendant’s continued detention was necessary to avoid a real and present safety threat. Therefore, that is the only ruling that is properly before this court on appeal.

¶ 37 Moreover, this section of the Code does not set forth a quantum of evidence required, but this court has previously held that “it remains the State’s burden \*\*\* to demonstrate that detention continues to be necessary.” *Stokes*, 2024 IL App (1st) 232022-U, ¶ 29; see also *Casey*, 2024 IL App (3d) 230568, ¶ 13 (noting that this determination is not subject to the same “clear and convincing” standard as in the initial detention hearing). However, there is no indication that the standard under subsection (i-5) is stricter than that necessary for an initial detention hearing. By

making findings in compliance with the requirements of section 110-6.1, the circuit court in this instance has effectively found that the State satisfied a more stringent standard of proof than is required for continued detention. See *Thomas*, 2024 IL App (1st) 240479, ¶ 14 (the trial court’s findings that the State proved by clear and convincing evidence on the three propositions necessarily encompassed the continued detention finding under subsection (i-5)). For these reasons, we see no impediment to limiting our review solely to the court’s determination that defendant remained a safety threat.

¶ 38 As to that finding, defendant first contends that the State failed to tie its proffer to the safety standard. This argument is rebutted by the record, which shows that the State argued that it had shown that there were no conditions that could protect the victim “based upon the facts of the case[,]” “the contact despite the order of protection[,]” and “the fact that [defendant] had two pending cases with this victim in two separate counties, one of those at least being a felony case.” Although the State does not explicitly use the language from subsection (i-5), we find it apparent that the State intended to address whether defendant remained a safety threat.

¶ 39 Defendant also contends that the court’s finding was erroneous because defendant “vehemently denies” the allegations against him and defendant does not have any prior convictions in his criminal history.

¶ 40 Be that as it may, defendant’s propensity for violence is well-documented. The record shows that pretrial services assessed defendant at a 4 out of 6 for new criminal activity, and based on defendant’s outstanding warrants, it seems likely that that criminal activity would involve violence. The State’s proffer enumerated defendant’s multiple domestic violence charges out of multiple counties with the same victim, in addition to another domestic-related charge with a different victim. Evidently, defendant’s repeated charges of domestic violence have not deterred



him from continuing to inflict injury on his romantic partners. Rather, despite the fact that defendant already had charges of domestic battery, he proceeded to brutally assault the same victim by repeatedly smashing her head into the dashboard until she lost consciousness. Moreover, the State's proffer revealed that defendant had allegedly threatened to inflict even greater injury on the victim, stating that the only way she would be leaving the relationship was if he killed her. Under these circumstances, defendant's absence of criminal convictions is not reason enough to find that he was not a safety threat.

¶ 41 Finally, the only new information before the court on March 7 was a number of anonymous threatening text messages sent to the victim, which she believed were from a girlfriend of defendant. Although the circuit court did not appear to give much weight to the unverified text messages, we note that, if they were sent by anyone associated with defendant, then a threat to the victim's safety persisted. As such, the court was, with good reason, wary of electronic monitoring as an alternative to detention, as it would have allowed defendant two days of movement. See *People v. York*, 2024 IL App (1st) 240308-U, ¶ 34 (electronic monitoring may not be appropriate where a defendant has demonstrated a willingness to engage in violent conduct).

¶ 42 Considering defense counsel did not offer anything new to demonstrate that defendant was not a safety threat, there were no grounds for departing from the court's September 20, 2023 pretrial detention order. For all of these reasons, we conclude that the circuit court did not err in finding that defendant continued to pose a real and present danger to the community.

¶ 43 Defendant also argues that the court erred in addressing the willful flight requirement and in finding that defendant was in danger of flight from prosecution. In particular, he asserts that the court should not have considered willful flight because the court did not make a finding as to willful flight at the initial detention hearing. However, "[t]he court is "not obligated to make the

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same findings as those made at a prior detention hearing.” *Harris*, 2024 IL App (2d) 240070, ¶ 41.

In any case, we need not consider the circuit court’s willful flight finding because its safety threat finding, which we hold was well founded, was sufficient to justify its order of continued detention.

¶ 44 Accordingly, the circuit court’s decision to continue defendant’s detention was adequately supported by the record and was therefore proper.

¶ 45

### III. CONCLUSION

¶ 46 For the reasons stated, we affirm the judgment of the circuit court.

¶ 47 Affirmed.