NOTICE
Decision filed 11/17/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260719-U

NO. 5-26-0719

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Effingham County.
	)	
v.	)	No. 26-CF-204
	)	
JAMES A. WALKER,	)	Honorable
	)	Chad M. Miller,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court.
Justices Boie and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the circuit court's orders granting the State's petition to revoke pretrial release and denying the defendant's motion for relief where there is clear and convincing evidence that no conditions of release would reasonably prevent the defendant from committing further felonies or class A misdemeanors.

¶ 2 The defendant, James A. Walker, appeals orders of the Effingham County circuit court granting the State's petition to revoke pretrial release and denying his motion for relief. He challenges the circuit court's finding that no condition or combination of conditions of release would prevent him from committing further felonies or class A misdemeanors. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 29, 2026, the State filed an information charging the defendant with one count of criminal damage to government supported property, a class 4 felony. See 720 ILCS 5/21-1.01(a)(1)

(West 2024). The charge alleged that on June 27, 2026, the defendant knowingly damaged a GPS monitoring bracelet owned by the State of Illinois and supported with funds from a local unit of government. He was wearing the monitoring device pursuant to the conditions of a pretrial release order in Effingham County case No. 26-CM-77. In that case, the defendant had been charged with violating a protective order. He had been released subject to conditions, including home confinement with electronic GPS monitoring.

¶ 5 A pretrial investigation report (PTI) filed the same day indicated that when the offense at issue occurred, the defendant was on pretrial release in Effingham County case No. 26-CM-77. He was also on probation in two additional Effingham County cases and on conditional discharge in a Kane County case. The PTI further indicated that the defendant had two previous felony convictions, two previous misdemeanor convictions, and five pending felony charges in a Madison County case. The PTI included the results of the Virginia Pretrial Risk Assessment Instrument-Revised, on which the defendant scored 6 of a possible 14 points.

¶ 6 The matter came for a preliminary hearing on June 30, 2026. At the hearing, the circuit court also considered the State's petition to revoke the defendant's pretrial release in case No. 26-CM-77, which was based on the charge in this case. The circuit court denied the petition to revoke, but it sanctioned the defendant to 30 days in the Effingham County Jail. See 725 ILCS 5/110-6(f)(2) (West 2024). The circuit court did not enter a written pretrial release order in the instant case. Thus, upon release from his 30-day sanction, the defendant was subject to statutory conditions of release, including a requirement that he not violate any criminal statutes. See 725 ILCS 5/110-10(a)(4) (West 2024).

¶ 7 On August 6, 2026, the State filed a petition to revoke pretrial release applicable to both the instant case and case No. 26-CM-77. The State alleged that after the defendant was released

from serving his 30-day sanction in case No. 26-CM-77, he was arrested and charged with criminal damage to government supported property in Effingham County case No. 26-CF-245. The State argued that the defendant thus violated one of the statutory terms of pretrial release in this case, specifically, the condition that he does not violate any criminal statute. The State further alleged that the defendant violated the express terms of his pretrial release in case No. 26-CM-77 both by committing an additional felony offense and by failing to charge his GPS monitoring device, thereby preventing the Office of Statewide Pretrial Services (OSPS) from supervising his location. The State asserted that no conditions could reasonably ensure the defendant's appearance at subsequent hearings or prevent him from being charged with additional felonies or class A misdemeanors.

¶ 8 The circuit court held a hearing on the petition to revoke on August 10, 2026. The State proffered that at 9:45 a.m. on August 1, 2026, OSPS traced the defendant to his mother's residence, but received a strap tamper alert two minutes later. OSPS was then unable to track the defendant's location because the device entered sleep mode due to the defendant's failure to charge the battery. OSPS contacted the Effingham Police Department and asked that officers check to see if the defendant had removed his monitor. When the responding officers went to the residence, no one answered the door. They were initially unable to contact either the defendant or his mother by phone, but eventually, officers located the defendant's mother, who let them into the house. The defendant, who was sitting at the dining room table, played an automated message on his phone stating that he needed to go to the hospital to have his foot evaluated. He lifted his right pant leg, revealing that the monitor was still in place, but with damage to the strap. The State further proffered that officers observed a knife on the table "directly in front of" the defendant. When

asked by his mother in the officers' presence whether he was trying to cut the monitor off, the defendant admitted that he was.

¶ 9 The State emphasized that the charge at issue in case No. 26-CM-77 involved violation of an order of protection, and that the charges in both this case and in case No. 26-CF-245 involved damage to the GPS monitor the defendant was ordered to wear as a condition of pretrial release in that case. The State argued that the 30-day sanction previously imposed by the circuit court in case No. 26-CM-77 did not stop the defendant from committing further offenses. In view of this, the State did not believe any conditions of release would prevent the defendant from committing additional offenses.

¶ 10 Defense counsel proffered that the defendant suffered from cerebral palsy and "a number of medical issues associated with it." He explained that this was a progressive condition which affected the defendant's decision-making process and could make him more impulsive. Counsel emphasized that the purpose of requiring the defendant to wear the monitor was to prevent him from having contact with Hillary Meyers, the protected party under the order of protection. Counsel noted that in the underlying charge in case No. 26-CM-77, the defendant was alleged to have attempted to contact Meyers by phone through a third party. He proffered that, although an ankle monitor was unlikely to prevent this type of contact, the defendant had not contacted or attempted to contact Meyers in the two months that case had been pending.

¶ 11 Counsel further proffered that the defendant believed the ankle monitor was causing him additional medical issues, as acknowledged by the State in its proffer. Although counsel did not know whether this was true, the defendant believed it was true, and he showed counsel some bruising and scraping on his ankle. Counsel stated, "The defendant keeps picking up new offenses because of the ankle monitor, not because of the protected party." He urged the court to consider

whether the monitor was necessary in view of the lack of evidence the defendant had contacted or attempted to contact Meyers. Finally, counsel noted that the defendant had an upcoming medical appointment as well as a pending fitness evaluation.

¶ 12 Ruling from the bench, the circuit court explained that the only option to prevent the defendant from committing further offenses was home confinement, which the court had already imposed as a condition of release, "and [the defendant had] broken or damaged the units that are quite expensive." The court expressed sympathy for the defendant's medical issues, but it found that the defendant was likely to continue to violate the law. The circuit court thus concluded that the State met its burden and granted the motion to revoke pretrial release. The court noted that jail personnel would be responsible for ensuring that the defendant's medical needs were met.

¶ 13 On the same date, the circuit court entered a written order revoking the defendant's pretrial release. The court expressly found by clear and convincing evidence that no condition or combination of conditions would reasonably prevent the defendant from being charged with subsequent class A misdemeanors or felonies.

¶ 14 On August 11, 2026, the defendant filed a motion for relief. See Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). After setting forth the procedural history of the case, he asserted that there were conditions of release the court could impose that would ensure the defendant's appearance in court and prevent him from being charged with future offenses.

¶ 15 Also on August 11, 2026, a fitness evaluation report was filed with the court. The examining psychologist concluded that the defendant was not fit to stand trial and that he could be restored to fitness.

¶ 16 The circuit court held a hearing on August 13, 2026. The court first briefly addressed the fitness evaluation report. Both parties stipulated to the contents of the report, and the circuit court

found the defendant unfit to stand trial with the ability to be restored to fitness. The court then noted that it could consider what was necessary regarding Department of Human Services (DHS) placement after addressing the defendant's motion for relief.

¶ 17 In support of the motion for relief, defense counsel asked the circuit court to release the defendant without an ankle monitor. He argued that the purpose of pretrial detention is not to punish the defendant, but to protect the public and to ensure that the defendant is not a flight risk. Counsel emphasized that the defendant's attempts to cut the straps of his ankle monitor were his only violations of court orders while on pretrial release. Counsel thus contended that, if released without a monitor, the defendant would not commit additional offenses. Finally, counsel argued that jail was not "meant to house people" awaiting DHS placement. The defendant interjected, stating, "The ankle monitor was hurting me." The circuit court responded, "I'll accept that as a proffer." Defense counsel further proffered that both times his ankle monitor was cut, the defendant was found at home, where he was ordered to be.

¶ 18 The State proffered that OSPS filed "multiple inclusion zone violations" and that according to a report filed by OSPS in case No. 26-CM-77 on August 6, 2026, there was a "battery critical alarm" from the monitoring device. The State noted that keeping the battery charged would enable OSPS to monitor the defendant's location with no impact on the comfort of the device. The State further proffered that the defendant had multiple other cases pending, some of which involved "concerning allegations." The State argued that the only way to protect the victim in case No. 26-CM-77 was to make sure the defendant did not go anywhere near her, which could only be accomplished with the GPS monitor. Moreover, the State contended that removing the monitor would reward the defendant.

¶ 19 Announcing its ruling, the circuit court first noted that "community-based sentences" had been imposed on the defendant in two recent cases—Effingham County case Nos. 24-CF-186 and 24-CF-309. The court stated that three new offenses were committed while the defendant was on probation in those two cases, explaining that this was a proper consideration in determining whether the defendant was likely to comply with conditions.

¶ 20 Addressing defense counsel's contention that the defendant would not commit additional offenses if the ankle monitor were removed, the circuit court stated, "[I]t's there for a purpose, as a least restrictive measure the Court had imposed to protect the public and the alleged victim in [case No. 26-CM-77]." The court found that the defendant's repeated attempts to remove the monitor demonstrated "an inability to comply with court orders." The circuit court concluded by stating that less restrictive measures had been tried and had not prevented the defendant from committing additional offenses. The court would therefore deny the motion for relief.

¶ 21 The circuit court denied the defendant's motion for relief in a docket entry. The defendant filed this timely appeal pursuant to Illinois Supreme Court Rule 604(h)(1)(iii) (eff. Apr. 15, 2024).

¶ 22 II. ANALYSIS

¶ 23 On appeal, the defendant has filed a notice in lieu of memorandum. As such, his motion for relief serves as his argument on appeal. Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). In his motion for relief, the defendant argued only that there were conditions or a combination of conditions of release that could reasonably prevent him from committing further felonies or class A misdemeanors. We reject this contention.

¶ 24 All criminal defendants are presumptively eligible for pretrial release, even those charged with violent offenses. *People v. Lopez*, 2025 IL App (2d) 240709, ¶ 20; see 725 ILCS 5/110-2(a) (West 2022). Pretrial release may only be denied "in certain statutorily limited situations." *Lopez*,

2025 IL App (2d) 240709, ¶ 15 (citing 725 ILCS 5/110-6.1(e) (West 2022)). The circuit court may deny pretrial release if the State proves by clear and convincing evidence that (1) the proof is evident or the presumption great that the defendant committed a detainable offense, (2) the defendant poses either a flight risk or a real and present threat to the safety of any person or the community, and (3) conditions of pretrial release would not prevent defendant's willful flight from prosecution and/or mitigate the threat. *People v. Horne*, 2023 IL App (2d) 230382, ¶ 16.

¶ 25 After a defendant has been granted pretrial release, the circuit court may revoke release if the defendant is charged with a felony or a Class A misdemeanor based on conduct alleged to have occurred while on pretrial release. *People v. Davis*, 2024 IL App (5th) 240120, ¶ 14; see 725 ILCS 5/110-6(a) (West 2022)). Although the circuit court may consider revocation either *sua sponte* or upon verified petition filed by the State, the court must hold a hearing at which the State bears the burden of proving by clear and convincing evidence that no condition or combination of conditions of release will reasonably ensure that defendant will appear for future hearings and/or will not commit additional felonies or Class A misdemeanors. *Davis*, 2024 IL App (5th) 240120, ¶ 14 (citing 725 ILCS 5/110-6(a) (West 2022)).

¶ 26 Our standard of review depends on the nature of the evidence presented at the hearing. Where the parties present the testimony of live witnesses, we review the circuit court's decision to determine whether it is against the manifest weight of the evidence. *People v. Morgan*, 2025 IL 130626, ¶ 54. However, where the parties proceed by proffer, as they did in this case, the appellate court "stands in the same position as the circuit court and may therefore conduct its own independent review of the proffered evidence and evidence otherwise documentary in nature." *Morgan*, 2025 IL 130626, ¶ 51; *People v. Rios*, 2025 IL App (1st) 250950, ¶ 25. Our review is thus *de novo*. *Morgan*, 2025 IL 130626, ¶ 54. This means we will conduct the same analysis the

circuit court would conduct, and we are not bound by its findings. *Lopez*, 2025 IL App (2d) 240709, ¶ 18.

¶ 27 The record contains ample evidence to prove that no condition or combination of conditions of release would prevent the defendant from being charged with additional felonies or class A misdemeanors. The defendant was initially released with conditions in case No. 26-CM-77 on June 17, 2026. His first alleged violation of those conditions occurred two days later, when he damaged the strap of his monitoring device. Less than two weeks later, the defendant again damaged the strap of his monitoring device on June 27, 2026, which led to the felony charge of criminal damage to state-supported property at issue in this case.

¶ 28 The defendant was arrested on the instant charge on June 28, 2026. Although the circuit court did not detain the defendant in this case, it imposed a sanction of 30 days in jail when it denied the State's initial petition to revoke pretrial release in case No. 26-CM-77, with credit for the time served after his June 28 arrest. The defendant was released late in July 2026. Within days, he again damaged the strap of his monitoring device, leading to another felony charge of criminal damage to state-supported property in Effingham County case No. 26-CF-245. The undisputed fact that the defendant was charged with two new felonies within a short period of time while on pretrial release supports the circuit court's conclusion.

¶ 29 The circuit court also properly considered the fact that the defendant was on probation in two other cases when he was charged with the offenses at issue in both this case and in case No. 26-CM-77, as well as the new charge in case No. 26-CF-245. In determining whether a defendant is likely to comply with conditions of release, one of the pertinent factors to consider is whether the defendant was on probation or parole when arrested on the underlying charges. 725 ILCS 5/110-5(a)(3)(B)) (West 2024)).

¶ 30 Another pertinent consideration is the nature and circumstances of the offense charged. 725 ILCS 5/110-5(a)(1) (West 2024)). The underlying charge in this case involves allegations that the defendant failed to comply with a court-ordered condition of pretrial release. The charge at issue in case No. 26-CM-77 similarly involves allegations that the defendant failed to comply with a court order. In view of the defendant's demonstrated unwillingness to comply with court orders and his commission of two felonies while on pretrial release over a very brief period of time, we find that the State established by clear and convincing evidence that no conditions of release are reasonably likely to prevent further offenses.

¶ 31 III. CONCLUSION

¶ 32 For the foregoing reasons, we affirm the orders of the circuit court revoking pretrial release and denying the defendant's motion for relief.

¶ 33 Affirmed.