2026 IL App (1st) 261031-U

No. 1-26-1031B

Order filed November 12, 2026

Fourth Division

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,
Plaintiff-Appellee,

v.

MICHEAIL WARD,
Defendant-Appellant.

Appeal from the Circuit Court of Cook County,
No. 13 CR 5242;
The Honorable Diana L. Kenworthy, Judge, Presiding.

JUSTICE OCASIO delivered the judgment of the court.
Presiding Justice Lyle and Justice Mitchell concurred in the judgment.

ORDER

¶ 1 *Held*: That State established by clear and convincing evidence that defendant committed detention-eligible offenses, poses a real and present threat to the safety of any person or persons or the community, and no condition or combined conditions can mitigate defendant's dangerousness. We affirm.

¶ 2 In 2018, a jury found defendant Micheail Ward guilty of first-degree murder and aggravated battery with a firearm, and it also found that he had personally discharged a firearm that proximately caused death or great bodily harm to another person. On direct appeal, we found that Ward's inculpatory statements should have been suppressed, so we reversed and remanded for a

new trial. *People v. Ward*, 2023 IL App (1st) 190364, *appeal dismissed*, 2025 IL 129627 (*per curiam* dismissal for inability to secure concurrence of four justices). On remand, Ward petitioned for release and the State filed a detention petition. The court granted the State's petition and subsequently denied Ward's motion for relief. Ward appeals, and we affirm.

¶ 3 I. BACKGROUND

¶ 4 On January 29, 2013, a shooting occurred at Harsh Park in Chicago, where a group of students from Dr. Martin Luther King Jr. College Preparatory High School had gathered. Three students were struck by gunfire, and fifteen-year-old Hadiya Pendleton died from her injuries. Ward and codefendant Kenneth Williams were arrested on February 9, 2013. The State charged Ward, a member of the Suwu gang, with first-degree murder and aggravated battery with a firearm, and related offenses arising from the shooting.

¶ 5 Following a jury trial, Ward was convicted and sentenced to a total of 84 years in prison. At trial, the State presented evidence that included eyewitness testimony, prior statements given by alleged associates of Ward, cell phone and surveillance evidence, and Ward's in-custody confession. The facts of the case are set out in detail in our previous opinion. See *Ward*, 2023 IL App (1st) 190364, ¶¶ 10-79. On direct appeal, we found that Ward's custodial statements should have been suppressed because the interrogating detectives failed to scrupulously honor Ward's repeated invocation of his fifth amendment right to remain silent, so we reversed and remanded for a new trial. *Id.* ¶¶ 120, 126.

¶ 6 After remand, Ward sought pretrial release. The State filed a petition for pretrial detention, alleging that the proof was evident and the presumption is great that Ward committed the charged offenses, that he posed a real and present threat to the safety of persons and the community, and that no condition or combination of conditions could mitigate that threat. The court conducted a hearing on March 11, 2025, at which Ward's mother testified. Following the hearing, the trial court ordered Ward to be detained pending trial.

¶ 7 On April 20, 2026, Ward filed a motion for relief arguing that the State's evidence was insufficient to establish that the proof of guilt was evident or the presumption great, that he did not pose a real and present threat to the community, and any that concerns could be addressed through conditions such as home confinement and electronic monitoring. Following a hearing on May 7, 2026, the trial court again ordered Ward to be detained pending trial.

¶ 8 Ward appealed.

¶ 9 II. ANALYSIS

¶ 10 On appeal, Ward argues that the trial court's order denying him pretrial release was against the manifest weight of the evidence, and that the State failed to carry its burden of showing all three elements necessary to deny pretrial release.

¶ 11 Under Article 110 of the Code of Criminal Procedure (725 ILCS 5/110-1 *et seq.* (West 2024)), defendants are presumed eligible for pretrial release, and the State bears the burden of overcoming this presumption if it seeks pretrial detention. *Id.* § 110-6.1 (e). The court may deny release only on a verified State petition, and 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 detainable offense, (2) the defendant "poses 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 (3) no condition or combined conditions can mitigate the risk of defendant's real and present threat to the safety of the community or defendant's willful flight. *Id*. § 110-6.1 (e).

¶ 12 Clear and convincing evidence is the intermediate burden, more than a preponderance, but short of beyond a reasonable doubt. *People v. Horne*, 2023 IL App (2d) 230382, ¶ 22. To satisfy its burden, the State may present evidence at a detention hearing through witnesses, or by way of proffer based upon reliable information. 725 ILCS 5/110-6.1 (f)(2),(5) (West 2024). "The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing." *Id*. § 110-6.1 (f)(5).

¶ 13 Section 110-6.1(j) of the code provides a defendant with the right to appeal from an order denying pretrial release. *Id*. § 110-6.1 (j); Ill. S. Ct. R. 604 (h)(1)(iii) (eff. Apr. 15, 2024). The applicable standard turns on how the hearing was conducted. Where live testimony is presented, the trial court's ultimate detention decision and its underlying factual findings will not be disturbed unless against the manifest weight of the evidence. *People v. Morgan*, 2025 IL 130626, ¶ 21. When the parties to a pretrial detention hearing proceed solely by proffer, the reviewing court is not bound by the factual findings of the trial court and may conduct its own independent *de novo* review of the proffered evidence and evidence documentary in nature. *Id*. Because Ward's family testified at the detention hearing, we review the trial court's detention decision under the manifest-weight-of-the-evidence standard.

¶ 14 A. Evident Proof or Great Presumption

¶ 15 Ward argues that the State failed to meet its burden of proving by clear and convincing evidence that the proof is evident or the presumption great that he committed the qualifying offense. See 725 ILCS 5/110-6.1(e)(1) (West 2024). He contends that the case against him relies on unreliable eyewitness identifications, recanted witness statements, and a confession that was ultimately suppressed. He characterizes the State's case as weak, arguing that investigators targeted him because of his Suwu gang affiliation rather than through a reliable investigation—effectively attributing guilt by association. He argues that there was no reliable eyewitness identification, that the statements attributed to four of his alleged Suwu associates—Ernest Finner, Demitrius Tucker, Tyron Lawrence, and Jarod Randolph—were recanted, unreliable, inadmissible hearsay, and the product of coercive tactics employed by Detective John Halloran; that the analysis of historical cell-site location information associated with his phone is more exculpatory than inculpatory; and that his confession should be afforded no weight because it was suppressed under *Miranda*. The State responds that its proffer substantially exceeded the clear-and-convincing-evidence standard. According to the State, the evidence includes eyewitness identifications, sworn statements from multiple gang members, surveillance footage, cell site location data, and Ward's own confession.

¶ 16 The parties dispute whether Ward's custodial confession, which we have previously found subject to suppression, can be considered in assessing the strength of the State's proffer. Information can be considered at a detention hearing even if it would not be admissible at trial. 725 ILCS 5/110-6.1(f)(5) (West 2024). The detention-hearing statute specifically provides that defendants cannot move to suppress evidence, including confessions, at detention hearings. *Id.* § 110-6.1(f)(6). At the same time, if the record discloses a basis for suppression, that affects the weight to be given to that evidence. *Id.* The confession in this case, moreover, has actually been ordered to be suppressed, which means it will not be a part of the body of "proof" at trial. We are not aware of any case law that has addressed whether, or to what extent, evidence that has already been suppressed can or should be given any weight when evaluating whether the State has shown, by clear and convincing evidence, that "the proof is evident or the presumption great" that the defendant committed a detainable offense." *Id.* § 110-6.1(e)(1). We need not resolve that question here because, even if no weight is given to the suppressed confession, the remaining evidence meets that standard.

¶ 17 The State's proffer included substantial evidence linking Ward to the shooting. Although Ward emphasizes that several witnesses later recanted or disavowed portions of their prior statements, the trial court reasonably viewed those credibility disputes as matters for the factfinder and that significant aspects of the witnesses' accounts were corroborated by evidence such as video recordings. The State's proffer included eyewitness testimony identifying Ward as the shooter and linking him to a distinctive blue sweatshirt worn during the offense, testimony placing the gunman in a white Nissan moments after the shooting, surveillance footage corroborating Ward's presence in that vehicle with fellow gang members shortly after the offense, statements from multiple witnesses regarding Ward's admissions and conduct following the offense, and cell-site location information. Moreover, the detention statute does not require the State to prove its case beyond a reasonable doubt or foreclose every potential challenge to the evidence. Instead, the question is whether the State established by clear and convincing evidence that the proof was evident or the

presumption great that Ward committed the charged offenses. Viewed as a whole, the proffered evidence supports the trial court's finding that the State met its burden.

¶ 18 B. Dangerousness

¶ 19 Ward next argues that the trial court erred in finding that he posed a real and present threat to the safety of any person or the community. See *id.* § 110-6.1(e)(2). He contends that the finding was against the manifest weight of the evidence because it is rooted in assumptions rather specific articulable facts. Ward asserts that the court improperly relied on the brazen nature of the offense and his arrest history from 13 years earlier. Ward emphasizes that he has no prior convictions, that there is no evidence he ever threatened or attempted to intimidate witnesses despite having 13 years to do so, and that the court improperly discounted his institutional record and assumed his continued detention explains the absence of misconduct.

¶ 20 The State responds that the findings are grounded in the statutory dangerousness factors including the nature and circumstances of the offense, Ward's history and characteristics, and his access to weapons. See *id.* § 110-6.1(g). The State contends that Ward continues to pose a risk to eyewitness Stephen Abdul and to former Suwu gang members who implicated him in the shooting. In support, the State points to the evidence that Ward warned fellow gang members at a post-shooting gang meeting not to discuss the offense and argued that the witnesses' recantations are due to feared retaliation. The State further rejects Ward's reliance on the lack of misconduct for these past 13 years, arguing that detention has worked to prevent intimidation. According to the State, the statute requires a showing of an unacceptable risk to the safety of others, not proof that a threat has already been carried out.

¶ 21 The trial court found that Ward posed a real and present threat to the safety of others. The record reflects that the court considered the nature and circumstances of the charged offense, the gang related context in which it occurred, the evidence concerning witness safety, and Ward's history of noncompliance with court orders. On appeal, Ward argues that those findings rested on speculation rather than specific articulable facts. We disagree.

¶ 22 The evidence before the court supported an inference that the shooting, which killed a teenage girl who was hanging out with friends in a park, was motivated by a desire to get revenge on a rival gang that had shot and killed a Suwu member several months earlier. Both a willingness to resort to retaliatory violence and a willingness to put innocent bystanders in harm's way are relevant to an assessment of future dangerousness. Further, there was evidence that, at a Suwu meeting that took place after the shooting, Ward was upset that Williams had been "running his mouth," and he told the group that nothing should be said to anybody through any medium. That group included people whose later police statements are instrumental to the State's case. Although Ward emphasizes that there is no evidence he threatened witnesses during the many years he remained in custody, section 110-6.1(e)(2) does not require proof that a threatened harm has already materialized. Considering the totality of evidence, we cannot say that the trial court's finding that Ward posed a real and present threat to the safety of person or the community was against the manifest weight of the evidence.

¶ 23 C. Adequacy of Release Conditions

¶ 24 Finally, Ward argues that the State failed to prove by clear and convincing evidence that no condition or combination of conditions could mitigate any threat he poses. See See *id.* § 110-6.1(g). He contends that home confinement and electronic monitoring would adequately address any perceived risk. He also argues that his probation violations, which occurred when he was a juvenile or young adult more than a decade ago, have limited probative value because he is now 33 and has spent 13 years in custody. Ward further maintains that the record supports neither the trial court's finding that he cannot comply with court orders or custodial rules nor its conclusion that he would possess weapons if released.

¶ 25 The State responds that the record supports the trial court's determination that no condition or combination of conditions would sufficiently mitigate the threat posed by Ward. The State notes that the court relied on Ward's inability to follow court-imposed conditions and his continued criminal conduct while subject to probation. The State further points to Ward's alleged misconduct

while detained, including fighting with another inmate and spitting on two correctional officers, demonstrating that incarceration did not deter him from violating rules governing conduct. According to the State, those facts support the conclusion that less restrictive alternatives, including home confinement and electronic monitoring, would not reasonably ensure compliance with release conditions or adequately mitigate those threats.

¶ 26 We likewise cannot say that the trial court's finding on the third prong was against the manifest weight of the evidence. The court relied on specific facts demonstrating Ward's repeated inability to comply with lawful authority and court-imposed conditions. As the court observed, Ward violated juvenile probation within weeks of being placed on it and accumulated additional arrests while on probation. The court could reasonably view this pattern as indicative of an ongoing inability or unwillingness to conform his conduct to rules or supervision. Although Ward characterizes these incidents as stale and argues that electronic monitoring or home confinement would adequately mitigate the risk, the trial court was not required to entirely disregard evidence of Ward's past unwillingness to follow court-imposed conditions. Given Ward's history, the gang-related nature of the charged offenses, and the court's concerns regarding witness safety and retaliation, the record supports its determination that no condition or combination of conditions could adequately mitigate the threat posed by Ward. Accordingly, the trial court did not err in finding that the State satisfied its burden and denying Ward pretrial release.

¶ 27 III. CONCLUSION

¶ 28 The trial court's findings that the proof was evident or the presumption great that Ward committed the charged offenses, that he would pose a real and present threat to the safety of another person or persons or the community should he be released pending trial, and that no set of release conditions could adequately mitigate that threat were not against the manifest weight of the evidence. We there affirm the trial court's orders denying pretrial release.

¶ 29 Affirmed.