

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).

2026 IL App (4th) 260651-U
NOS. 4-26-0651, 4-26-0652 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 10, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Winnebago County
JONATHAN TYLER WARNER,	)	Nos. 25CF1333
Defendant-Appellant.	)	25CF2622
	)	
	)	Honorable
	)	Jennifer J. Clifford,
	)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Knecht and Vancil concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court's order denying defendant pretrial release, concluding the State proved by clear and convincing evidence the proof was evident or the presumption great that defendant committed a detainable offense, defendant posed a real and present threat, and there were no less-restrictive means other than pretrial detention to mitigate that threat.

¶ 2 Defendant, Jonathan Tyler Warner, appeals an order denying his motion for relief after the trial court granted the State's petitions to deny him pretrial release and revoke his pretrial release pursuant to article 110 of the Code of Criminal Procedure of 1963 (Procedure Code) (725 ILCS 5/art. 110 (West 2024)), commonly known as the Pretrial Fairness Act. In accordance with Illinois Supreme Court Rule 604(h)(7) (eff. Apr. 15, 2024), defendant relies upon his motion for relief filed in the trial court as his argument on appeal. In his motion, defendant argues the State failed to meet its burden of proving by clear and convincing evidence that no condition or

combination of conditions could mitigate the threat he posed to the victim. We affirm.

¶ 3

I. BACKGROUND

¶ 4

Defendant was charged in May 2025 with one felony count of resisting a police officer (720 ILCS 5/31-1(a-7) (West 2024)), one count of domestic battery (*id.* § 12-3.2(a)(2)), and one misdemeanor count of resisting a police officer (*id.* § 31-1(a)(1)) (Winnebago County case No. 25-CF-1333). The charges alleged defendant made physical contact of an insulting or provoking nature with his girlfriend, J.B., and resisted police officers when they attempted to arrest him. Pretrial services completed an assessment of defendant, finding he scored a 6 out of 14 on the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R) and a 9 out of 30 on the Domestic Violence Screening Instrument (DVSI). Defendant was placed on pretrial release with conditions of release, which included appearing in court as ordered, refraining from possessing a firearm or other dangerous weapon, and having no contact with J.B.

¶ 5

Defendant failed to appear in the trial court as directed on July 1, 2025, so a bench warrant was issued. On September 30, 2025, defendant was arrested and charged with aggravated domestic battery (*id.* § 12-3.3(a-5)), unlawful restraint (*id.* § 10-3), domestic battery (*id.* § 12-3.2(a)(1)), interfering with the reporting of domestic violence (*id.* § 12-3.5), and violating conditions of pretrial release (*id.* § 32-10(b)) (Winnebago County case No. 25-CF-2622). The new charges arose from an altercation between defendant and the same victim, J.B., at the victim's home. The updated pretrial services assessment indicated defendant scored an 8 out of 14 on the VPRAI-R, which was level 4, a high risk. Defendant scored 21 out of 30 on the DVSI, indicating an increased risk of reoffending.

¶ 6

The State filed a verified petition to deny defendant pretrial release in the new case, case No. 25-CF-2622, asserting the proof was evident and presumption great that defendant

committed domestic battery or aggravated domestic battery under section 12-3.2 or 12-3.3 of the Criminal Code of 2012 (*id.* § 12-3.2, 3.3) and his pretrial release 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. The State also filed a petition to revoke defendant's pretrial release in the original case, case No. 25-CF-1333, based on defendant's failure to appear on July 1, 2025, and the new charges.

¶ 7 At the hearing on the petitions, the trial court instructed the State to proceed first with the petition to deny pretrial release in case No. 25-CF-2622. The State proceeded by proffer, asking the court to take judicial notice of the factual summary and the pretrial services report.

¶ 8 The State proffered the following information about the incident. On September 30, 2025, at approximately 5 p.m., in Rockford, Illinois, police officers were dispatched to J.B.'s home in response to a 911 call requesting assistance for an aggravated domestic battery. When police officers arrived, J.B. stated she invited defendant over to her home, and they engaged in a verbal argument. J.B. told defendant to leave, but defendant blocked the front door with his body and held the door, preventing J.B. from leaving. J.B. went upstairs and defendant followed, the two of them got into a "tussle," and defendant took her phone. J.B. then went back downstairs, and defendant approached her from the front and placed both of his hands around her neck for five to six seconds and applied pressure. She could not breathe. J.B. went into her son's bedroom and used an old phone to call 911. Defendant left the premises before police officers arrived. When later questioned, defendant stated he and J.B. had a verbal argument, which proceeded to a "tussle," but he only pushed J.B. once on the head. The officers observed visible marks and injuries on J.B.'s face, neck, and arms. The State also proffered the factual summary and pretrial services report from case No. 25-CF-1333.

¶ 9 The State argued the proof was evident or the presumption great that defendant committed the offenses, he was a real and present threat to the victim, and there were no conditions the trial court could fashion to mitigate that threat. Defense counsel proffered that defendant was employed, pursuing his GED, and attending a behavioral group twice a week. Defense counsel argued there were conditions that would mitigate the threat to the victim or the public, specifically, ordering defendant to report to pretrial services and complete any services required by that department.

¶ 10 The trial court considered the arguments of counsel, the proffers, and the pretrial services reports. It concluded the State proved by clear and convincing evidence that the proof was evident and the presumption great that defendant committed a qualifying offense, defendant was a threat to the safety of the victim, and there were no conditions that could mitigate the risk to the victim. On the issue of possible conditions of release, the court found a no-contact order had previously been entered, and defendant violated that order. The court also considered defendant's prior offenses, which included unlawful possession of a weapon by a felon, assault and battery, and home invasion, which indicated a propensity towards violence and access to weapons in the past. In addition, defendant had failed to appear on two prior occasions. Based on that information, the court concluded no conditions of release would mitigate the risk defendant posed to the safety of J.B. Thus, the court granted the petition to deny pretrial release in case No. 25-CF-2622. Defense counsel waived a hearing on the petition to revoke pretrial release in case No. 25-CF-1333, and the court entered an order revoking defendant's pretrial release.

¶ 11 Defendant filed a *pro se* petition to review his pretrial detention on January 30, 2026. Thereafter, defense counsel filed a motion for relief, contending the State failed to prove by clear and convincing evidence there was no condition or combination of conditions that

would mitigate defendant’s threat to the safety of the victim. After a hearing on the motion filed by defense counsel, the trial court denied the motion for relief.

¶ 12 This appeal followed.

¶ 13 II. ANALYSIS

¶ 14 On appeal, defendant argues the State failed to satisfy its burden of proving by clear and convincing evidence that no conditions of release could be imposed to mitigate his dangerousness. “[W]hen the parties to a pretrial detention hearing proceed solely by proffer, 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.

¶ 15 Under the Procedure Code, it is presumed all criminal defendants are entitled to pretrial release on personal recognizance, subject to certain conditions. 725 ILCS 5/110-2(a) (West 2024). The State may petition to overcome this presumption for a defendant charged with a detainable offense, as enumerated in the statute. *Id.* § 110-6.1(a). Here, defendant was charged with aggravated domestic battery, which is an enumerated detainable offense. *Id.* § 110-6.1(a)(4).

¶ 16 The provisions applicable in this case required the State to prove by clear and convincing evidence (1) the proof is evident or the presumption great that defendant committed a detainable offense; (2) defendant’s release would pose “a real and present threat to the safety of any person or person or the community, based on the specific articulable facts of the case”; and (3) no condition or combination of conditions would mitigate that safety threat. *Id.* §§ 110-2(b), 110-6.1(a)(4), (e)(1)-(3).

¶ 17 Defendant does not contest the trial court’s findings that he was charged with a

detainable offense and posed a real and present safety threat to others. Rather, he argues the State failed to prove by clear and convincing evidence that there were no less restrictive conditions to mitigate the threat. Specifically, defendant contends the State failed to address the conditions suggested by defendant, and the court did not adequately consider whether there were any conditions that could mitigate the threat and conflated the element of dangerousness with the consideration of conditions.

¶ 18 A finding of dangerousness does not automatically warrant pretrial detention. *People v. Atterberry*, 2023 IL App (4th) 231028, ¶ 18 (finding pretrial detention requires more than a detainable offense and a threat to public safety). Rather, the trial court must further evaluate, based on the specific facts of the case and the defendant’s individual background and characteristics, whether any combination of conditions can mitigate the threat and allow the defendant’s pretrial release. *Id.* However, “dangerousness and conditions of release are two sides of the same coin; the nature and severity of the threat necessarily determine the nature and severity of the conditions that could—or could not—mitigate the threat.” *People v. Romine*, 2024 IL App (4th) 240321, ¶ 16.

¶ 19 After our *de novo* review of the record, we hold the State proved by clear and convincing evidence there existed no condition or combination of conditions that would mitigate the threat defendant posed to J.B. or the community based on the specific articulable facts of this case. Defendant was charged with aggravated domestic battery for allegedly strangling his girlfriend for five to six seconds, escalating a verbal argument. The offense occurred while defendant was on pretrial release for allegedly battering the same girlfriend a few months earlier. Defendant’s risk assessment scores indicated a high risk and likelihood of reoffending, particularly by committing another act of domestic violence. Defendant’s criminal history

included time in the Illinois Department of Corrections for convictions of home invasion and unlawful possession of a weapon by a felon. In addition, while on pretrial release, defendant failed to appear for a scheduled court date. We agree with the trial court's conclusion there existed no condition or combination of conditions that could mitigate the risk defendant posed to the victim or the community in this case.

¶ 20 Lastly, the State also petitioned to revoke defendant's previously granted pretrial release in case No. 25-CF-1333 because defendant was charged with a felony or Class A misdemeanor that allegedly occurred during his pretrial release. See 725 ILCS 5/110-6(a) (West 2024). Defendant waived a hearing on the revocation petition and does not challenge the basis for revocation in his petition for review, so we decline to separately address that petition. See Ill. S. Ct. R. 604(h) (eff. Apr. 15, 2024) ("Upon appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived.").

¶ 21 III. CONCLUSION

¶ 22 For the reasons stated, we affirm the trial court's judgment.

¶ 23 Affirmed.