2026 IL App (1st) 260601-U

No. 1-26-0601B

Order filed June 30, 2026

Third 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,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 26 CR 1443
	)	
JAVONNI CLARK,	)	Honorable
	)	Aleksandra Gillespie,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE LAMPKIN delivered the judgment of the court.
Presiding Justice Martin and Justice Reyes concurred in the judgment.

ORDER

¶ 1 *Held*: The State failed to prove by clear and convincing evidence that no conditions of pretrial release can mitigate the threat defendant poses to any person or the community, and the trial court's judgment denying defendant pretrial release is reversed and remanded.

¶ 2 Defendant Javonni Clark is charged with one count of armed robbery, one count of aggravated robbery, and two counts of identity theft, all related to an instance on January 5, 2026, where defendant allegedly drove three other individuals around the neighborhood, stopping once

so that the three other individuals could rob one individual, and stopping a second time where the three other individuals attempted a robbery but were unsuccessful. He now appeals the trial court's order denying him pretrial release pursuant to Section 110-6.1 of the Code of Criminal Procedure (Code). 725 ILCS 5/110-1 *et seq.* (West 2024).

¶ 3 The General Assembly used Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act, to amend Section 110 of the Code and affect sweeping changes to how our criminal justice system treats pretrial detention and release. *See Rowe v. Raoul*, 2023 IL 129248, ¶ 4 n.1 (noting neither "SAFE-T Act" nor "Pretrial Fairness Act" are "official" names but common shorthand for sequence of public acts). Section 110 of the Code eliminates cash bail, presumes that *all* defendants, regardless of the alleged offense, are eligible for pretrial release, and establishes a number of new procedural rules regarding pretrial release. To succeed on a petition for pretrial detention, the State must make certain showings by clear and convincing evidence to demonstrate why the pretrial incarceration of any defendant is warranted. 725 ILCS 5/110-6.1(e)(1)-(4) (West 2024).

¶ 4 The trial court initially ordered defendant's pretrial detention on January 8, 2026. Defendant filed a motion for relief challenging that order, which was denied. He now challenges both of these orders on appeal.

¶ 5 For the reasons that follow, we reverse the judgment of the trial court and remand.

¶ 6 I. BACKGROUND

¶ 7 On January 8, 2026, the State charged defendant with one count of armed robbery by way of a complaint, and filed a petition for pretrial detention alleging that defendant poses a real and

present threat to the safety of any person or the community and that no conditions of release could mitigate the threat he poses.

¶ 8 At a hearing the same day, the State provided a proffer regarding two incidents that took place on January 5, 2026. At approximately 10 p.m., an individual the State referred to as Victim One had recently arrived home and realized he left something in his vehicle, which was parked in the rear of his home. The victim exited the rear of his home, retrieved items from his vehicle, and then walked to the side of his residence to retrieve additional items from his wife's vehicle.

¶ 9 A 2010 Mercury Mariner stopped abruptly approximately one car length away from where the victim was standing. Three offenders exited the vehicle and robbed the victim, taking a red utility knife and his wallet, which contained his driver's license, Social Security card, a union ID, $348, wedding ring, and multiple credit and debit cards. The three offenders initially took the victim's cell phone, but then chose to return it. The driver did not exit the vehicle. The other three offenders then re-entered the vehicle and the vehicle drove away.

¶ 10 All three of the offenders were minors. The first exited the vehicle wearing a dark brown sweatshirt with a hood and a face mask. He had an object protruding from his pocket which the victim believed was a gun. The first offender threatened to shoot the victim if he did not surrender his belongings. The second offender was wearing dark clothing and a face mask and had a black pistol and also threatened to shoot the victim. The third offender, who was also wearing dark clothing, remained close to the vehicle and did not approach the victim.

¶ 11 After the offenders re-entered the vehicle and drove away, the victim called 911.

¶ 12 At approximately 10:30 p.m., the victim received a text message from his bank that his debit card was used to make a $31 purchase at a nearby gas station. Video footage from the gas

station showed an individual later determined to be defendant exit the driver's seat of the Mariner and begin putting fuel in the vehicle while the three offenders exited the vehicle and entered the gas station. Defendant was wearing an olive green and camouflage track suit, black shoes, and a black face mask. Once inside, the three individuals attempted to make a purchase with the victim's debit card, but fled when the clerk asked to see identification.

¶ 13 At approximately 10:54 p.m., the occupants of the Mariner attempted to stop a pedestrian, who the State referred to as Victim Two. Footage taken from a doorbell camera captured the minor offenders exiting the vehicle and chasing after the victim. The victim managed to outrun the offenders, get to safety, and call 911.

¶ 14 Police located and curbed the Mariner at approximately 11:11 p.m. Defendant was in the driver's seat, and he had three minor passengers. Defendant was wearing the same clothing as the individual recorded putting gas into the Mariner at the gas station. Police then conducted a show-up with the first victim, who identified Mariner and the first two minor offenders. However, he was unable to make a positive identification of the third minor offender. The second victim positively identified the Mariner and one of the minor offenders. Neither victim identified defendant.

¶ 15 A search of the vehicle yielded the first victim's property, as well as a black pellet gun which one of the victims identified as the gun wielded by one of the offenders during the robbery. A custodial search of the three minors yielded the first victim's red utility knife and credit and debit cards.

¶ 16 Defendant admitted that the Mariner belonged to him and that he had been driving it that night. Defendant also explained that the three minors with him were his brother and two of his

brother's friends. When officers asked if defendant understood that he was involved with the robbery because he was driving the car, defendant answered in the affirmative.

¶ 17 The State proffered that defendant has no prior convictions, and Pretrial Services rated defendant with the lowest possible score of 1 for the categories of "new criminal activity" and "failure to appear."

¶ 18 In response, defense counsel proffered that there was a discrepancy in the police reports tendered, as one indicated defendant was a passenger and another indicated defendant was the driver. She also noted that neither victim identified defendant. She further proffered that defendant was initially told he was under arrest for transporting minors after curfew and that defendant's statements regarding being involved with the robbery were taken from a non-verbatim summary and Felony Review notes, and that there was no way of knowing at that time whether defendant understood the true nature of the charges when he made his statements.

¶ 19 Counsel also stated that no witnesses ever saw defendant holding or brandishing a weapon, nor did he make any threats, or harm anyone. Additionally, counsel proffered that defendant pulled over promptly when signaled by police, and was compliant and cooperative with the officers. Upon his arrest, defendant did not have any weapons on his person. Finally, counsel proffered that defendant was 25 years old, had obtained his GED, and was employed as a delivery driver and had previously worked as a garage door installation technician in Ohio.

¶ 20 The trial court found by clear and convincing evidence "that the defendant committed the offense before the Court, that being the armed robbery." Citing the fact that defendant was "the catalyst that drove these minor individuals, that, you know, for lack of a better word, went on a spree," the randomness of how the victims were chosen, and "the violence that they, you know,

perpetrated on both victim one and attempted on victim two," the trial court concluded that defendant poses a real and present threat to the victims and the community. Finally, the trial court stated that it did not know of any condition that would prevent defendant from engaging in similar behavior in the future. The trial court granted the State's petition for pretrial detention.

¶ 21 On February 3, 2026, the State superseded its felony complaint with an indictment charging defendant with one count of armed robbery, one count of aggravated robbery, and two counts of identity theft.

¶ 22 On April 2, 2026, defendant filed a motion for relief, claiming that the trial court erred in granting the State's petition for pretrial detention because the State failed to meet its burden of proof as to each of the three requisite elements. At a hearing the same day, the trial court addressed defendant's motion and the following exchange took place:

> THE COURT: All right. I've had a chance to read over your motion for relief, and I've read over the transcript. I see nothing—I mean, a motion for relief is filed for errors in the law, changes in the law or newly discovered evidence.
>
> [DEFENSE COUNSEL]: Judge, the—
>
> THE COURT: Barring the fact—the only fact I see that you elicited in your motion that was not in the transcript is the fact that he was forced to quit school to take care of the young children I would assume a while back.
>
> DEFENSE COUNSEL: Judge.
>
> THE COURT: Other than that, I see nothing new. So I see no reason for a motion for relief, but continue. Is there something you want to add orally because it should be in writing according to the statute.

[DEFENSE COUNSEL]: Yes, Judge. We filed a written motion, and it—even if you look at the transcript of the original—

THE COURT: I'm not a reviewing court, ma'am.

[DEFENSE COUNSEL: I understand that, Judge. But what I'm saying is the Pretrial Fairness Act allows for a motion for relief of a detention, a previous detention order. And even the judge—

THE COURT: Yes, based on legal errors, changes in the law and newly discovered evidence.

[DEFENSE COUNSEL]: No, Judge, that's not what the statute states. And even the judge in the original detention hearing, which I gave this Court the transcript of, which was heard on January 8th of 2026, he even said Mr. Clark—

THE COURT: She.

[DEFENSE COUNSEL]: —she. I'm sorry. You have the right to file a motion for relief. Every judge after me will revisit/reconsider my order of detention. Do you understand that, sir? Yes, ma'am.

¶ 23 During defendant's argument, defense counsel suggested that electronic monitoring would be a sufficient safeguard and the trial court responded, "Electronic monitoring is not for violent crimes." Defense counsel also stated that the other three minors with whom defendant was arrested were not in custody, and that assertion was not contradicted. Without hearing argument from the State, the trial court denied defendant's motion for relief. Defendant filed a notice of appeal the same day.

¶ 24 II. ANALYSIS

¶ 25 On appeal, defendant contends that the State failed to meet its burden of proof to justify defendant's pretrial detention. However, before reaching the merits of defendant's appeal, we are compelled to briefly address the trial court's repeated misstatement of the law.

¶ 26 Supreme Court Rule 604(h)(2) states, "As a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief." Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). This motion is not, as the trial court insisted, limited to legal errors, changes in the law, or newly discovered evidence. Furthermore, in the face of the trial court's claims that defendant's motion was improper, not only was defense counsel correct in claiming that such a motion is allowed—it is *required*. *People v. Cooksey*, 2024 IL App (1st) 240932, ¶ 17 (filing of a motion for relief is a procedural prerequisite to deciding the merits of a pretrial detention appeal).

¶ 27 We next turn to the merits of defendant's appeal. Section 110 of the Code presumes that all defendants are eligible for pretrial release. 725 ILCS 5/110-6.1(e) (West 2024). That presumption is only overcome if the State can prove by clear and convincing evidence that: (1) the proof is evident or the presumption great that the defendant has committed a detainable offense; (2) the defendant poses a real and present threat to the safety of any person or the community based on the specific, articulable facts of the case; and (3) no condition or combination of conditions set forth in section 110-10 of the Code can mitigate that threat. 725 ILCS 5/110-6.1(e)(1)-(3) (West 2024).

¶ 28 Clear and convincing evidence is "that quantum of proof that leaves no reasonable doubt in the mind of the fact finder about the truth of the proposition in question." *In re Tiffany W.*, 2012

IL App (1st) 102492-B, ¶ 12. We review the sufficiency of proffered evidence at a pretrial detention hearing *de novo*, affording no deference to the trial court. *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 29 While defendant challenges the trial court's determination on all three elements that the State must prove, the State's failure to prove any single element would result in an inability to rebut the presumption of entitlement to pretrial release and, thus, be dispositive. 725 ILCS 5/110-6.1(e)(1)-(3) (West 2024). Accordingly, we need only address the trial court's finding that no conditions could mitigate the threat that defendant poses.

¶ 30 In determining the likelihood of compliance by the defendant with conditions of pretrial release, the court must consider: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant including, *inter alia*, defendant's character, employment, criminal history, record concerning court appearances, and whether defendant was on probation, parole, or on other release pending trial; (4) the nature and seriousness of the real and present threat to any persons or the community; and (5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the defendant's release, if applicable. 725 ILCS 5/110-5(a) (West 2024).

¶ 31 Defendant argues that this case is analogous to *People v. Stock*, and we agree. In *Stock*, we reversed the trial court's pretrial detention order, reasoning that the base allegations that the defendant committed aggravated battery with the discharge of a firearm were insufficient to prove conditions of release could not mitigate the threat the defendant posed. *Id.* ¶¶ 18-19. We noted that the defendant had no prior criminal history, was gainfully employed, and Pretrial Services scored

him a 1 out of 6 on the "new criminal activity" scale and the "failure to appear" scale. *Id*. ¶¶ 6-7. As we observed in *Stock*, the basic allegations that constitute a crime, even one involving violence, cannot be sufficient to deny a defendant pretrial release on the basis that pretrial conditions cannot mitigate the threat he poses. *People v. Stock*, 2023 IL App (1st) 231753, ¶ 18. "If the base allegations that make up the *sine qua non* of a violent offense were sufficient on their own to establish this element, then the legislature would have simply deemed those accused of violent offenses ineligible for release." *Id*. That is not to say that alleged facts stating the basic elements of an offense are not relevant or cannot be part of the proof that no conditions can mitigate the threat posed by a defendant. *Id*. But as *Stock* reasoned, more is required. *Id*.

¶ 32 The State argues that conditions of pretrial release or electronic monitoring would not prevent defendant from committing similar crimes because the offense in question was "mobile and random," and defendant could once again use a vehicle to commit similar crimes. Of course, the same could be said of every single defendant ever released with pretrial conditions; pretrial conditions are not a literal shackle that physically restrain a defendant from leaving his living room. The assumption that a defendant will commit another crime if released because he has already allegedly committed one is plainly incompatible with the Code's prescription that *all* defendants charged with a crime are presumed eligible for pretrial release. 725 ILCS 5/110-6.1(e) (West 2024).

¶ 33 If we accepted the State's logic, no one would ever be released with pretrial conditions because we would always be faced with the *possibility* that the defendant would commit another crime. We note that the Code deals in probabilities, not certainties; conditions of release must be capable of *mitigating* the threat defendant poses rather than eliminating it entirely. 725 ILCS

5/110-6.1(e)(3) (West 2024). Thus, in line with *Stock*, we must ask whether there are other extenuating circumstances, either about the offense or defendant's life or past that indicate pretrial conditions would be an insufficient safeguard.

¶ 34 *People v. Mansoori* persuasively exemplifies the application of this principle. There, defendant was charged in two separate cases of domestic battery against the same person. *People v. Mansoori*, 2025 IL App (1st) 250481-U, ¶ 5. After being initially detained, defendant sought reconsideration of his pretrial detention, which was denied. *Id.* ¶ 8. There, we recited the principal reasoning of *Stock*, but concluded that the defendant's case contained ample evidence beyond the basic allegations that constitute domestic battery to believe that conditions of release could not mitigate the threat he posed. *Id.* ¶¶ 42-43. In addition to the two separate instances of alleged domestic battery against the victim, which we noted contained "extreme violence," the defendant also showed up to a Department of Children and Family Services office where the victim was present with her daughter and engaged in behavior that required summoning police assistance. *Id.* ¶ 43. The defendant's car was parked outside and it contained multiple loaded firearms and a considerable amount of spare ammunition. *Id.* In the context of those facts, we found the trial court's continued detention order to be patently reasonable. *Id.*

¶ 35 While we do not suggest that the facts of a case must rise to the level of those in *Mansoori*, it is an instructive example when contrasted with defendant's case. The various factors outlined by the Code that evaluate the likelihood of defendant's compliance with pretrial conditions weigh in his favor and lead us to conclude that the State has not supplied clear and convincing evidence on this element. 725 ILCS 5/110-5(a) (West 2024).

¶ 36 Defendant was detained pretrial based on the armed robbery count and the alleged facts proffered by the State, if proven to be true, tend to suggest culpability for the offense. Defendant drove the other three offenders around, stopping near potential robbery targets so the other three offenders could exit the vehicle and rob the victims. Defendant himself engaged in no violent behavior. He did not possess a weapon, he did not threaten anyone with force or violence, and he did not perpetrate any violence. He did not engage with either of the victims at all. Defendant's participation was limited enough that neither of the victims were able to identify him. Nor was there any evidence proffered that defendant could be classified as the one orchestrating or instigating the offenses.

¶ 37 Furthermore, defendant has never been convicted of any crime. By extension, he has also never violated a court order or violated any conditions of probation or mandatory supervised release, nor was he on any form of supervised release at the time of this offense. He has not failed to appear in court. Defendant has obtained his GED and was gainfully employed at the time of the offense. Pretrial Services scored defendant a 1, the lowest possible score out of 6, on the "new criminal activity" scale and the "failure to appear" scale.

¶ 38 In sum, other than the basic allegations that he participated in an armed robbery by being the driver, there is little, if anything, to indicate that defendant cannot comply with conditions of pretrial release. The Code provides an extensive list of possible pretrial conditions which may be imposed on a defendant. 725 ILCS 5/110-10 (West 2024). These include, *inter alia*, refraining from possessing a dangerous weapon, communicating with particular people or classes of people, or traveling to particular areas, and being placed under the supervision of the Pretrial Services Agency, Probation Department, or Court Services Department with or without electronic

monitoring. *Id*. § 110-10(b). The trial court may also craft any other reasonable conditions, so long as they are the least restrictive means of ensuring that the defendant appears in court, does not commit a new criminal offense, complies with all conditions of release, does not interfere with the orderly administration of justice, or ensuring compliance with the rules and procedures of the courts. *Id*.

¶ 39 Given the nature of defendant's involvement in the alleged offense and defendant's complete lack of criminal history or other circumstances that might indicate he cannot comply with pretrial conditions, the State did not present clear and convincing evidence that no combination of conditions could mitigate any threat he poses. 725 ILCS 5/110-6.1(e)(3) (West 2024).

¶ 40 Accordingly, the trial court's pretrial detention order and denial of defendant's motion for relief is reversed, and we remand defendant's case to the trial court for it to determine the scope and nature of the pretrial conditions to be imposed and effectuate defendant's pretrial release.

¶ 41 III. CONCLUSION

¶ 42 For the foregoing reasons, the trial court's judgment is reversed and remanded.

¶ 43 Reversed and remanded.